



13 March 2026

David Redfern

Director – Leisure, Culture & Communities
Wiltshire Council

By email: david.redfern@wiltshire.gov.uk

Re: Request for Review of Asset of Community Value Listing – The Boot Inn, High Street, Berwick St James, Salisbury, SP3 4TN (Ref: ACV/2026/00001)

Dear Mr Redfern,

We write on behalf of Red Oak Taverns, the freehold owner of The Boot Inn, High Street, Berwick St James, Salisbury, SP3 4TN, to request a review of the decision dated 13 March 2026 to list the above property as an Asset of Community Value under the Localism Act 2011.

This request is made within the eight-week period permitted under the legislation. We do not request an oral hearing and are content for this review to be determined on the written representations set out in this letter.

Ground of Review: Improper Factors Taken into Account

1. Community sentiment and future closure risk are not relevant listing criteria

The decision letter places material weight on the fact that “the nomination reflects strong local support for its retention” and that the Boot Inn “serves a rural area with few alternative amenities.” These are not criteria identified in section 88 of the Localism Act 2011, nor in the Assets of Community Value (England) Regulations 2012. The statutory test is concerned solely with whether the current or recent use of the land furthers the social wellbeing or social interests of the local community, and whether it is realistic to think that such use could continue over the next five years. The strength of local sentiment in favour of retention and the absence of nearby amenities are extraneous factors that go beyond the scope of the statutory criteria and should not have been taken into account.

2. The decision incorrectly applied the ‘realistic to continue’ test

The decision acknowledges that the pub has reduced its opening hours to Friday to Sunday only, that the tenants have made redundancies, and that the business faces significant economic pressures. Despite this, the Council concludes that it is realistic to think that non-ancillary community use could continue over the next five years, in part on the basis that “no evidence has been provided to show that closure is inevitable.”

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The company registration number is: 7793587

This approach reverses the proper burden of analysis. The test under section 88(1)(b) requires positive evidence that it is realistic to think that qualifying community use could continue – it is not met simply because closure has not been shown to be inevitable. By framing the absence of evidence of inevitable closure as a reason to list, the Council has applied an improper test and taken into account an irrelevant factor. The correct approach requires the Council to assess, on the balance of the evidence before it, whether continued qualifying use within five years is genuinely realistic. The evidence of serious and sustained trading difficulties, redundancies, and significantly curtailed opening hours points against that conclusion.

3. The listing decision does not distinguish between incidental social use and qualifying community use

The decision relies on the fact that the pub hosts “social gatherings, informal community interaction, local events and activities by groups such as the Berwick Cricket Club.”

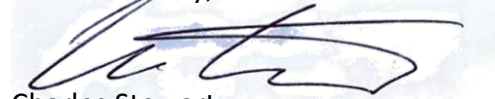
However, the use of a public house for general social drinking and informal gatherings is incidental to its primary function as a commercial drinking establishment. The decision does not adequately address whether the community-facing activities identified are genuinely non-ancillary uses, or whether they are simply the natural by-product of operating a pub. In taking these incidental social activities as sufficient to meet the community value threshold, the Council has given weight to considerations that do not properly satisfy the statutory definition.

Conclusion

For the reasons set out above, the decision to list The Boot Inn as an Asset of Community Value was reached by taking into account improper factors and by misapplying the statutory test. We respectfully request that the decision be reviewed by a senior officer not involved in the original decision, and that the listing be removed from the register.

We are happy to provide any further information the reviewing officer may require and would ask to be notified promptly of the outcome of this review.

Yours sincerely,

A handwritten signature in blue ink, appearing to read 'Charles Stewart', is written over a light blue rectangular background.

Charles Stewart

Red Oak Taverns Ltd