



Defence
Infrastructure
Organisation

Sean Thomas
Senior Development Surveyor
DIO, 2nd floor, Zone 1, Ramillies Building
Marlborough Lines, Monxton Road,
Andover SP11 8HJ

Telephone MOD: [REDACTED]

E-mail: [REDACTED]

By Email to planning@sf.wiltshire.gov.uk and lewis.neate@wiltshire.gov.uk 11 June 2026

Wiltshire Council

For the attention of Lewis Neate

Dear Mr Neate,

Re: objection to nomination of part of Orchard Farm, Netheravon SP4 9PJ to be listed as an asset of community value

I am in receipt of your letter dated 22 May 2026 regarding a nomination from Netheravon Parish Council for part of Orchard Farm, Netheravon SP4 9PJ (the "Property") to be listed as an asset of community value, to which DIO (on behalf of the Secretary of State for Defence) wish to object.

Under section 88 of the Localism Act 2011, an ACV is land in a local authority's area that the local authority considers to have community value on the basis that either:

- The primary current use of the land furthers the social well-being or social interests of the local community; and it is realistic to think that the land can continue to be used in a way that will further the social well-being or social interests of the local community (whether or not in the same way as previously).
- The land has previously been used for the purpose of furthering the social well-being or interests of the local community in the "recent past" and it is realistic to think that it will be used for the same purpose again within the next five years (whether or not in the same way as previously).

In their nomination form, the Parish Council make the following assertions:

- The land forms an important open green space immediately adjoining the village core, play area, library and properties, and contributes materially to the social wellbeing and environmental amenity of the local community. It also forms part of the flood plain, protecting the village from flooding.
- Formerly agricultural land, the field is now unoccupied and unused, but continues to form an important part of the "green space", benefiting wildlife and contributing to the character of the village and the social and mental wellbeing of its residents through the provision of Biodiversity and nature
- The land has historically provided informal social and community benefit through its openness, visual amenity, contribution to the rural character of Netheravon, opportunities for informal walking and enjoyment of the countryside edge, and its role in preserving the setting of the Village and Conservation Area. Its undeveloped character contributes positively to community identity, village character and residents' enjoyment of the area; and

- The site is well suited to ongoing informal recreational use, community open space, biodiversity enhancement, village green infrastructure, educational/environmental activities and preservation of the rural setting of Netheravon for the benefit of present and future residents.

In response to the statutory test and the assertions made by the Parish Council, we would like to make the following points:

- (a) the use of the land does not meet the statutory test for current or recent use under section 88 of the Localism Act 2011. The nomination form concedes that the field is now unoccupied and unused. By the applicant's own admission, there is no active current community use. Between 1995 and 2018, the land was subject to an agricultural tenancy. It was then subject to a further agricultural tenancy from November 2024 to September 2025. Its primary, non-ancillary use is therefore agricultural although it is now vacant.
- (b) the Property is a secure Ministry of Defence site which is not available for use by the public; it is fenced and hedged along its various boundaries. The adjoining MOD land at Orchard Farm is gated preventing access to the Property through Orchard Farm from Netheravon village. The enclosed photographs also show the extent to which the vegetation on the Property is overgrown and are further evidence that the Property is not used by the public.
- (c) the applicant states that the site provides opportunities for informal walking and enjoyment. As the landowner, we do not have any knowledge of such use. Any unauthorised entry over the secure fences, walls or gates constitutes a trespass. While we note the Court of Appeal judgment in *Banner Homes v St Albans City and District Council* [2018] EWCA Civ 1187 ruled that trespassory use can theoretically support an ACV nomination, that ruling relied on an extensive, undisputed 40-year history of open, heavy, and continuous community recreation, facilitated by open public footpaths crossing the land. In contrast, this paddock has been a secure agricultural site. It is fully enclosed by fences, walls, and gates, and has no public rights of way. There is no evidence of actual, sustained community use. The applicant's vague assertion of "opportunities for informal walking" is entirely theoretical. To satisfy Section 88 of the Localism Act 2011, there must be a proven track record of actual use, not a hypothetical suggestion of what the land could be used for if public access were granted.
- (d) the application heavily relies on environmental benefits, such as acting as a floodplain, protecting biodiversity, and contributing to the "visual amenity" and "rural character" of the village. We are of the view that that passive environmental features cannot meet the statutory definition of a community asset. A floodplain or scenic view does not constitute an active, physical "social interest" (which section 88(6) of the Localism Act 2011 Act defines as cultural, recreational, or sporting interests).

The Property was listed to be sold by auction on 3rd June 2026. Due to the application for the Property to be listed as an ACV (which we do not consider has been made in good faith and with regard to the statutory requirements for a site to be listed as an ACV), it has now been withdrawn from the auction. We would like to relist the Property for auction at the earliest opportunity and therefore we would be grateful for confirmation of your decision as to this nomination as soon as possible.

Should you require any further information, I am available by phone [REDACTED] or email.

Yours sincerely,

Sean Thomas
Senior Development Surveyor











Auction House
SUSSEX & HAMPSHIRE
01273 201989
FOR SALE
By auction

PREPARED
FARM

 **Danger**
 **Keep out**

 **Danger**
 **Keep out**

SEALING UNIT
U.S. KITE & HAWK
POST

