

25 June 2026

Attention: David Redfern, Director
Director – Leisure, Culture & Communities
Wiltshire Council
(via email only)

SLR Project No.: 425.068033.00001
Wiltshire Council Reference No.: ACV/2026/00002

Dear Mr. Redfern,

RE: ACV/2026/00002 – Request for review of decision to list Land adjacent to Hilltop Way, Salisbury, Wiltshire, SP1 3QY as an Asset of Community Value

On behalf of the landowner, our Client, BBACQ Limited, we submit this formal request to review Wiltshire Council's decision (reference ACV/2026/00002 dated 1 May 2026) to list Land adjacent to Hilltop Way, Salisbury as an Asset of Community Value ("ACV").

This request is made pursuant to section 92(1) of the Localism Act 2011 and Schedule 2 (1) of the Assets of Community Value (England) Regulations 2012.

The decision notice issued for ACV/2026/00002 states that the decision to list can be overturned based on 4 factors. As such, this review request is based on the following two factors:

- Improper factors being taken into account in the original decision: notification of incorrect landowner; and
- Eligibility of the asset.

This letter provides some background information and expands on the reasons why the decision should be reviewed and why the asset should not be listed (based on the criteria set out above).

Background

The nomination application for Land adjacent to Hilltop Way, Salisbury to be listed as Asset of Community Value ("ACV") was submitted on the same day that the relevant parcel was sold at auction in February 2026. The nomination was supported by a non-official copy of the title register which states that *'It does not take into account if there's a pending application with HM Land Registry. If you need to prove property ownership, for example, for a court case you'll need to order an official copy of the register.'* It was also supported by an aerial map, a nomination letter and form completed by *'Friends of Hilltop Way'*.

The nomination was based on the following:

- The land serves as an access point and transitional space to the adjoining park, acting as a buffer from traffic;
- Used by dogwalkers, families with children and individuals seeking daily access to green space;
- The layby is used by St. Mark's Primary School to deliver cycling proficiency training; and

- The Site supports habitats, wildlife, trees and greenery.

Following the consultation period, the application was then determined on the 01 May 2026, with a decision to list the Land adjacent to Hilltop Way, Salisbury, Wiltshire SP1 3QY as an Asset of Community Value.

Relevant Legislation

The Localism Act 2011 is the most relevant legislation concerning Assets of Community Value. Below are two sections of the Act on which this request for review of the decision relies upon.

Section 88 (Land of community value) of the Act states:

‘(1) For the purposes of this Chapter but subject to regulations under subsection (3), a building or other land in a local authority’s area is land of community value if in the opinion of the authority—

(a) an actual current use of the building or other land that is not an ancillary use furthers the social wellbeing or social interests of the local community, and

(b) it is realistic to think that there can continue to be non-ancillary use of the building or other land which will further (whether or not in the same way) the social wellbeing or social interests of the local community.’

Section 88 of the Localism Act 2011 confirms that land may only be listed as an Asset of Community Value where there is a current primary (non-ancillary) use of the land which furthers the social wellbeing or social interests of the local community, and it is realistic to conclude that such use could continue (in the next five years). Both parts of this test must be satisfied for a successful nomination and listing.

Section 91 (Notice of inclusion or removal) of the same Act states that:

‘(2) The authority must give written notice of the inclusion or removal to the following persons—

(a) the owner of the land,

(b) the occupier of the land if the occupier is not also the owner,

(c) if the land was included in the list in response to a community nomination, the person who made the nomination, and

(d) any person specified, or of a description specified, in regulations made by the appropriate authority,

but where it appears to the authority that it is not reasonably practicable to give a notice under this subsection to a person to whom it is required to be given, the authority must instead take reasonable alternative steps for the purpose of bringing the notice to the person’s attention.’

Section 91 (2) pertains to procedural matters and highlights the need to seek out the correct person to whom the notice would be relevant to.

Reasons for Decision Review

This decision review request for application reference ACV/2026/00002 is made on the basis that the decision is not wholly in accordance with section 91 (2) and that the statutory requirements under section 88 are not met. In particular, the reasons are as follows:



- Improper factors being taken into account in the original decision: notification to incorrect landowner: and
- Eligibility of the asset, including:
 - Lack of a qualifying primary use:
 - No realistic prospect of continued use: and
 - Irrelevant considerations taken into account.

Notification of Incorrect Landowner

In considering Section 91 (2) of the Localism Act 2011, it is clear there is a procedural deficiency in the process leading to the listing decision, as the current landowner did not receive a notice or communication from the Council or nominating group. This undermines the decision's lawfulness and robustness

Section 91(2) imposes a clear obligation on the local authority to give written notice of the listing to the owner of the land, or where this is not reasonably practicable, to take appropriate alternative steps to bring the decision to the attention of the person to whom it is required to be given. This requirement is a fundamental safeguard designed to ensure that affected landowners have a proper and timely opportunity to engage with the process and make informed representations prior to a decision being finalised.

In this case, the nomination itself provided a non-official title register with the incorrect landowner. It is also recognised in the comments submitted that the public was aware of the potential sale or auction of the land, proving this to be common knowledge. Based on this, no adequate steps have been taken to verify the correct ownership position or to ensure that notice was served on the legal, and current, landowner. Proceeding on the basis of uncertain and potentially incorrect ownership information falls short of the statutory requirement.

Despite not being formally notified, the landowner, our Client, was able to respond to the application and an objection was submitted on 27 February 2026. No further discussions were undertaken with the Council, and they do not appear to have considered the comments provided by the landowner in reaching their listing decision as the matters raised were not addressed.

Eligibility of the Asset

In relation to the eligibility of the asset, the statutory requirements under section 88 of the Localism Act 2011 have not been satisfied and appropriately evidenced in the nomination.

Further, it has not been demonstrated that the Site has a current primary use that furthers the social wellbeing or social interests of the local community. Rather, the uses identified are informal and incidental in nature, and do not represent the principal function of the land. Furthermore, it is not realistic to conclude that such use could continue, having regard to the Site's private ownership. What is clear, is that the purported uses set out have been on private land without the owner's agreement/approval.

Lack of qualifying primary use

The uses relied upon in both the nomination and the Council's decision consist primarily of informal activities such as walking, passing through, and general recreational enjoyment. These activities are transitional, unstructured, intermittent and incidental in nature and do not represent the principal use of the land.

The Site itself comprises an undeveloped parcel of private land which is not laid out or designed as recreational space. There is no evidence of regular organised or sustained



activity that would elevate these incidental uses (such as Jubilee celebrations, as referred to in one of the comments) to the level of a primary function. In this regard, the land is not a community facility, nor does it function as one in practice. In addition, occasional events and access (i.e. walking and dog walking) would be considered trespassing if such events took place without the prior permission of the landowner.

The decision also places significant weight on the Site's role as a point of access to Castle Hill Country Park. However, this represents a misapplication of the statutory test. The value identified lies in the Country Park itself rather than the Site, which is reported to merely act as an informal route to the park. The public have access to nature and recreational enjoyment provided by the adjacent Castle Hill Country Park itself which already benefits from established access routes through the existing public rights of way. The existing Bridleway (SALS1) and footpath (SALS31 and SALS 31A) run along the parcel's boundary, but not across or within it, and provide safe and appropriate access routes. This also demonstrates that the Site is not the only means of access to the Country Park from the south and the assertion that the Site is an "essential" or "irreplaceable" access point is therefore not supported. Any use of the Site in this regard is, at best, secondary and ancillary to the use of the park and cannot constitute a qualifying primary use of the land itself.

In addition, the nomination refers to use of part of the Site for cycle proficiency training by St Mark's Primary School. This claim does not demonstrate a qualifying use within the meaning of the legislation. The activity is limited to a small part of the Site (the lay by) and is not representative of use of the land as a whole. It is intermittent and unsupported by any evidence of frequency or continuity.

Furthermore, the Site is not designed, designated or managed as a training space or facility, and there is no indication of any formal arrangement for such use. The location is also unsuitable for such activity given the topography of the whole Site. As such, the cycling proficiency training also fails to establish a primary or essential community use for the land in question.

Low prospect of continued use

The second part of the statutory test requires that it is realistic to conclude that the qualifying use could continue.

The Site is privately owned and there is an opportunity to bring the land forward for development, supported by the wider planning context, including a significant shortfall in housing land supply and previous appeal decisions for similar development in the locality.

There is no evidence presented, or a mechanism in place to secure the continuation of any community use and the new owner may seek to secure the site. A primary use has not been established, and the nomination and comments submitted on the application rely on informal uses of the land, which are largely ancillary to the adjacent Castle Hill Country Park. The conclusion that community use could continue is therefore speculative and unsubstantiated. As set out above, the Owner does not intend to allow this use either.

Irrelevant Considerations

A number of the factors relied upon in the nomination and supporting representations relate to matters that fall outside the statutory scope of the ACV regime. These include references to biodiversity, wildlife habitat, the presence of trees, and the visual amenity of the Site.

While these matters may be relevant to planning considerations, they are not relevant to the statutory test under section 88, which is concerned with the actual use of the land. Similarly, concerns expressed by local residents regarding potential future development, including impacts on character or amenity, are not material to the question of whether the land is an



Asset of Community Value and this legislation and nomination should not be used as a means of impeding development.

Request for additional information

The request for a review of the decision is based on the reasons set out above. However, for completeness, we would also request that additional information be provided regarding the Friends of Hilltop Way. It is unclear whether the nominating body meets the requirements set out in section 89 of the Localism Act 2011 and Section 4 (Definition of local connection) and 5 (Voluntary or community bodies) of the Assets of Community Value (England) Regulations 2012. In particular, no clear evidence has been provided to demonstrate that the nominating group constitutes an eligible voluntary or community body with the requisite membership and local connection.

Summary and Conclusion

For the reasons set out above, it is considered that the Site does not meet the statutory definition of an Asset of Community Value. The process was affected by procedural deficiencies, failing to notify the current landowner, nor making reasonable alternative steps for the purpose of bringing the notice to the person's attention. In addition, the uses identified in the nomination are incidental and ancillary, the reliance on access to adjacent land is misplaced, and there is no realistic prospect of continued qualifying use given that the land is privately owned.

Pursuant to the above, the landowner respectfully requests that Wiltshire Council review the decision and remove the Site from the list Assets of Community Value.

The landowner would welcome the opportunity for an oral hearing, if considered appropriate.

