

Our Ref: ACV/2025/00010
Enquiries to: Jenny Rowe

Date: 16 October 2025

email: jenny.rowe@wiltshire.gov.uk
www.wiltshire.gov.uk

Dear Sir/Madam,

Notification of request to be treated as a Potential Bidder and Full Moratorium – Land at Heytesbury on the north side of Park Street, BA12 0HQ

Wiltshire Council has received a request to be treated as a potential bidder from Heytesbury Imber and Knook Parish Council during the initial six week moratorium on the relevant disposal (Sale or long term lease) of the above asset.

As this group meets the definition of a community interest group, and the request was received in time, a full six month moratorium on the relevant disposal of the asset is now triggered, lasting until **03 March 2026**. No relevant disposal may be entered into during this time (unless it is to a community interest group), otherwise the sale/ lease will be declared null and void.

This pause is to allow the community interest group time to put together a bid for your property, which you are under no obligation to accept.

Should you believe that listing the above asset as an Asset of Community Value has led to additional costs being incurred which otherwise would not have been, you are entitled to claim compensation from Wiltshire Council.

Any claim for compensation must be made in writing to Wiltshire Council, within 13 weeks of the costs being incurred (or finish being incurred), and this should include a breakdown of the information on the costs incurred for each part of the claim.

It is hoped, however, that the opportunity for an additional potential bidder for the asset more than offsets any potential costs incurred to you.

Yours faithfully
Jenny Rowe
Community Asset Officer

Decision Notice pursuant to section 92 of the Localism Act 2011.

Our Ref: ACV/2025/00010

Enquiries to: David Redfern

Date: 21 November 2025

Decision on Application to Review Decision to list Land at Heytesbury on the north side of Park Street, BA12 0HQ as an Asset of Community Value

1. Ade Land & Holdings Ltd (ADE) in a letter dated 30 September 2025 from its Legal Representative (Berkeley Rowe) gave notice that ADE was seeking a review of the decision of the Council dated 3 September 2025 (the Decision) to list the property known as **list Land at Heytesbury on the north side of Park Street, BA12 0HQ** ("the Land") as an Asset of Community Value.
2. I am the Senior Council Officer designated by the Council to undertake this review. As part of my Review, I considered the following documents:
 - Nomination Form submitted by Heytesbury Parish Council dated 15 July 2025.
 - Representations in respect of original nomination for Ade by their Legal Representative dated 21 July 2025.
 - Representations dated 15 August 2025 from Mr Cooper as recent purchasers of a parcel of land known as the Boundary which is situated within the land.
 - Correspondence between Council Officers and the Auctioneers as to land sales.
 - The Decision Notice dated 3 September 2025.
 - The Request for Review and submissions from ADE, by its legal Representative, dated 30 September 2025.

The Law

3. The ACV Regime is contained in Chapter 3 of Part 5 of the Localism Act 2011 (the 2011 Act). The 2011 Act applies to England and Wales, and for England only is supplemented by the Assets of Community Value (England) Regulations 2012 (the 2012 Regulations).
4. The regime has two main aspects. It provides a methodology for community groups to nominate assets which they believe hold a community value, and secondly, if so identified and designated creates a breathing space (a moratorium) if the owner decides to sell it to give community groups a right to bid on the asset. There is no compulsion on an owner to sell it or to use an asset in a particular manner nor does it give first refusal rights to the community group.
5. Section 87 of the 2011 Act requires this Council to maintain a list of assets within its administrative area which it determines are assets of community value.

6. Section 88 (1) & (2) of the 2011 Act sets out the tests that the Council must apply to determine whether an asset is of community value: -

(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.

(2) For the purposes of this Chapter but subject to regulations under subsection (3), a building or other land in a local authority's area that is not land of community value as a result of subsection (1) is land of community value if in the opinion of the local authority—

(a) there is a time in the recent past when an actual use of the building or other land that was not an ancillary use furthered the social wellbeing or interests of the local community, and

(b) it is realistic to think that there is a time in the next five years when there could be non-ancillary use of the building or other land that would further (whether or not in the same way as before) the social wellbeing or social interests of the local community.

7. I note that under section 88 (6) social interests includes cultural, recreational and sporting interests.

8. Regulation 6 (c) of the 2012 Regulations provides:

A community nomination must include the following matters—

(a) ...

(b) ...

(c) the nominator's reasons for thinking that the responsible authority should conclude that the land is of community value; and

(d) ...

Relevant Factual background

9. The relevant factual background that I have based my decision on are:

- 8 September 2023, Wiltshire Council made a determination that the land shown in a plan (purporting to relate to Heytesbury Rec) that accompanied a nomination form would be designated an Asset of Community Value (ACV).
- 2 November 2023, as a result of a request to review that decision, Wiltshire Council

made the decision to withdraw the ACV designation. The reason for such withdrawal was because the original nomination plan had included land that was not within the area used as the Rec Ground and therefore that land could not be so designated in the form applied for.

- 8 July 2025, at an extraordinary meeting of the Parish Council a nomination for the land known as the “Heytesbury Rec” (the land) to be designated as an Asset of Community value was approved.
- 11 July 2025, Heytesbury Ltd transferred the land to Ade Land & Holdings Ltd (Ade). This is confirmed by Ade’s Legal Representative in their letter of 30 September 2025. Therefore, from 11 July 2025 Ade became the Registered Owner of the land.
- 11 July 2025, Ade entered into a transfer agreement whereby they agreed to transfer part of the land (the Pavilion and Plots D, E, F and G) to Gabriella Mauro Zanini. On this date Ms Zanini became the Registered Owner of these parts of the land.
- 15 July 2025, the Parish Council Representative signed and submitted the Nomination form to Wiltshire Council on behalf of the Parish Council. The plan which accompanied the Nomination form did not include the area wrongly included in the previous 2023 Nomination.

In the Nomination Form, the Nominee confirmed that the original owner of the Land was Heytesbury Ltd but that the nominee understood that the land had been transferred to an Asset Management Company and that the land was being marketed for auction but did not know the name of the new owner.

- 17 July 2025, the nomination form was validated by Wiltshire Council. At the same time Wiltshire Council wrote to the Auctioneers dealing with land sales for the land and confirmed that it had not been able to identify the owners of the land and asked that the notice be passed onto all owners of the land.
- 21 July 2025, Berkeley Rowe responded to the Council confirming it was acting for Ade Land and Holdings Ltd (Ade) the Owners and made submissions on behalf of the owner in respect of the nomination.
- 4 August 2025, Ade transferred part of the land known as “the boundary” to Mr Karl Stephenson and Claire Elizabeth Cooper and in legal terms they became the owners of this part of the land.
- 15 August 2025, Mr Cooper emails the Council to confirm that he and his wife are the registered owners of the plot known as the Boundary and provides comments on the Nomination.
- 1 September 2025, the land estate agents acting for Ade in respect of sale of the plots on the land confirm to the Council that there were two completed transfers (as set out above) and that Plots K & L were subject to exchanged contracts but had not

been completed at that time.

- 3 September 2025, Council makes a decision confirming nomination of the land as an Asset of Community Value. At this time there were three separate owners who owned different parts of the land.
- 30 September 2025, Council received an application for review. This was in the form of a letter from Berkeley Rowe who, in the letter confirmed that they were the Legal Representatives for Ade. It is of note that in this letter refers to Ade as the owner and that as owner it remains opposed to the Land being listed as an ACV.

Issues for consideration in the Review

10. In the application for review letter, Berkeley Rowe have broken ADE's submissions into five numbered areas; namely, that the Land does not meet the criteria for an ACV (1), there is a lack of supporting evidence within the Nomination form (2), There is a failure to meet current actual user test (3), the impact on sale of parts of the Property on such a designation (4) and that it is a vexatious application (5).

11. On my analysis, ADE's grounds (2) and (3) are subsets of the first issue and therefore I consider the issues being raised in the request for a review can be broken down into three main areas: -

- a) Has the criteria for determining the land should be designated as an ACV been met?
- b) Is there a realistic prospect that within the next five years there will be future community use (this would incorporate consideration of what is the impact of sales of parts of the land on the designation)?
- c) Is there any discrediting behaviour by the Nominee?

12. I will deal with each issue in turn.

a) Has the Criteria for determining the land should be designated as an ACV been met?

Procedural Considerations (Owner's Ground 2)

13. In Ground 2 of ADE's submissions they refer to Regulation 6 of the 2012 Regulations and are of the view that the Nomination "*contains no supporting evidence, and makes only very short and general statements*".

14. Within the nomination form, there is a section headed "Community Value" and which in the template form under the heading asks the nominee to set out its reasons for thinking that the Council should conclude that the land is of community value.

15. In this section of the submitted Nomination form, the nominee has set out in some detail the history of the land and in particular, that the land was the home for the local football and cricket clubs for the area since the 1930's until both clubs were given notice to quit by the then owners in late 2023.

16. Further, I note that the nomination form also advises that as sports fields they also retained an importance for its recreational and social value to the area and also refers to the sports fields being a central hub of the village to host events *“such as fetes, Picnic in the Park which attracted crowds of several hundred on the land, and other sporting matches, friendly competitions and commemorative celebrations.”*
17. Lastly, the Nominee summarises it's position by way of a confirmation that whilst the sports clubs had licences to occupy the land, the primary use of the land had historically been for recreational and sporting interests and suggested that the definition of “land in the recent past” must apply.
18. I note that in the request for the review, the Legal Representative states: -
- ...that the licence for which the sports teams had occupied have ceased to exist. There remains no evidence to conclude it (Sic) this land furthers social wellbeing of the local community as a whole, and lack of evidence of use by local groups. It is accepted that in principle a sports ground is eligible to be nominated, however it has not been demonstrated that this prior and now non-existent usage promotes social wellbeing to the community as a whole.*
19. Therefore, there is confirmation by the Owners Representative that the local sports teams had previously held a licence to occupy the lands which is consistent with and supports the statements made by the nominees in respect of the past use of the land for local community sporting endeavours.
20. It is of note that the Owners Representative appears to accept that use of land for local community sporting endeavours may be of community benefit when, in their letter, they accept *that in principle a sports ground is eligible to be nominated*.
21. In addition, the nominee is the local Parish Council. It is in a position to be involved with and have familiarity with other community events such as fetes, community activities etc. They provide a statement that when the licence existed and when the sports grounds weren't being used for sporting endeavours the area was used for such community endeavours. I note that the use of sports grounds for other community events such as fetes, community activities etc is something that happens within many villages within the UK.
22. I therefore am satisfied that the Nominee has provided sufficient reasons for asking the Council to conclude that the land is of community value (regulation 6 of the 2012 Regulations) and the Nominee has set out in detail within the nominee form the basis for this belief and which is by and large not disputed by the Owner as to past use.

Substantive considerations: (including Owner's grounds 1 & 3)

23. The real thrust of the owner's request for Review centres on the fact that the Sports Clubs licences to occupy the land have now expired and, as a result, the land has reverted to

agricultural use and therefore the actual use does not further the social wellbeing to the community as a whole.

24. On that basis, the Owner is asking the Council, in its review, to find that the relevant criteria has not been met.
25. It is noted that within the request for review letter the Owner refers to the criteria set out in section 88 (1) of the 2011 Act. This section relates to “actual current use”. That was the section that was considered in the earlier nomination for the land because, at that time, the sports clubs still held their licences and were still using the land. If that was the only criteria that I have to consider then it is likely that ADE’s arguments as to criteria would be sustainable.
26. However, Parliament in passing the 2011 Act also included section 88 (2) which deals with land or buildings which may have been used in the recent past which held a community value and that a community may wish to try to preserve and therefore should also be given a right to bid for the land. It is this provision that the Nominee is likely to have been considering when it referred to activities carried out on the land “*in the recent past*”.
27. The review letter makes no mention of the criteria set out in section 88 (2) of the 2011 Act. In fact, the owner, in their submissions confirm that the local sports clubs did have a licence to use the land for their sporting activities up to the licences ceasing in late 2023. I further note that the Owner accepts in principle that a sports ground is eligible to be nominated.
28. Notwithstanding the Owner has not presented any arguments in respect of the criteria set out in section 88 (2) it is incumbent on the Council to consider this aspect. Therefore, I consider that there is an issue to be considered as to whether the activities which have been identified as of community value (see comments above) occurred within the recent past.

Recent Past

29. There is no definition in statute or in guidance of the term ‘recent past’ as referred to in section 88 (2) (a). In a policy statement issued by the then DCLG in September 2011 (around the time of the introduction of the ACV regime) they stated

...our current view is that we will leave it to the local authority to decide, since “recent” might be viewed differently in different circumstances. For example “recent” might be taken as a longer period for instance for land which was formerly used by the public until the MoD took it over for live ammunition practice, than for a derelict building. Ten or even twenty years might be considered recent for the former but not the latter”

30. There is limited case law on the point. In Edgar v Bournemouth Borough Council (unreported, October 2013) (an unsuccessful challenge to a decision to not list a site as an ACV) the Court accepted that a comment by Bournemouth in its decision that “recent” should as a general rule be regarded as more akin to a two year, rather than a five year, period did not invalidate the overall decision. The Court noted that the Council had

provided reasons for deciding to adopt that approach (i.e. They hadn't acted irrationally) and had also in their decision recognised that it should exercise its discretion in each case and should not be fettered by a blanket or fixed policy.

31. A standard dictionary definition of "recent" is *having happened, begun, or been done not long ago; belonging to a past period comparatively close to the present* (Oxford online dictionary).

32. Accordingly, in determining whether the land has been used to further the social wellbeing or social interests of the local community in the recent past, the Council has to determine whether what was done in the past period is comparatively close to the present time having regard to all the facts and circumstances.

33. In this case the factors that I need to consider are: -

- Up to September 2023 there was actual use of the land which furthered the social wellbeing or interests of the local community.
- Those activities had been available to the community for a considerable period of time (since the 1930's).
- The ceasing of the activities which furthered the wellbeing and interests of the community were not of the communities making but rather a lawful decision by the then owner to not renew the licences held by the sports clubs.
- The Parish Council had applied for the land to be designated as an ACV in 2023 and there was a recognition that the use then was actual use and that the land was then of community value.
- The only reason that the designation was withdrawn was due to a technical error in the drawn plan that accompanied the original Nomination Form.
- The Parish Council could have made a renewed application for designation of the land with an amended plan earlier in time.
- The community value activities that were previously carried out on the land are likely to be of significant importance to the community.

34. I have carefully considered this aspect and have concluded that use by the community of the land up to September 2023 was a recent past use.

35. I base this conclusion on the lengthy time that the land was in that community use (90 odd years), the importance of that community use to the community and its residents, that the importance of that use to the community has been consistently asserted and that the land in the intervening two year period has remained bare land (albeit with an agricultural use).

b) A realistic prospect within the next five years of future community use (incorporating consideration as to the impact of sales of parts of the land - Owners Ground 4)

36. Under section 88 (2) (b) an asset must also face a realistic prospect of reuse that will further the social wellbeing or social interests of the community (community benefit) in the next five years.

37. Again, there is no definition in statute or guidance as to what is realistic and similarly there is limited case law on this point
38. A standard dictionary definition of Realistic is *accepting in a sensible way what it is actually possible to do or achieve in a particular situation*. This is consistent with case law which reflects that one must consider all of the facts and circumstances to determine whether any proposed community use would be actually possible to do or achieve.
39. In this case the reviewer argues that due to the transfers (i.e. That the land has been divided into 8 plots with over half the land already sold and currently pending registration) the land is not available as a whole and therefore there is no realistic prospect of future sports (cricket and football) use.
40. In the ACV process it is the use and value of the asset which needs to be determined rather than the ownership. There is nothing within the legislation that requires a nomination form to only relate to land in which there is only one owner.
41. This is reflected in Government guidance put out in 2012 (Community Right to bid: Non Statutory advice note for local authorities, October 2012) which confirms that a description of the nominated land including its proposed boundaries must be included in the nomination form and further says:
- These boundaries do not have to be the same as ownership boundaries, for instance as shown on the Land Registry plan if the land is registered; nor is it necessary for all parts of the nominated site to be in the same ownership.*
42. The focus on the ACV process is not about impeding an owners right to act on their land but is rather about providing the community with the right to bid for that land should the owner(s) wish to sell the land. This could equally apply to one or multiple owners of the land.
43. Whilst multiple ownership may increase the difficulties in which the right to bid would apply that is not the test under section 88 (2) (b). The test is if the land did become available in the next five years is there a realistic prospect of that reuse occurring.
44. Therefore the question is not about the change in ownership but rather whether there is a realistic prospect of reuse of the land that will further the social wellbeing or social interests of the community, if the land did become available.
45. In respect of this question, the land, as it currently stands “*is a bare field which is used as agricultural land*”. I note that this has been confirmed within the Request for a review. As bare land it is therefore capable of the nominees plans to keep the land as recreational fields (the future similar use) should the Community be successful in bidding for the land.
46. Under section 88 (2) (b) of the 2011 Act it is not just the use that the land had previously been used for that the Council must consider. The words in the parenthesis in section 88 (2) (b) emphasize that the Council must also consider any other potential community benefits

that may be a realistic prospect.

47. In this regard, I note that in the plan provided by the Owners representative in respect of potential and actual sales there are two larger areas (the Willows and the Boundary) and with reconfiguration there is a realistic prospect for sports facilities and community activities to be undertaken on those two parcels within the land.

48. I am therefore satisfied that it is realistic to think that there is a time in the next five years when there could be a non ancillary use of the land that would further (whether or not in the same way as before) the social wellbeing or social interests of the Community such as local sports activities and/or other community events when the area is not committed for those sports.

c. Any Disentitling behaviour (Owners' Ground 5)

49. The Owner, by its representative has formed the view that because of the timing and nature of the application it is a vexatious application and intended to pressure and prevent the owner's ability to further deal with the land. In support of this ground they have provided links to funding pages for a trust who wish to raise money to purchase the land.

50. I remind myself that the purpose of the ACV regime is to provide the opportunity for community groups to bid for assets of community value to where possible allow those community groups to retain those assets within their community. If land does become designated it does not prejudice the owners rights but merely gives the community the opportunity to place an offer for that land should it become available for sale.

51. As a community group, there is a likelihood that some form of fund raising may be necessary for the group to be able to make an offer. I therefore do not much weight to the fact that there appears to be fundraising occurring at a time of potential sale of the land.

52. I also note that there had been an earlier Nomination which was withdrawn around early November 2023. However, the withdrawal was not on any substantive grounds under section 88 (1) or section 88 (2) as suggested by Ade.

53. The withdrawal was rather on a technical point that the plan that accompanied the nomination form included land which could never be the subject of an ACV application. I.E. a very small portion of land that did not form part of the "Rec" land had been inadvertently included within the original designation.

54. It was therefore open to the nominee Parish Council to resubmit an amended nomination form with the correct land shown shortly afterwards or at any time thereafter.

55. Whilst it is likely that the resubmission with the correct land marked which occurred in July 2025 was prompted by the public notification of sale, I am satisfied that there is no disentitling behaviour on the part of the Nominee that would justify a finding that the Nomination was vexatious (i.e. a legal action instituted without sufficient grounds and intended to cause annoyance, harassment, or expense disproportionate to any likely gain).

Conclusion

56. It is therefore considered that the use of the land in the recent past (within 2 years), that was not an ancillary use, furthered the social wellbeing or social interests of the local community and it is realistic to think that now or in the next 5 years there could continue to be non-ancillary use of the land which will further (whether or not in the same way as before) the social wellbeing or social interests of the local community.
57. Therefore the criteria I must consider under section 88 (2) of the Localism Act 2011 has been satisfied and accordingly, I uphold the decision that the land be designated as an Asset of Community Value.
58. Under Regulation 11 of the Assets of Community Value (England) Regulations 2012 an owner (including subsequent owners) may appeal to the First-Tier Tribunal against the local authority's decision on a listing review in respect of the land within 28 days of receipt of this decision notice. How to appeal can be found at [Community right to bid: appeal against a listing decision - GOV.UK](#)
59. As confirmed in the Original decision, an entry has been made on the Land Register and the owner of the asset cannot dispose of it without:
- letting the local authority know that they intend to sell the asset or grant a lease of more than 25 years;
 - waiting until the end of a six week 'interim moratorium' period if the local authority does **not** receive a request from a community interest group to be treated as a potential bidder;
 - waiting until the end of a six month 'full moratorium' period if the local authority **does** receive a request from a community interest group to be treated as a potential bidder (in the first six weeks).
60. The owner of the property does not have to sell the asset to the community interest group. There is also a 'protected period' (18 months from the time that the owner notified the local authority of their intention to dispose of the asset) – during this time there can be no further moratoriums on sale and the owner is free to dispose of the property as they see fit.
61. Some types of disposal of assets, even though they are listed, are exempt from this process and in those circumstances the owner does not need to notify Wiltshire Council. It is up to the property owner to determine if the disposal is exempt, and to demonstrate this to the Land Registry on registering the new owner.
62. A number of the exemptions are set out in the Localism Act and these include disposals which are gifts, or which arise as part of the settlement of a will, which are made within families, or relate to 'business to business' going concern sales. A number of other exemptions are defined in the Assets of Community Value Regulations – including sale due

to insolvency, incapacity or divorce.

63. Should a relevant disposal occur during the next 5 years and the landowner incur loss or expense in relation to the land which would be likely not to have been incurred if the land had not been listed; the landowner will be entitled to claim compensation from Wiltshire Council.
64. If the landowner believes this to be the case, claims for compensation must be made to Wiltshire Council in writing, detailing the compensation sought for each part of the claim and the related evidence, before the end of 13 weeks after the loss or expense was incurred (or finishes being incurred)
65. The “Community Right to Bid: Non-statutory advice note for local authorities” published by the Government provides further information on this last point.
66. Documents in relation to this nomination can be viewed on the Council website <https://development.wiltshire.gov.uk/pr/s/planning-application/a0iQ300000FSWvZ>.

David Redfern

Director of Leisure, Culture & Communities

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