

Nomination by West Parley Parish Council for listing of land at Dudsbury as an Asset of Community Value under Section 88, Part 5, Chapter 3 of the Localism Act 2011 and designation of land as Local Green Space in accordance with paragraph 77 of the National Policy Planning Framework.

The Council's Community Committee at its meeting held on the 13 November 2012 agreed procedures (minute 259) for determining nominations made under the Assets of Community Value regulations.

The administrative procedure is that the Council's Corporate Team will make any final decisions on nominations of Assets of Community Value unless the asset in question is an asset in the Council's ownership.

In line with regulations set down, the Council have considered carefully the evidence and arguments put forward by West Parley Parish Council to list the land identified on the location plan. Officers of the Council have met on site with the current tenant and walked the site. They have also met with the owner of the land in question and taken evidence.

The Council's Corporate Team at their meeting held on the 26 November 2012 considered the following recommendation, which was supported.

Recommendation - That the land nominated by West Parley Parish Council as detailed in par 3.3 of this report and shown on the plan forming part of appendix 1 should not be supported and the site is placed on a list of unsuccessful assets nominated but not listed.

The reasons for this decision are as follows:

1. The land, which is the subject of the nomination, is rough pasture having been in agricultural use for many years. The land is currently leased out as horse paddocks, with one public right of way, which forms part of the Stour Valley Way, running from west to northeast. The footpath is clearly marked with the grazing areas fenced off. For the majority of the footpath the route is relatively narrow, however there is one area where the fencing widens to approximately 3m to accommodate access to the various partitioned off sections of the field for the benefit of horse owners.
2. The Parish Council states that the land is of high landscape value and has long-range views out to the Isle of Wight and that the recreational value is reflected in the footpath being part of the Stour Valley Way and used extensively by the local community. The recreational value relates purely to the footpath and not to the wider land outlined on the submitted plan. Having visited the site Officers of the Council are satisfied that there is no evidence of the general public having or being able to access other areas of the field. It is clear

that the footpath is marked and that all the other land is fenced off and is marked private and actively managed.

3. The Parish Council suggests that the most appropriate use of the field is its present use of providing horse paddocks for local owners and riders. The landowner suggests that there are about a dozen owners at present but that only one lives within the parish of West Parley and thus not in use predominantly by local people.
4. In conclusion, Section 88 of the Localism Act 2011 states that land of community value should be in actual current use that is not ancillary and that it is realistic to think that there can continue to be non-ancillary use. The Act also requires consideration to be given to any past or future recreational, sporting or cultural use. The owner has made it clear that they do not intend to make the land available for cultural, sporting or recreational use in the future.
5. Considering these facts the Council's Corporate Team concluded that any recreational, cultural or sporting value of the land nominated is limited to the designated public footpath, which will be protected under other legislation, should any future development of the land take place and therefore the nomination should not be supported.