

Agenda Item No: 9.8 **Report No:** 122/15
Report Title: Land Adjoining Southdowns, Plumpton
Report To: Cabinet **Date:** 24th September 2015
Cabinet Member: Cllr Andy Smith
Ward(s) Affected: Plumpton Streat East Chiltington & St John (Without)
Report By: Alan Osborne, Director of Corporate Services
Contact Officer(s)-
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Purpose of Report:

To seek approval for the disposal of surplus land in line with the Property Strategy adopted by Council in May 2012.

Officers Recommendation(s):

- 1 To dispose of land on terms identified within Appendix B of this report.
- 2 To delegate authority to the Assistant Director of Corporate Services to dispose of the land in line with the Property Strategy.

Reasons for Recommendations

- 1 The land is not required for operational purposes and has no potential for development for housing. It is therefore surplus to requirements.

Information

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- 2.1 There are 2 adjacent plots of land shown edged in red at Appendix A. Each plot has been licensed to nearby residents. Those residents have expressed an interest in purchasing the land.
- 2.2 The land is not easily accessible and should the garden licenses ever be terminated, LDC would be required to maintain it. There would not be any current maintenance savings from disposal of the land.

- 2.3** The Council has a duty under Section 123 of the Local Government Act 1972 to obtain 'best consideration' when disposing of land. In this case, the value of the land is very low (see Appendix A) as it is amenity land. There has not been a formal valuation as the valuation costs would cancel out any capital receipt. However, Officers have used their best judgement based on comparable parcels of land which have been disposed of in recent years.
- 2.4** The land was initially considered for development and listed as a site within the New Homes (Property Regeneration Portfolio) Project. However, after initial investigation, there it is unlikely that the land would be suitable for further development. Any sale agreement would include an overage clause and/or a restrictive covenant on the site preventing its use for anything other than as a garden.
- 2.5** In February 2011, Cabinet approved a policy recognising the importance of amenity land and refusing to dispose of it unless there were exceptional circumstances. The policy states:
- 'The purpose of areas of amenity land within housing estates is to enhance the visual appearance of the estate and to improve the living environment and enjoyment of residents and their visitors. Requests to purchase, lease or licence areas of amenity land will therefore usually be refused unless there are exceptional circumstances which justify a disposal.*
- Delegated authority is given to the Head of Legal and Democratic Services to refuse requests for the sale, lease or licence of such land save in exceptional circumstances, in which case a report shall be brought before Cabinet.'*
- 2.6** As stated in paragraph 2.2, the land is not easily accessible. It also does not benefit anyone other than the properties immediately adjacent and therefore does little to enhance the visual appearance of the estate. As there is no operational need and it is unsuitable for development, it is recommended that Cabinet approve the disposal of the land on the terms set out at Appendix B.

Financial Appraisal

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- 3.1** Disposal of the land will generate a one-off receipt of £2,250 for the Housing Revenue Account. It will also reduce the Council's future maintenance liability should the garden licenses ever terminate.

Legal Implications

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4.1 The Legal implications are covered within the body of this report.

Risk Management Implications

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5.1 There are no risks arising as a result of this report.

Equality Screening

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6.1 There are no equality implications arising as a result of this report.

Background Papers

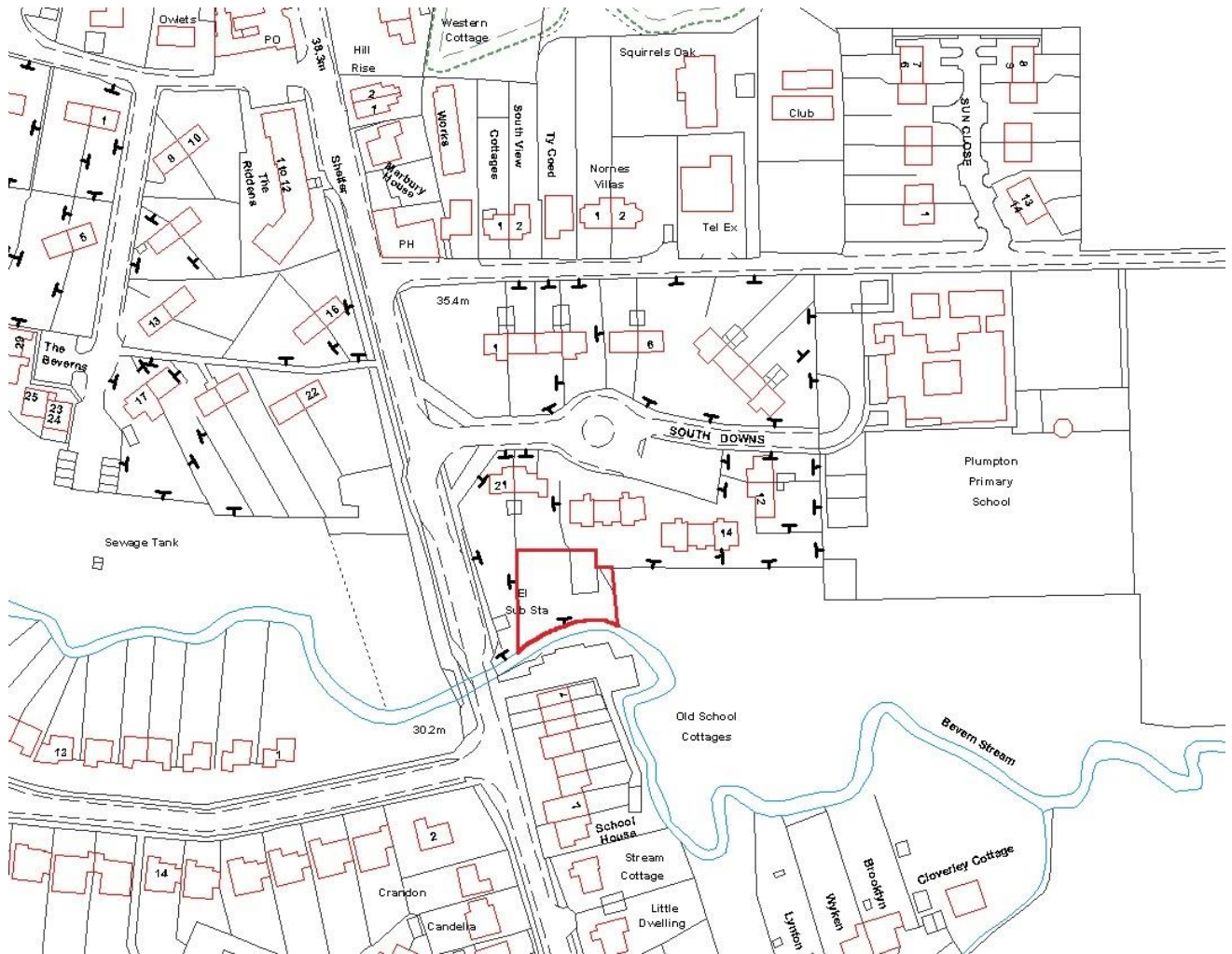
7 None



Appendices

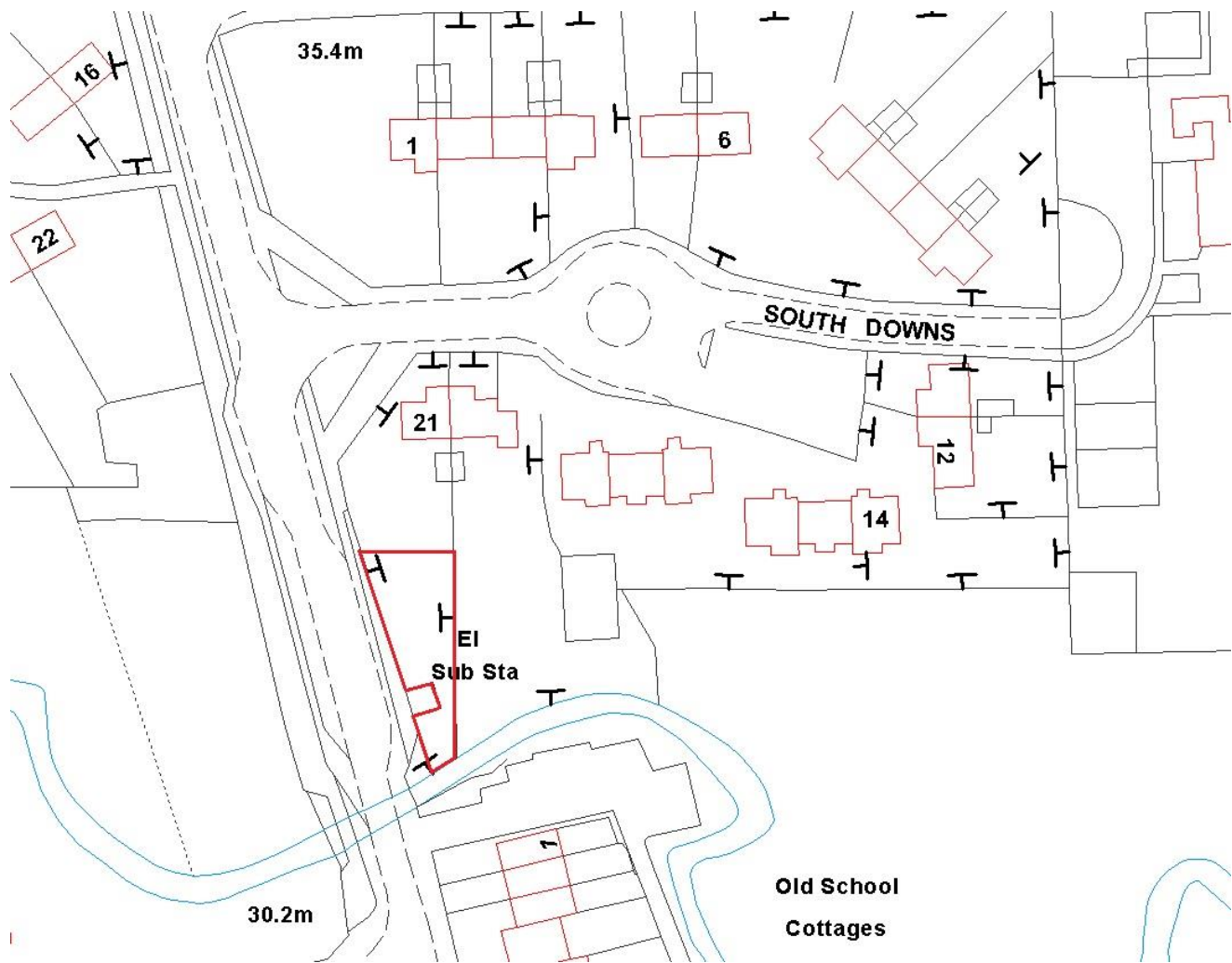
8 Appendix A: Plan



Appendix B (exempt): Draft Heads of Terms

Appendix A



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	<p>O.S. MAP REF: 536438/116320</p>	<p>DEED PACKET NO: 482</p>	<p>SCALE: 1:1250</p>	<p>PLAN NO. E042/15</p>
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