

CANNOCK CHASE COUNCIL

CABINET

21 FEBRUARY 2008

REPORT OF DEPUTY CHIEF EXECUTIVE

RESPONSIBLE PORTFOLIO LEADER: HEALTHIER COMMUNITIES, HOUSING AND OLDER PEOPLE

LAND TO R/O 41/43 BIRCH LANE, RUGELEY

1. Purpose of Report

1.1 To seek approval to the disposal of land to r/o 41/43 Birch Lane, Rugeley.

2. Recommendations

2.1 That the land shown hatched/cross hatched black on the attached plan be sold to the owner-occupiers of 41 and 43 Birch Lane for extra garden purposes.

2.2 That the Deputy Chief Executive be authorised to agree the terms of disposal subject to a valuation by the District Valuer.

2.3 That the applicants meet the Council's reasonable legal costs.

3. Key Issues

3.1 The land shown hatched/cross hatched black on the plan (Annex A) is landlocked and has become overgrown as a result of the owner of 78 St. Michael's Drive, who previously cultivated the land, moving away from the property.

3.2 An approach was received from the owners of 41 Birch Lane to purchase the land for extra garden purposes. Letters were sent to all adjoining owner-occupiers inviting expressions of interest and one response was received from the owner of 43 Birch Lane. Normally, subject to there being no objections to the disposal, with requests to purchase small parcels of land such as these the Council's Valuer would negotiate the terms and the land would be sold under delegated authority.

3.3 In this instance as the applicants from No. 41 are Members of the Council it is proposed that the District Valuer be asked to supply an independent valuation to be used as the basis for negotiating the remaining terms.

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Section 1

Background

The land shown hatched/cross-hatched black on the attached plan (Annex 1) is an overgrown area of land in the ownership of the Council.

The land was initially cultivated by the former tenant of 78 St. Michael's Road who continued to use it after he acquired his property under the Right to Buy (RTB). This land was not included within the sale.

The individual concerned no longer resides at the property which has since been sold. As a consequence the land has fallen into disuse and become overgrown.

Section 2

Details of Matters to be Considered

An approach was received from the owners of 41 Birch Lane, Rugeley to acquire either all or part of the land to incorporate into their garden.

With the exception of 39 Birch Lane which remains a Council property all the other properties abutting this land are now in owner-occupation, the tenants having exercised their RTB.

Letters were therefore sent to properties abutting this land namely 43 Birch Lane, 52 and 54 Leasowe Road and 78 and 80 St. Michael's Road inviting expressions of interest in acquiring the land.

Of those contacted only the occupiers of 43 Birch Lane have expressed an interest in acquiring any of the land and it is therefore proposed to offer the area shown hatched black to No. 41 and cross hatched black to No. 43.

Sales of amenity land maintained by Glendale, the Council's Grounds Maintenance Contractor, are disposed of under delegated authority at a value based on £30 per sq. m. for extra garden purposes. In this instance the area is overgrown and completely landlocked and would represent a management problem for the Council and such a figure is considered inappropriate.

As the proposed purchasers from No 41 are both Councillors, it is proposed that Officers negotiate the terms of disposal based upon an independent valuation supplied by the District Valuer.

Section 3

Contributions to CHASE

Disposal of the land will ensure that it is properly maintained at no cost to the Council.

Section 4

Section 17 Implications

There are no Section 17 (Crime Prevention) implications associated with this report.

Section 5

Human Rights Act Implications

There are no implications under the Human Rights Act 1998 arising from this report.

Section 6

Data Protection Act Implications

There are no identified implications in respect of the Data Protection Act arising from this report

Section 7

Risk Management Implications

By writing to all potential purchasers of the land the Council can demonstrate that all parties have had an opportunity to purchase part of the land. Furthermore by obtaining an independent valuation there can be no accusations that the Council has acted other than fairly and independently in this case.

Section 8

Legal Implications

The legal implications are set out throughout the report.

Section 9

Financial Implications

The land is owned by the Housing Revenue Account and the valuation is expected to be below the de-minimus £10,000 capital receipt limit and will therefore be treated as revenue income. The cost of the district valuer is expected to be around £250 and will be met from existing Housing Revenue Account budgets.

Section 10

Human Resource Implications

There are no human resource implications associated with this report.

Section 11

Conclusions

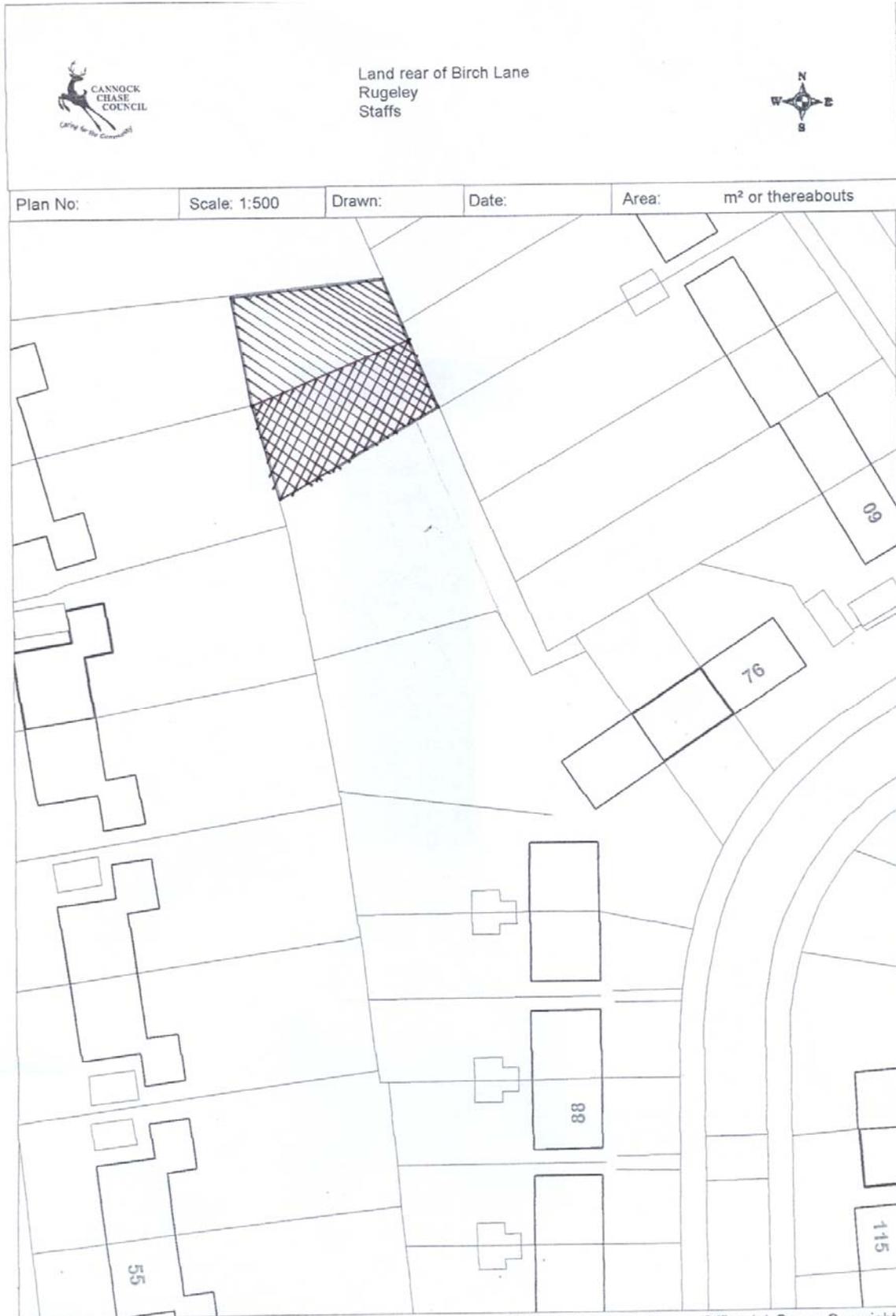
The land identified on the plan is landlocked and is only of use to those properties immediately adjoining the site. Contact has been made with all potential purchasers following an initial approach from the owners of 41 Birch Lane and only their neighbour has expressed an interest in the land.

Normally Officers would proceed to agree terms and dispose of the land under delegated authority but in this instance it is proposed that the District Valuer be asked to provide a valuation for the land.

Background Papers

Annexes

Annex 1: Plan of land



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