



REPORT TO:	Councillor T Carter, Portfolio Holder – Communities and Operational Housing
REPORT OF:	Assistant Director – Housing
REPORT AUTHOR:	Technical Contracts Officer
SUBJECT:	Sale of uncultivated garden land – Rear of 5/6 Bridge Road, Little Sutton
PURPOSE:	To seek approval to sell an area of uncultivated garden land at the rear of the Anglian Water Sewage Treatment Works, to the owners of 6 Bridge Road, Little Sutton.
KEY DECISION:	N
WARD(S) AFFECTED:	Long Sutton
EXEMPT REPORT?	N

SUMMARY

The Council have been approached by the owners of 6 Bridge Road. To purchase an area of uncultivated garden adjacent to their property at the rear of the Anglian Water STW.

The area potentially forms part of the garden for 5 Bridge Road but is inaccessible to the tenant of that property. Appendix A details the area in consideration.

RECOMMENDATIONS

To agree to sell an area of inaccessible land that forms part of the garden of 5 Bridge Road, Little Sutton to the owners of 6 Bridge Road for the sum of £4000 (excl VAT).

That a restrictive covenant is imposed as a condition of the sale, that the use of the land be restricted to the owners use in conjunction with the use as garden land only.

REASONS FOR RECOMMENDATIONS

Currently, the garden of 5 Bridge Road, is separated into two sections, with an Anglian Water STW splitting the two areas. There is no direct access to this area of garden to the tenants of number 5. Previously, access could be gained to this area via an informal agreement through the

garden of number 6. However, since this property [6] has now been sold this arrangement is no longer in place.

Whilst there was unformalised access arrangements, this was never used by the tenants of 5 Bridge Road. The area is currently overgrown with brambles and uncultivated.

As there is no direct access to the land, it will continue to be uncultivated and may well start impacting on the condition of the adjacent garden of 6 Bridge Road, giving rise to potential issues and complaints.

The sale of the land to the current owners of 6 Bridge Road, will remove from the Council a small area of HRA land which it has no access to, and the potential future issues of how to maintain the land.

OTHER OPTIONS CONSIDERED

Refuse to sell the strip of land - If the sale is not granted, the Council would potentially continue to own a small area of garden attached to the tenancy of 5 Bridge Road, which both the Council and its tenant have no right of access to.

1. BACKGROUND

Following on from the RTB sale of 6 Bridge Road, Little Sutton. The Council have been approached by the owners of 6 Bridge Road. To purchase an area of uncultivated garden adjacent to their property at the rear of the Anglian Water STW.

The area potentially forms part of the garden for 5 Bridge Road but is inaccessible to the tenant of that property.

2. REPORT

- 2.1 Currently, the garden of 5 Bridge Road, Little Sutton, is in two parts separated by a fenced compound forming a small Anglian Water STW. The area beyond the STW compound is currently not used by the tenant it is unmaintained and uncultivated.
- 2.2 Previously, access could have been achieved by an informal agreement through the garden of number 6 Bridge Road. This was not a formal right of way and following the RTB application and sale of this property this is now no longer available to the tenant of 5 Bridge Road.
- 2.3 Having consulted with the tenant of number 5, they have confirmed to their Housing Officer that due to the access difficulties they have never used this area.
- 2.4 Legal advice has been sought, and it has been confirmed that should the Council be minded selling this land. It would have no impact on the current tenancy terms and conditions of 5 Bridge Road.
- 2.5 An independent valuation of the land has been carried out. Due to the land only being accessible through the garden of the now privately owned 6 Bridge Road, it is considered

that there would be limited interest if the land was sold on the open market. For the restricted purpose of garden land only the equitable value is £4000.

3. CONCLUSION

3.1 By agreeing to the sale of this area of land to the owners of 6 Bridge Road. It removes from the Council any future liability it would have for a small area of garden attached to the tenancy of 5 Bridge Road, which both the Council and its tenant have no right of access to.

4. EXPECTED BENEFITS TO THE PARTNERSHIP

4.1 None.

5. IMPLICATIONS

5.1 SOUTH AND EAST LINCOLNSHIRE COUNCIL'S PARTNERSHIP

5.1.1 None.

5.2 CORPORATE PRIORITIES

5.2.1 None.

5.3 STAFFING

5.3.1 None.

5.4 CONSTITUTIONAL AND LEGAL IMPLICATIONS

5.4.1 The Council has a statutory power to dispose of land under s123 Local Government Act 1972. Ordinarily, this must be at market value.

5.5 DATA PROTECTION

5.5.1 None.

5.6 FINANCIAL

5.6.1 There will be a one-off contribution of £4000.00 to the Housing Revenue Account from the sale of the land.

5.7 RISK MANAGEMENT

5.7.1 None.

5.8 STAKEHOLDER / CONSULTATION / TIMESCALES

5.8.1 Discussed and agreed proposals with the relevant Portfolio Holder.

5.9 REPUTATION

5.9.1 None noted.

5.10 CONTRACTS

5.10.1 A deed of transfer with a restrictive covenant in relation to the use of the land only as garden will need to be executed between South Holland District Council and the owners of 6 Bridge Road, Little Sutton. The Council's legal costs will be met by the purchaser.

5.11 CRIME AND DISORDER

5.11.1 None.

5.12 EQUALITY AND DIVERSITY/ HUMAN RIGHTS/ SAFEGUARDING

5.12.1 None.

5.13 HEALTH AND WELL BEING

5.13.1 None.

5.14 CLIMATE CHANGE AND ENVIRONMENTAL IMPLICATIONS

5.14.1 None.

6. ACRONYMS

6.1 RTB – Right to buy

APPENDICES

Appendices are listed below and attached to the back of the report: -

Appendix A

Site plan.

Appendix B

Valuation report.

BACKGROUND PAPERS

No background papers as defined in Section 100D of the Local Government Act 1972.

CHRONOLOGICAL HISTORY OF THIS REPORT

A report on this item has not been previously considered by a Council.

REPORT APPROVAL

Report author:

David Higgs

David.Higgs@sholland.gov.uk

Signed off by:

Assistant Director - Housing

Approved for publication: