

REPORT FROM: PLANNING, BUILDING CONTROL & LICENSING MANAGER

TO: West Craven Area Committee

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Gospel Hall, Hollins Road, Barnoldswick

PURPOSE OF REPORT

- (1) To advise Members of a request to release of the Council's restrictive covenant on use of the above land in order that the land can be used for residential development.

RECOMMENDATIONS

- (1) That Committee agree to the principle of varying the covenant.
- (2) That the Chief Executive be authorised to negotiate and agree on the level of premium for lifting the covenant.

REASONS FOR RECOMMENDATIONS

- (1) The covenant is no longer relevant or necessary to control the use of the site.
- (2) In order to ensure that the Council receives an appropriate level of capital receipt for the increase in the value of the site resulting from the lifting of the covenant.

ISSUE

- 1 The site was conveyed to the Trustees of the Barnoldswick Gospel Mission Hall by the Urban District Council of Barnoldswick in 1957. The conveyance contained a covenant limiting the use of the land and buildings erected thereon to a Church or Gospel Mission Hall and buildings appurtenant thereto. The covenant prohibits any other use whatsoever.
- 2 A Gospel Mission Hall was erected upon the site and was used for that purpose for many years. Recently the property has changed hands a number of times. Committee have been requested on two previous occasions to lift the covenant but have declined to do so.

- 3 The current owner has written to formally request that the covenant is lifted. The following points have been put forward for consideration:
- They wish to develop the site for something that is more appropriate to the area.
 - The hall is in a state of disrepair to the extent that it is economically unviable to restore it
 - The site suffers from constant vandalism
 - They would like to put an elderly persons development on the site
- 4 Covenants are put in place for specific purposes at the time land is conveyed. Over time the purposes and reasons for imposing it initially can alter. They can be challenged for a number of reasons. Two common grounds for challenge are 1) the covenant has become obsolete 2) The covenant prevents some reasonable use of land.
- 5 The Committee are asked to consider the purpose of the covenant and whether it currently serves a legitimate and defensible purpose.
- 6 The recommendation is that Committee agree to the lifting of the covenant as the site is no longer useful as a Gospel Hall Mission and the site, subject to planning permission being granted, could have a beneficial use through redevelopment for appropriate housing.

IMPLICATIONS

Policy:	None
Financial:	There would be some financial benefit to Pendle as there would need to be a premium paid for the benefit accrued by lifting the covenant.
Legal:	Covenants can be lifted upon application to the Upper Tribunal (Lands Chamber) if there are reasonable grounds to do so.
Risk Management:	None resulting from this.
Health and Safety:	None
Sustainability:	None
Community Safety:	None
Equality and Diversity:	None