

REPORT FROM: CHIEF EXECUTIVE
TO: COLNE AND DISTRICT COMMITTEE
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Report Author: Hywel Lebbon
Tel No: 01282 878939
E-mail: hywel.lebbon@liberata.com

LAND FRONTING 6 TO 22 PATTEN STREET, COLNE

PURPOSE OF REPORT

That this Committee considers granting garden tenancies of the areas shown edged black on the plan to residents at Patten Street.

RECOMMENDATIONS

That garden tenancies be granted to the residents who are using part of the Councils land as gardens and to any of the other residents on Patten Street who come forward, subject to them obtaining Planning Permission for change of use.

REASONS FOR RECOMMENDATION

Tenancies being granted would regularize the occupations and reduce the Councils maintenance liability.

BACKGROUND

1. The land is a part of a larger area of Council owned land fronting No's 6 to 44 which is maintained by the Councils Environmental Services, and comprises grassed and woodland areas.
2. In February 2020 it was brought to the attention of Liberata Property Services that an area opposite No.16 Patten Street had been enclosed with a fence made of timber pallets, and there was a timber shed and chickens being kept on the land. An adjoining area was also in the process of being enclosed.
3. Further to the land being inspected by Liberata Property Services a notice was put on the fencing requesting for the enclosure and all items to be removed as no permission had been granted for the land to be used.
4. At a later inspection of the site further areas of the Council land had been enclosed, and gardens had been created to the front of No's 6 to 22 Patten Street. In addition to the

enclosures there are timber sheds on some of the areas, poultry is being kept on the land and trees have been cut back. Some of the residents have requested to be allowed to continue using the land and have discussed their proposal with local Councillors.

5. The above issues have been reported to the Councils Environmental Services and they have a preference for garden tenancies being granted rather than enforcement action being taken.
6. This was reported to Colne and District Committee on 9th July 2020, and the resolution was that consideration of the item be deferred for two months to allow time for Ward Councillors to meet with residents. It was referred to Septembers' Committee, but it was noted that due to COVID-19 restrictions Ward Councillors had not been able to consult with residents. The resolution was that the item be deferred to a future meeting no later than January 2021.

ISSUES

7. The land is being used by the residents of No's 6 to 22 Patten Street as gardens, and granting garden tenancies would regularize their occupation and minimize the Councils maintenance liability.
8. It is proposed that annual garden tenancies be granted, and based on other garden tenancies the rent of each individual plot would be in the region of £80 per annum and each individual tenant would be required to pay the Councils legal fees of £126 in preparing the tenancies.
9. The garden tenancies would be subject to the residents obtaining Planning Permission for change of use to a garden, and there would be an application fee of £462 if residents submitted an application covering the whole of the area which is being used as gardens. Garden tenancies do not allow poultry, and any structures or fencing would require prior approval of the Council.
10. The land is part of a larger area fronting No's 6 to 44 Patten Street. If the residents of No's 24 to 44 Patten Street also come forward wanting to enter into a tenancy, it is proposed that annual garden tenancies be granted to these, with the rent for each individual plot to be based on other garden tenancies and the terms to be the same. This would also be subject to the residents obtaining Planning Permission.

IMPLICATIONS

Policy: No policy implications are considered to arise from this report

Financial: If tenancies were granted the Council would receive a rental income and maintenance liabilities would be reduced.

Legal: No legal implications are considered to arise directly from this report.

Risk Management: On letting the land some of the risks and liabilities would reduce for the Council

Health and Safety: No implications are considered to arise directly from this report.

Climate Change: No implications are considered to arise directly from this report

Community Safety: See risk management

Equality and Diversity: No implications are considered to arise directly from this report

APPENDICES

Location plan

LIST OF BACKGROUND PAPERS

None