

**REPORT FROM: HOUSING, HEALTH AND ENGINEERING SERVICES
MANAGER**

TO: WEST CRAVEN COMMITTEE

DATE: 29TH NOVEMBER 2022

**Report Author: Hywel Lebbon
Tel No: 01282 878939
E-mail: Hywel.lebbon@liberata.com**

LAND ADJOINING 24 TYSLEY GROVE, EARBY

PURPOSE OF REPORT

For Members to request that the Policy and Resources Committee consider a request for a relaxation of the restrictive covenant on the land edged black on the plan.

RECOMMENDATIONS

That this Committee recommends for the Policy and Resources Committee to agree to the request to relax the restrictive covenant, subject to the owner obtaining planning permission for a specific use, and that The Housing, Health and Engineering Services be authorised to negotiate the amount of premium.

REASONS FOR RECOMMENDATION

A relaxation of the covenant would result in the Council receiving a premium from the benefit to the owner.

BACKGROUND

1. The land was sold in March 2017 at £6,400 to the owners of 24 Tysley Grove further to it being declared surplus by the Executive. There was a restrictive covenant on the sale that the land could only be used as a private garden and parking ancillary to the occupation of 24 Tysley Grove, and that no buildings or structures be erected on the land.
2. The owners of the land have requested for the covenant to be relaxed to allow them to build one house or alternatively a detached double garage ancillary to the occupation of 24 Tysley Grove, and subject to them obtaining planning permission.

ISSUE

3. The land is currently used as a garden and parking for the adjoining property, and a relaxation of the covenant would allow the land to be used for an alternative use and result in the Council receiving a premium. The amount of premium would be dependent on the

use, and it is proposed that the covenant be relaxed to allow one of the proposed uses subject to Planning Permission being granted.

IMPLICATIONS

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

Financial: A relaxation in the covenant would result in the Council receiving a premium from the owner.

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

Risk Management: No implications are considered to arise directly from this report.

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

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

APPENDICES

Location plan

LIST OF BACKGROUND PAPERS

None