

**REPORT FROM:** DIRECTOR OF PLACE  
**TO:** NELSON, BRIERFIELD AND REEDLEY COMMITTEE  
**DATE:** 2<sup>nd</sup> OCTOBER 2023

**Report Author:** Hywel Lebbon  
**Tel No:** 01282 878939  
**E-mail:** [Hywel.lebbon@liberata.com](mailto:Hywel.lebbon@liberata.com)

## LAND FRONTING 34 LANDLESS STREET, BRIERFIELD

### PURPOSE OF REPORT

To recommend that the the land shown edged black on the plan be declared surplus to requirements further to a request to purchase the garden land from the tenant.

### RECOMMENDATION

That the Executive declares the land surplus to requirements in order for it to be sold, and that the Director of Place be authorised to negotiate terms of a long leasehold sale to the existing tenant with a restrictive covenant that it only be used as a domestic garden for 34 Landless Street.

### REASON FOR RECOMMENDATION

A sale of the land would result in a capital receipt for the Council and end all liabilities.

### BACKGROUND

- 1.The land has been occupied by the owner occupier of 34 Landless Street since February 2019 on a garden tenancy at an annual rent of £160, and prior to this it had been occupied by previous owners of the house for a number of years. It is enclosed by private land, and it is understood that the land to the Eastern boundary is owned by the owner of 34 Landless Street.
2. A request has been submitted by the current tenant of the land to purchase it to secure its long term use as a garden for 34 Landless Street.

### ISSUES

- 3.The land is occupied by the owner of 34 Landless Street which also has its own existing garden, and the Council does not own the land adjoining its boundaries or have any formal access rights over it.
- 4.If the tenancy was terminated in the future and a new owner did not wish to enter into a tenancy there is a risk of the land becoming a maintenance liability for the Council, and a sale of the land

would prevent this. A sale of the land would result in a capital receipt for the Council, and it is recommended that the land be sold on a long leasehold rather than a freehold so that covenants in relation to use of the land would be easier to enforce if they were breached.

## **IMPLICATIONS**

**Policy:** The Council seeks to identify surplus property for inclusion in its disposal programme in order to achieve capital receipts. It is proposed that a long leasehold sale of the land be negotiated to the owner of 34 Landless Street with a restrictive covenant that the land be used for domestic garden use for the property.

**Financial:** A capital receipt for the Council and an end to all liabilities.

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

**Risk Management:** On disposal of the property all risks and liabilities will cease 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:**

Appendix 1 - Location Plan

**LIST OF BACKGROUND PAPERS:** None.