



**REPORT FROM:** DIRECTOR OF RESOURCES

**TO:** NELSON, BRIERFIELD AND REEDLEY COMMITTEE

**DATE:** 2<sup>ND</sup> SEPTEMBER 2024

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## LAND ADJACENT TO NO.145 WALTON LANE, NELSON

### PURPOSE OF REPORT

To consider a request to declare the land adjoining No.145 Walton Lane, Nelson as surplus.

### RECOMMENDATION

That the Executive be recommended to consider if the amenity land should be declared as surplus to requirements and if so, whether it should be marketed or whether to negotiate on a private treaty basis.

### REASON FOR RECOMMENDATION

To allow Members to decide whether the land should be retained as amenity land or declared surplus and to ensure that the Council receives the market value for the land and relevant use to assure best value is maintained.

### BACKGROUND

1. The land shown edged black, on the attached plan (Appendix 1), is currently used as open amenity land and is grassed with mature trees in-situ. The land appears to be well maintained and is located at the edge of a residential properties.
2. The land is currently recorded on the Council's Asset Register with the designation of open green space.

### ISSUE

3. A nearby resident has expressed interest in acquiring the land, initially for use as a garden, however the resident does not reside directly adjacent to the land, therefore it would not be classed as a garden extension. They have also intimated that in the future the land would be used as a possible plot to build a house on for a family member.

4. Should Members agree to declare the land surplus to requirements, this may generate opposition from local residents as it would be a loss of open space and it would be required to be advertised as such.
5. At this stage advice has not been sought from the Development Control section as to the potential to secure planning permission for garden use or residential use in the future, so any disposal agreed should be subject to the purchasing applying for and receiving planning consent as well as consent from the Council as covenantor.
6. As with normal practice it is usual to market potential development land, rather than agree a disposal by private treaty to ensure that the Council obtains the best price for the land, if Members agree for the land to be considered for disposal.
7. If Members agree to a potential disposal of the land for garden purposes, then a covenant should be provided for in the transfer restricting use to garden use only. If the purchaser wished at any time to submit a planning application for any other use then the purchaser would require the express consent of the council to release the covenant and the Council would be able to demand a further capital receipt.

## **IMPLICATIONS**

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

**Financial:** The Council would receive a sale price for the land if it is to be agreed that the land is declared surplus to requirements.

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

**Risk Management:** No risk management 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**

Appendix 1: Location Plan

**LIST OF BACKGROUND PAPERS:** None.



Description

**LAND ADJACENT TO NO.145 WALTON  
LANE, NELSON**

Scale 1:1000

Drawing No.

**E/NL/WL/1451**

Drawn By  
R.P-K

Date  
Aug 2024

CAD Reference



**Pendle**  
Borough Council

Property Services  
No. 1 Market  
Street,  
Nelson BB9 7LJ