

**Decision Maker:** RESOURCES PORTFOLIO HOLDER

**Date:** For Pre-decision scrutiny by the Executive and Resources Policy Development and Scrutiny Committee on Wednesday 6<sup>th</sup> January 2016

**Decision Type:** Non-Urgent Executive Non-Key

**Title:** LAND REAR OF NO'S 4-22 LONG MEADOW CLOSE, WEST WICKHAM

**Contact Officer:** Antony Cooper, Estates Surveyor, Valuation and Estates  
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**Chief Officer:** Director of Regeneration & Transformation

**Ward:** West Wickham;

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1. Reason for report

Members are asked to consider a request received from the residents of No's 2-22 Long Meadow Close, West Wickham, to purchase land at the rear of their properties, forming part Langley Park Golf Club, to create extensions to their current rear gardens.

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2. **RECOMMENDATION(S)**

- 2.1 The Executive and Resources PDS Committee is requested to consider the proposed decision by the Resources Portfolio Holder and:
- 2.2 The Resources Portfolio Holder's views are requested whether to declare the parcels of land rear of Long Meadow Close, West Wickham, surplus to Council requirements to enable their sale to the neighbouring householders in Long Meadow Close.

### Corporate Policy

1. Policy Status: Existing Policy: Maximising Assets
  2. BBB Priority: Excellent Council:
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### Financial

1. Cost of proposal: A capital receipt would be generated (detailed in the Part 2 report)
  2. Ongoing costs: Not Applicable
  3. Budget head/performance centre: Not Applicable
  4. Total current budget for this head: Not Applicable
  5. Source of funding: Not Applicable
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### Staff

1. Number of staff (current and additional):
  2. If from existing staff resources, number of staff hours:
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### Legal

1. Legal Requirement: Statutory Requirement: S123 Local Government Act
  2. Call-in: Applicable:
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### Customer Impact

1. Estimated number of users/beneficiaries (current and projected): Not Applicable
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### Ward Councillor Views

1. Have Ward Councillors been asked for comments? Yes
2. Summary of Ward Councillors comments:

At the time of writing, only one comment has been received, from Cllr Bennett, who supports the sale to the residents.

Any further comments received will be reported at the meeting.

### 3. COMMENTARY

- 3.1 The Council owns the freehold interest in Langley Park Golf Course. It is subject to a lease to Langley Park Golf Club Limited (LPGC) dated 1<sup>st</sup> March 1991, for a term of 50 years.
- 3.2 Ten property owners living in Long Meadow Close, West Wickham, which adjoins the golf course, have approached both LPGC and the Council, requesting to purchase land currently included in land demised to the LPGC.
- 3.3 The properties in Long Meadow Close were built in the late 1980's and comprise four bedroom detached houses, save for a pair of semi-detached properties. The properties currently have relatively small rear gardens, and the residents would like to purchase the land at the rear of their properties to provide extensions to their current gardens.
- 3.4 LPGC have considered the request, and determined that the land in question does not contribute to the operation of their golf course, and can therefore be surrendered from their lease, subject to the receipt of a payment from the Council.
- 3.5 Despite interest also shown by residents in Hayes Chase, West Wickham to purchase land at the rear of their properties also for use as garden extensions, LPGC have confirmed that, for the foreseeable future, they do not wish to pursue this interest further.
- 3.6 Due to the level of resource necessary to complete the surrender of these parcels of land from the demise of LPGC, and to subsequently complete the sale to the various residents, the Council suggested that LPGC reviewed all of its boundaries to determine whether any additional parcels of land might be offered to any other adjoining residents at the same time, but again, LPGC have advised that they only wish to pursue the interest shown by the residents of Long Meadow Close.
- 3.7 The Council proposed that, in order to retain a consistent straight boundary between the Long Meadow Close properties and LPGC (to assist identifying the boundary line and therefore any unauthorised encroachments in the future), a sale could only be considered if a uniform parcel of land was purchased along this boundary. The residents proceeded to identify which neighbours were interested in purchasing, based on a valuation prepared by the Council.
- 3.8 Plan 1 below illustrates the various parcels of land the residents wish to purchase. As can be seen, while the parcels of land form a reasonably uniform boundary, as the residents have been unable to agree to all purchase parcels of land of the same depth, there are two steps in the proposed new boundary.
- 3.9 The parcels of land are designated as Metropolitan Open Land, and on 17<sup>th</sup> November 2015 the residents obtained planning permission to enclose the parcels of land for use as residential curtilage. As a number of trees will need to be removed to create the garden extensions, a condition has been placed on the permission requiring details of a scheme for replacement trees to be planted within the LPGC site. The prospective purchasers would be responsible for complying with this and any other planning conditions.
- 3.10 Any sale would include a covenant preventing the construction of any buildings or structures on the parcels of land, and an additional covenant would be agreed whereby, in the event that the houses of the purchasers are rebuilt, or further extended to the north east, within the current curtilage, the Council would be entitled to a sum equal to 50% of the increase in value of the purchaser's house, should it be determined that without the additional parcels of land, the rebuild or extension would not have been permitted under either permitted development rights or planning permission.

- 3.11 It should be brought to Members' attention that, while Heads of Terms have been agreed (subject to obtaining the necessary authority), save for the cost of obtaining planning permission, there has not yet been any financial commitment from the residents. It is therefore possible that some residents might withdraw their interest as the matter progresses to exchange of contracts, which would not only result in a decrease in the capital receipt, but also leave an irregular boundary.
- 3.12 The residents will pay the Council's costs in the matter, and the professional costs incurred by LPGC in respect of the surrender of the parcels of land from their demise.

#### **4. POLICY IMPLICATIONS**

- 4.1 The Council's Aims include being a Council which manages its assets well.

#### **5. FINANCIAL IMPLICATIONS**

- 5.1 A capital receipt would be achieved through the sale of this land to the residents.
- 5.2 The Council's costs and those of the LPGC will be recovered from the purchasers.
- 5.3 It should be noted that a covenant will be agreed that entitles the Council to receive a sum of 50% of the increase in value of the purchasers house should it be extended or rebuilt within the current curtilage as detailed in 3.10.

#### **6. LEGAL IMPLICATIONS**

- 6.1 Section 123 of the Local Government Act 1972 requires a local authority to secure the best consideration reasonably obtainable when it disposes of land (other than on a lease of 7 years or less) unless it has the benefit of an express or general consent of the Secretary of State.

<b>Non-Applicable Sections:</b>	<b>3. PERSONNEL IMPLICATIONS</b>
Background Documents: (Access via Contact Officer)	Grant of Planning Permission Notice, dated 17 <sup>th</sup> November 2015  Heads of Terms (LBB/LPGC)  Heads of Terms (LBB/Long Meadow Close residents)  Part 2 Report

# Plan 1

## Land Rear of Long Meadow Close, West Wickham

