

Appendix 1

CONGLETON BOROUGH COUNCIL

REPORT TO THE EXECUTIVE MEMBER FOR THE PROSPERITY AND COMMUNITY PORTFOLIO

DATE: 2nd March 2009

AGENDA ITEM NO

SUBJECT: LAND ADJACENT 5 MORETON CLOSE, SANDBACH.

SOURCE: Prosperity and Community Portfolio.

WARDS AFFECTED: Sandbach.

SUMMARY: To consider a request from Mr and Mrs Dyke to purchase an area of land currently within the curtilage of their property, 5 Moreton Close, Sandbach, as shown edged in red on the attached plan.

RECOMMENDATION: To approve the above request on terms and conditions to be determined by the Head of Safer Communities, the Corporate Property Services Manager and the Legal and Democratic Services Manager.

Implications

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| a) | Strategies and Policies | Corporate Goal:

<i>Promoting a Prosperous Borough</i>

Objective: We will enhance the standard of living for residents. |
| b) | Implications | As contained within the body of this report. |
| c) | Consultations and Representations | The Head of Safer Communities and the Legal and Democratic Services Manager have been consulted and their observations are incorporated within the body of this report. |

Introduction

Mr and Mrs Dyke acquired 5 Moreton Close, Sandbach in 1971. At this time, the land in question was already within the curtilage of the property, however it has recently come to light that the land is actually within the ownership of Congleton Borough Council. In this respect Mr and Mrs Dyke have now made a formal request to purchase this area of land from the Council.

Current Position

Mr and Mrs Dyke clearly have a robust claim for adverse possession, and in this respect terms have therefore been provisionally agreed for the sale of the land in question, subject to the payment of the Councils reasonable fees in the matter.

Consultation

The Head of Safer Communities has been consulted, and on the basis that the land in question has been within the curtilage of the property for some considerable time, has no objections to the proposed sale.

Conclusion

Mrs and Mrs Dyke clearly have a robust claim for adverse possession, and in this respect a sale of the land is recommended on terms and conditions to be agreed by the Corporate Property Services Manager, and the Legal and Democratic Services Manager.

Corporate Property Manager

Originator: M Jones
Tel: 01270 529635
Date: March 2009
Ref: MJ/KJF

Local Government (Access to Information) Act 1985.

*Background papers used in preparing this report.

Available on request.