

CHESHIRE EAST COUNCIL

Cabinet Member for Procurement, Assets and Shared Services

Date of Meeting: 22 March 2010
Report of: Asset Manager
Subject/Title: Disposal of Cheshire East Owned Land at 9 Danefield Close, Holmes Chapel
Portfolio Holder: Councillor Peter Mason

1.0 Report Summary

- 1.1 To consider a request from Dr Nigel Uttley to purchase an area of land to the rear of his property, as shown edged in red on the attached plan.

2.0 Decision Requested

- 2.1 To approve the disposal of land to the rear of 9 Danefield Road, as shown on the attached plan, to Dr Uttley, on terms and conditions to be determined by the Asset Manager and the Borough Solicitor.

3.0 Reasons for Recommendations

The Head of Health and Wellbeing has confirmed that their Portfolio Holder has been consulted, and that the land in question is surplus to their service requirements. As such the land can be sold to Dr Uttley.

4.0 Wards Affected

- 4.1 Congleton Rural

5.0 Local Ward Members

- 5.1 Cllr Les Gilbert
Cllr Andrew Kolker
Cllr John Wray

6.0 Policy Implications including - Climate change - Health

- 6.1 N/A

7.0 Financial Implications for Transition Costs (Authorised by the Borough Treasurer)

7.1 N/A

8.0 Financial Implications 2009/10 and beyond (Authorised by the Borough Treasurer

N/A

9.0 Legal Implications (Authorised by the Borough Solicitor)

9.1 The Council will be disposing of the Freehold Title of the land in question and will deal with any statutory requirements to advertise the disposal.

10.0 Risk Management

10.1 The land has been declared surplus to requirements by Health and Wellbeing as the service department. It is felt that the sale will not set a precedent in respect of adjacent properties, due to the irregular shape of Dr Uttleys garden as it currently stands.

11.0 Background and Options

Dr Uttley originally approached Congleton Borough Council in 2005 in respect of a larger area of land. The service department at that time did not deem the area of land in question to be surplus to requirements, and the Planning Department confirmed that a change of use to residential garden would be unlikely.

Dr Uttley again approached the Council in 2008 requesting that he be sold the area of land to the rear of his property. The previous views/recommendations were reaffirmed to Dr Uttley, however he felt that the comments are unfounded, and made the following statement in support of his request.

"I appreciate little has changed but I do believe that the shape of the garden at 9 Danefield is a one-off situation. The amount of land is so small, that the public will not suffer by being denied its use as they do not access it, or the land at the boundary of no 11, anyway.

Even if Nos. 1-7 also decide to apply to purchase a similar amount of land the argument of a precedent being set lacks substance due to the shape of the garden of number 9. Also it is possible to argue that precedence has already been set by granting numbers 11 upwards a certain length of garden and the very peculiar shape of the garden at No 9 falls between the two situations and is therefore a special case.

I would therefore like to make formal application to purchase this additional amount".

Following further discussions with the service department, a compromise was reached on a reduced area, as per the attached plan. This would allow Dr Uttley to overcome in part the irregular shape and nature of his garden, but would only take a small section of the open space.

Dr Uttley has made his own representations to the Planning Department, and is now satisfied that he is likely to be granted a change of use to residential garden land. It should be noted however, that in order for the sale to proceed to completion, Dr Uttley will first have to obtain a change of use from open space to residential garden.

13.0 Access to Information

The background papers relating to this report can be inspected by contacting the report writer:

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