

Meeting of:	Cabinet
Date of Meeting:	Thursday, 18 July 2024
Relevant Scrutiny Committee:	Homes and Safe Communities
Report Title:	Disposal of Parcels of Housing Owned Land That Have No Viable Uses for Public Housing.
Purpose of Report:	To seek Cabinet approval to dispose of three parcels of non-operational housing land suitable for use incidental to the enjoyment of the adjacent dwelling house/s only (as identified at Appendices A, B and C)
Report Owner:	Cabinet Member for Public Sector Housing and Tenant Engagement
Responsible Officer:	Miles Punter - Director of Environment and Housing
Elected Member and Officer Consultation:	Head of Finance. Committee Reports; Legal Services; Mike Ingram, Head of Housing; Nick Jones, Operational Manager, Housing
Policy Framework:	This report is consistent with the Policy Framework and Budget and is a matter for Executive decision by Cabinet
<p>Executive Summary:</p> <ul style="list-style-type: none"> • The Council owns various parcels of land, which border or adjoin existing privately owned properties that are not suitable for development but are a continuing financial burden on the Council due to their ongoing maintenance and security costs. • The Council has received three separate enquiries to acquire three of these areas of land which are held for the purposes of Part II of the Housing Act 1985 and are currently managed by, or under the control of, the Housing Department. • The Council can dispose of such land if it is no longer required for its operational purpose, it has been declared surplus to Council requirements and the disposal is in accordance with the General Consents for the Disposal of Houses and Land 1994 in that it will be used as additional garden space or a parking space by purchasers. Permission is therefore sought to dispose of these non-operational Housing owned pieces of land identified in Appendices A, B and C. • The parcels of land in question are at Marquis Close, Barry; 48 Amherst Crescent, Barry and Bay Tree House, Llantwit Major. 	

Recommendations

1. That Cabinet declares the parcels of Housing land shown at Appendices A, B and C as surplus to Council requirements.
2. That delegated authority be granted to the Head of Housing and Building Services to dispose of the land shown on the plan at Appendices A, B and C under sections 32-34 of the Housing Act 1985 subject to compliance with the relevant legislative provisions, any statutory consents required and Recommendations 3-5 below.
3. That delegated authority be granted to the Director of Environment and Housing Services, and in consultation with the Cabinet Member for Housing and Building Services, and Head of Finance / Operational Manager Financial Services to appoint an external valuer to provide a market valuation report for these pieces of land and agree the appropriate terms and conditions for disposal of same.
4. That the Council relies on Consent E of the General Consents for the Disposal of Houses and Land 1994 made under the Housing Act 1985 for the disposal to comply with the relevant legislative provisions and any statutory consents required.
5. That delegated authority be granted to the Monitoring Officer/Head of Legal and Democratic Services to advertise the proposed disposal of the land indicated at Appendix C (sites A and B) in accordance of s123 (2A) Local Government Act 1972.
6. That the Monitoring Officer/Head of Legal and Democratic Services be authorised to prepare, complete and execute the required legal documentation to formalise any disposals subject to the Recommendations above.

Reasons for Recommendations

1. To comply with the Council's Constitution
2. To ensure compliance with the relevant legislative provisions, any statutory consents required and Recommendations above.
3. To allow for the land to be disposed on suitable terms and conditions.
4. To ensure compliance with the relevant legislative provisions and any statutory consents required.
5. To ensure that the disposal of land previously used as public open space is subject to the required public consultation processes.
6. To legally formalise the disposal of the land and to ensure compliance with statute and subject to the Recommendations above.

1. Background

- 1.1 The Council owns various parcels of land which border or adjoin existing, privately owned residential properties that are not suitable for development and are a continuing financial burden on the Council due to their ongoing maintenance and security costs. In many cases the adjoining properties were

previously Council owned and have now been purchased by the current or former owners under the Right to Buy Scheme.

- 1.2 The Council has disposed of various plots of surplus land using this process since 2016.

2. Key Issues for Consideration

- 2.1 The Council has received an enquiry to buy a piece of land at Marquis Close, Barry, a piece of land at the rear of 48 Amherst Crescent, Barry and land adjacent to Bay Tree House, Llantwit Major. The land is held for the purposes of Part II of the Housing Act 1985 and is currently managed by or under the control of the Housing Department. The parcels of land are identified on the plans at Appendix A, B and C.
- 2.2 The Council can dispose of such land if it is no longer required for its operational purposes, it has been declared surplus to requirements and it has consent for the disposal.
- 2.3 The Council's Insight Board has been consulted to ascertain if there is a use for these parcels of land within the Council. There has been no expression of interest from any of these parties in retaining this land. In addition, consultation has been carried out with the local Ward Members who have raised no objections to the land sales. The land is therefore considered surplus to the wider Council's requirements.
- 2.4 Section 32 of the Housing Act 1985 gives the Council discretionary power to dispose of land that has not been developed and is held under Part II of the Housing Act 1985 with the Welsh Government's consent (see further Legal Implications below).
- 2.5 Subject to complying with the relevant legislative provisions and any statutory consents required, permission is now sought to dispose of the parcel of land. This will generate a receipt for the Council and reduce ongoing maintenance costs associated with retaining it.
- 2.6 It is proposed that the Council sells the freehold interest of a piece of land formerly used for garages which no longer exist, at the Bay Tree House, Llantwit Major (Appendix A), the piece of land to the rear of 48 Amherst Crescent (Appendix B) and the two pieces of land on Appendix C marked 'A' and 'B', 'A' being an old playground and 'B' being a grassy area, both unused for a long time but could be considered as open space.
- 2.7 An external valuer will be appointed to provide market valuations of these three pieces of land, the cost of which will be met by the purchasers. It is further proposed to place a covenant on the land to restrict the use of it to a purpose incidental to a dwelling house e.g., domestic garden purpose only. In the event of

the Council agreeing to remove a restrictive covenant at a future date, officers will ensure that a suitable claw back provision has been included in the sale documentation to guarantee that the Council benefits from any increased land value that might result from a change of use.

- 2.8 As stated above, the disposals will be subject to the Council receiving best consideration for the land and it will also be subject to the purchasers paying all the Council's costs in relation to the sale and complying with any other appropriate terms and conditions Council deems appropriate.
- 2.9 The piece of land at Marquis will also need a Public Open Space notice prior to sale.

3. How do proposals evidence the Five Ways of Working and contribute to our Well-being Objectives?

LONG TERM

- 3.1 Better use of land should be achieved by this proposal which also reduces the Council's land maintenance costs and makes more funding available in the long term for Council house repairs and development opportunities.

PREVENTION

- 3.2 By disposing of these small parcels of land to an adjoining or local householder, it will have a positive impact on crime and disorder by reducing the opportunities for vandalism and fly-tipping.

COLLABORATION

- 3.3 By working with colleagues in Property Services and Legal to sell this land it will result in the Council obtaining the best consideration.

INTEGRATION

- 3.4 The integration of public land into the community will serve to free up time spent on management of the areas.

INVOLVEMENT

- 3.5 Opportunities for members of the public to make better use of surplus land to increase their garden space or park their car. The well-being of residents involved will be enhanced as they will obtain enjoyment from the use of this otherwise unused land as a recreational or parking area.

4. Climate Change and Nature Implications

- 4.1 There are no implications for Climate Change or Nature.

5. Resources and Legal Considerations

Financial

- 5.1** The disposal of the land will generate a receipt for the Housing Revenue Account to be used to increase the supply of affordable housing in the Vale.
- 5.2** The timely disposal of surplus assets should assist the Council in the reduction of its maintenance costs.
- 5.3** Agreement has been sought for the prospective purchaser to cover the cost of Agent's fees and Property and Legal officer's costs even if the sale of the land is not completed, so that there will be no financial burden on the Council.

Employment

- 5.4** There are no employment implications in respect of the sale of this piece of land.

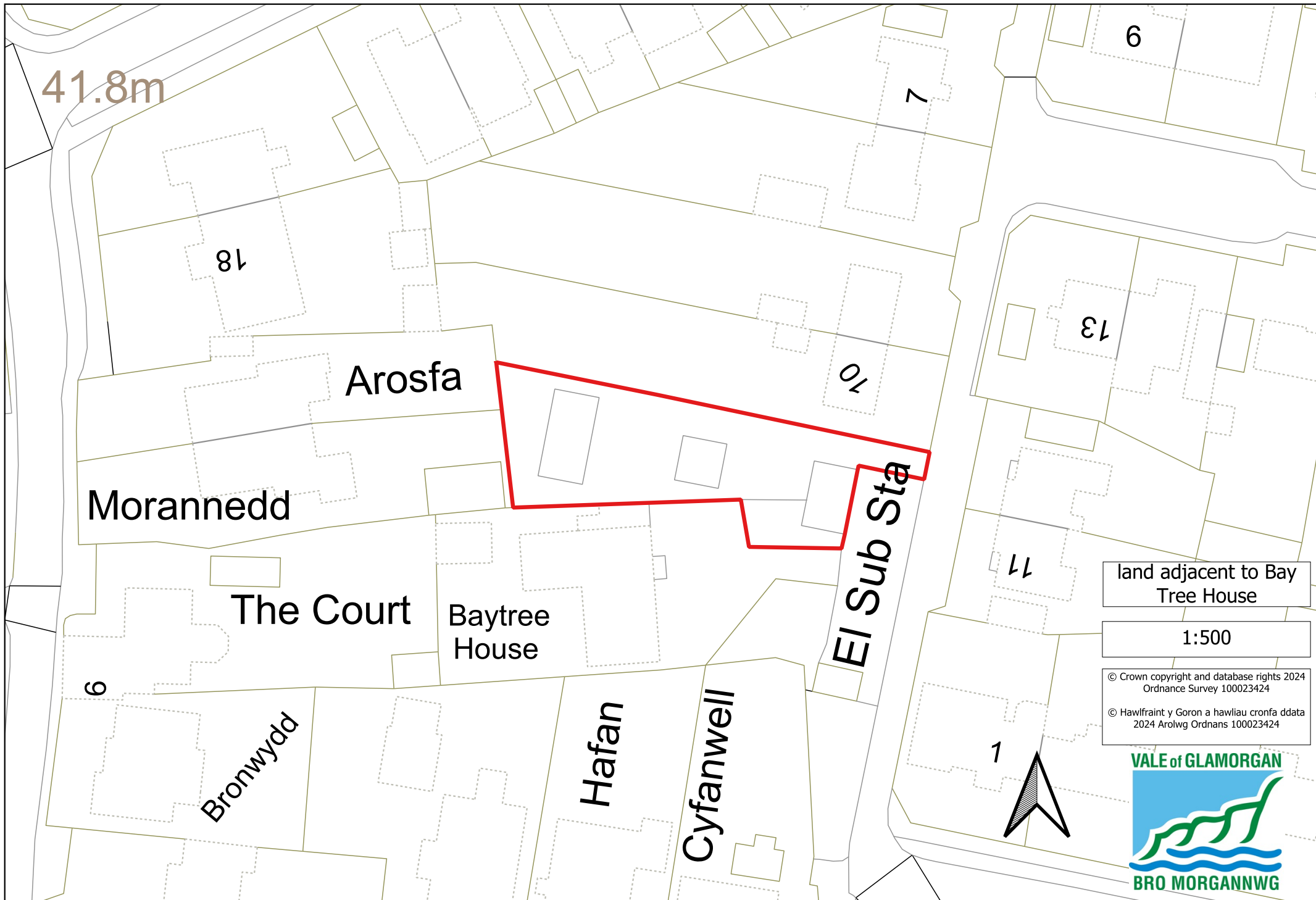
Legal (Including Equalities)

- 5.5** As stated above, Section 32 of the Housing Act 1985 gives the Council discretionary power to dispose of land that has not been developed and is held under Part II of the Housing Act 1985 with the Welsh Government's consent.
- 5.6** The specific consent of Welsh Government is not required if the disposal is covered by the "General Consents for the Disposal of Houses and Land 1994" made under the Housing Act 1985.
- 5.7** The area of land identified in this report is considered surplus to Housing Department's operational requirements and the Council's wider requirements. Therefore, the area of land can be disposed of in accordance with Consent E of the 1994 General Consents, which permits disposal at a consideration determined by the Council where the land is to be used for a purpose incidental to the enjoyment of a dwelling-house.
- 5.8** In disposing of Part II land, section 33 of the Housing Act 1985 goes on to provide that the local authority may impose such covenants and conditions as they think fit. As mentioned above, it is intended that a covenant will be placed on any land disposed of, restricting its use to a purpose incidental to the enjoyment of a dwelling house and where the appropriate claw back provisions will be incorporated into the sales documentation.
- 5.9** Where land has the appearance of public open space, it is advisable to advertise such disposal under section 123 (2) of the Local Government Act 1972 for two consecutive weeks in a newspaper circulating in the area in which the land is situated and consider any objections which may be made to the disposal.

5.10 There are no equal opportunities implications arising from this report.

6. Background Papers

None.



41.8m

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11

land adjacent to Bay Tree House

The Court

Baytree House

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Bronwydda

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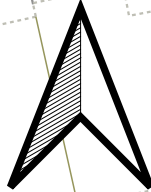


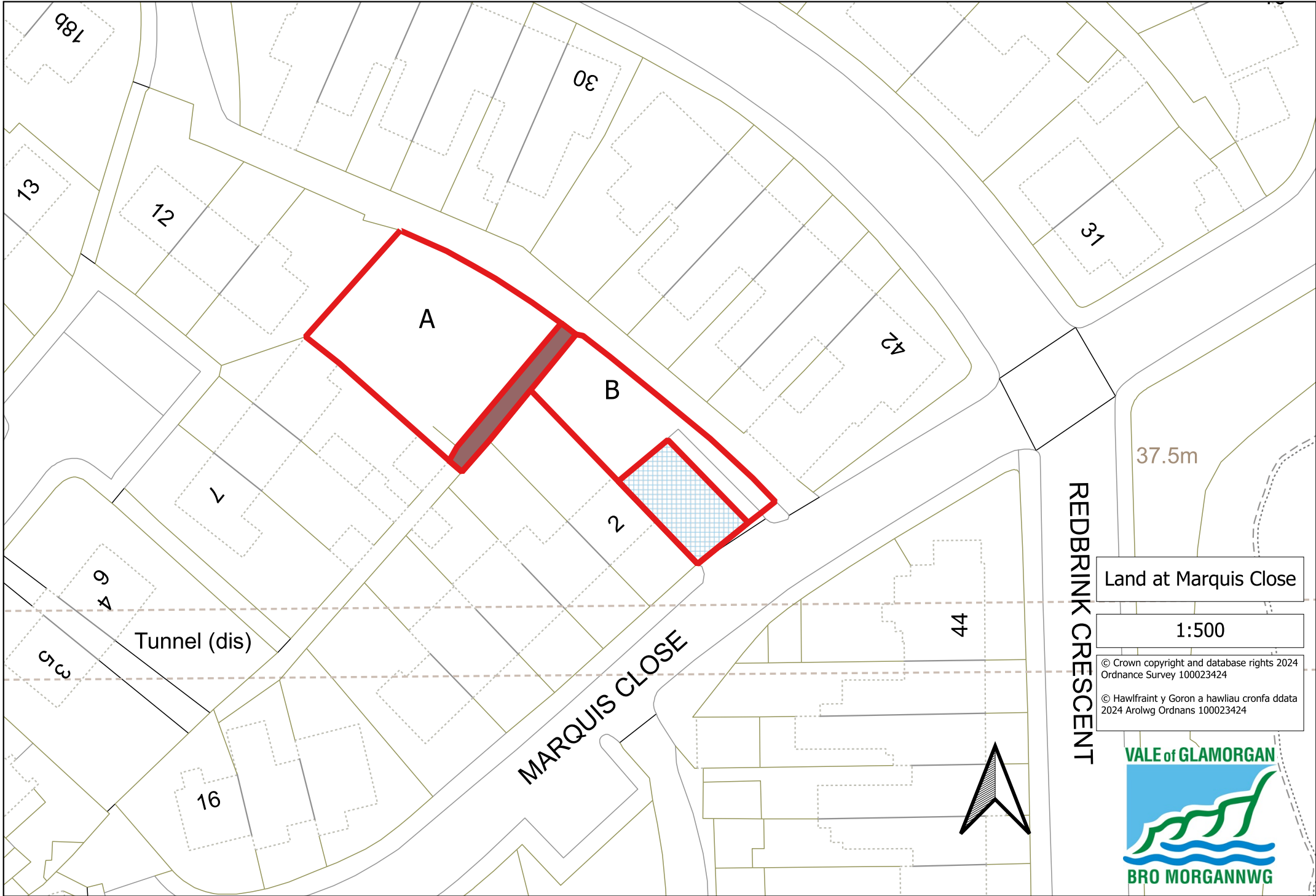


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Land at Marquis Close

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REDBRINK CRESCENT

37.5m

