

## Decision by Portfolio Holder



**Report reference: HPS-004-2018/19**  
**Date of report: 05 February 2019**

**Epping Forest  
District Council**

**Portfolio:** Housing & Property Services  
**Author:** Rachel Smith (Ext 2710) Democratic Services: J Leither  
**Subject:** Land Sale - Parcel of Land Adjacent to 9 Mill Lane, High Ongar, Essex, CM5 9RN.

### Decision:

- (1) That the parcel of land adjacent to 9 Mill Lane, High Ongar, Essex, CM5 9RN, as shown at Appendix 1, which measures approximately 81.7 square metres, be sold to the owner of 9 Mill Lane, High Ongar, Essex, CM5 9RN for the market value of £35,000.
- (2) That the new owner be required to pay the Council's reasonable legal costs in connection with the sale.

<b>ADVISORY NOTICE:</b> <i>A Portfolio Holder may not take a decision on a matter on which he/she has declared a Pecuniary interest. A Portfolio Holder with a non-pecuniary interest must declare that interest when exercising delegated powers.</i>	
I have read and approve/ <del>do not approve</del> (delete as appropriate) the above decision:	
Comments/further action required: None	
Signed: Cllr S-A Stavrou	Date: 7 <sup>th</sup> February 2019
<i>Non-pecuniary interest declared by Portfolio Holder/ conflict of non-pecuniary interest declared by any other consulted Cabinet Member:</i> <p style="text-align: center;">None</p>	<i>Dispensation granted by Standards Committee:</i> Yes/No or n/a <p style="text-align: center;">N/A</p>
<b>Office use only:</b> Call-in period begins: 8 <sup>th</sup> February 2019	Expiry of Call-in period: 15 <sup>th</sup> February 2019

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Democratic Services IMMEDIATELY**

### Reason for decision:

The Service Director – Property & Housing, has delegated authority to dispose of small plots of housing land which are incapable of separate development but are considered suitable for incorporation into the garden of an adjoining owner, not exceeding 50 square metres (Minute 116 of the former Housing Committee held on the 26<sup>th</sup> January 1998 refers).

<b>Initialed as original copy by Portfolio Holder:</b>
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The parcel of land adjacent to 9 Mill Lane measures more than 50 square metres.

**Options considered and rejected:**

1. Not to sell the land.
2. To sell the land to the adjacent owner at 4 Mill Grove, High Ongar.

**Background Report:**

1. The owners of 9 Mill Lane, High Ongar have applied to the Council to purchase a parcel of land approximately 81.7 square metres, situated adjacent to their property, marked red on the attached plan (see appendix 1).
2. The owners of 9 Mill Lane seek to acquire the land to facilitate a car port or to extend their garden.
3. The land has been let to the owners of 9 Mill Lane, High Ongar under a Licence to Occupy since 24<sup>th</sup> January 2006 for use as a private garden. The land has been used for the purposes of parking a private motor vehicle. The Licence commands an annual fee of £167.00 per year.
4. The owners of 4 Mill Grove, High Ongar, whose property is also situated adjacent to the parcel of land, have similarly expressed an interest in acquiring the land to facilitate a car port or to extend their garden. Unlike the owners of 9 Mill Lane however, they do not hold an existing interest in the land.
5. The land is not considered to have any development potential for the Council.
6. The Local Government Act 1972 allows local authorities to dispose of land in any manner they wish, provided that the disposal is for the best consideration available. With this in mind, the land has been valued at £35,000, which reflects the full market value of the land as at 26<sup>th</sup> October 2018.
7. It is proposed that the sale would be subject to covenant restrictions and other matters in the conveyance so far as they are applicable.
8. The Housing Portfolio Holder is asked to agree the sale of the land referred to at Appendix 1, to the current owners of 9 Mill Lane, High Ongar, who have an existing interest in the same by virtue of a Licence to Occupy.

**Resource Implications:**

The sale would generate a Capital receipt of £35,000.

It would be a requirement of the sale, that the Council's valuation fee of £1,200 and reasonable legal costs of £650 be recharged to the purchaser.

**Legal and Governance Implications:**

The Local Government Act 1972 which allows local authorities to dispose of land in any manner they wish, provided that disposal is for the best consideration available.

**Safer, Cleaner and Greener Implications:**

No safer, cleaner and greener implications have been identified.

**Consultation Undertaken:**

The owners of 4 Mill Grove, High Ongar, whose land is adjacent to the parcel of land have been consulted. The owners of 4 Mill Grove expressed an interest in acquiring the land.

The Housing Portfolio Holder and local ward member were consulted on the 11<sup>th</sup> December 2018. No objections were raised.

**Background Papers:**

None

**Impact Assessments:**

**Risk Management:**

No material risks identified.

**Key Decision Reference (Y/N):** No

**Equality Analysis:**

The Equality Act 2010 requires that the Public Sector Equality Duty is actively applied in decision-making. This means that the equality information provided to accompany this report is essential reading for all members involved in the consideration of this report. The equality information is provided as an Appendix to the report.