

Report of Chief Statutory Housing

Report to Chief Officer Property and Contracts

Date: August 2014

Subject: Request to declare land adjacent to 10 Lanshaw Terrace surplus to departmental requirements

Are specific electoral Wards affected? If relevant, name(s) of Ward(s): Middleton Park	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
Are there implications for equality and diversity and cohesion and integration?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
Is the decision eligible for Call-In?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
Does the report contain confidential or exempt information? If relevant, Access to Information Procedure Rule number: Appendix number:	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No

Summary of main issues

1. The owner of 10 Lanshaw Terrace has put in a request to purchase land to the rear of their property (highlighted on the attached plan). The land is vested with Environment and Housing.

Recommendations

2. It is recommended that the Chief Officer Property and Contracts declare the land (highlighted on the attached plan) surplus to the Department of Environment and Housing operational requirements for the purpose of selling as garage land and rear access to the owner of 10 Lanshaw Terrace.

1 Purpose of this report

- 1.1 The purpose of this report is to seek approval to sell the land to the rear of 10 Lanshaw Terrace (highlighted on attached plan) for garage and access purposes.

2 Background information

- 2.1 The owner of 10 Lanshaw Terrace has put in a request to purchase land to the rear of their property (highlighted on the attached plan). The land is vested with Environment & Housing and managed by Housing Leeds.
- 2.2 The land measures approximately 32 sq. meters with a value between £800 and £1120 plus fees (at garden land prices), but would be negotiated at a higher rate due to the garage already in situ.

3 Main issues

- 3.1 The owners of 10 Lanshaw Terrace have recently approached the Council requesting to purchase the land to the rear of their property (highlighted on attached plan).
- 3.2 The current owner of the property is in the process of wanting to sell and a discrepancy has emerged with the title deeds.
- 3.3 Internal consultations were conducted on 30th January 2014 with the following comments:
 - 3.3.1 We have recently lost a similar sized piece of land on the same site through the RTB process. It would be difficult to say no to this owner after saying yes to his neighbour at 35 Town Street through the RTB process. If this land is sold, it should be increased to even up the boundary with the land already lost at 35 Town Street.
 - 3.3.2 Following further consultation and a site visit by me it was concluded that increasing the plot was not possible in this instance, as the occupants of 8 Lanshaw Terrace use the land between the RTB property namely 35 Town Street and the garage at 10 Lanshaw Terrace for access to the rear of their property.
 - 3.3.3 If we don't sell there may well be a claim for adverse possession.
 - 3.3.4 No objections – for information, the aerial photograph from 2002 shows the original garage located within the back garden of 10 Lanshaw Terrace. It can be seen on the 2006 aerial photograph the new garage erected on Leeds City Council land and that the original garage has been removed giving number 10 a larger back garden area.

4 Corporate Considerations

4.1 Consultation and Engagement

- 4.1.5 Local Ward members and Area management have been consulted.

4.2 Equality and Diversity / Cohesion and Integration

- 4.2.1 An equality, diversity cohesion and integration screening exercise have been carried out. This has affirmed that equality, diversity, cohesion and integration considerations have been effectively considered in relation to this proposal and that a full impact assessment was not required.

4.3 Council policies and City Priorities

- 4.3.1 The proposal to sell the land to the owners of 10 Lanshaw Terrace would generate a capital receipt for the Council and alleviate any future maintenance responsibility.
- 4.3.2 If the owner of 10 Lanshaw Terrace were to purchase the area of land, they would continue to maintain it as it is incorporated into their rear garden.
- 4.3.3 The land will be sold as garage and access (1m wide pathway down the side of the garage to access the rear gate to the garden).

4.4 Resources and value for money

- 4.4.1 The sale of the land would alleviate the Council from any potential future maintenance liability and provide the Council with a capital receipt.

4.5 Legal Implications, Access to Information and Call In

- 4.5.1 This report is not eligible for Call in and there are no known legal implications.

4.6 Risk Management

- 4.6.1 If the sale does not proceed the Council will remain responsible for the maintenance of the land and the land has no operational use for the department of Environment and Housing. Selling the land to the owner of 10 Lanshaw Terrace would greatly reduce the risk of losing the land under adverse possession.
- 4.6.2 During the course of the site visit and investigations it was apparent that various other properties are encroaching on to the site. These encroachments are in the process of been investigated separately to protect the council from possible adverse possession claims in the future.

5 Conclusions

- 5.1 The Department of Environment and Housing has no operational use for the land to the rear of 10 Lanshaw Terrace (highlighted on the attached plan). Following internal consultation where no right of way or adverse issues were raised as to the use of the land, it is concluded that the best option would be to sell the land to the owners of 10 Lanshaw Terrace.
- 5.2 The land would be sold as garage with 1m wide access to the rear garden.
- 5.3 The proposed sale of this land would alleviate the Council from its maintenance responsibility and would generate a capital receipt.

6 Recommendations

- 6.1 It is recommended that the Chief Officer Property and Contracts declare the land (highlighted on the attached plan) surplus to the Department of Environment and Housing operational requirements for the purpose of selling as garage land and access to the owner of 10 Lanshaw Terrace.

7 Background documents¹

- 7.1 Plan identifying land to rear of 10 Lanshaw Terrace.

¹ The background documents listed in this section are available to download from the Council's website, unless they contain confidential or exempt information. The list of background documents does not include published works.