

**Report of Chief Statutory Housing**

**Report to Director of Environments & Housing**

**Date: August 2014**

**Subject: Request to declare land adjacent to 32 Summer Hill Road surplus to departmental requirements**

Are specific electoral Wards affected? If relevant, name(s) of Ward(s): Kippax & Methley	<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 prospective owner of 32 Summer Hill Road has put in a request to purchase land to the side and rear of the property (highlighted blue on the attached plan). The land is in the freehold ownership of the Council and vested in the control of Environment and Housing.
2. The house was originally sold under the right to buy legislation. The sale only granted rights of access over the driveway at the side of the property and strip of land at the rear shown coloured blue on the Plan (hereinafter referred to as "the blue land").

**Recommendations**

3. It is recommended that the Director of Environment & Housing declare the blue land surplus to the Department of Environment and Housing operational requirements for the purpose of selling the land to the owners of 32 Summer Hill Road.

## **1 Purpose of this report**

- 1.1 The purpose of this report is to seek approval to sell the blue land at the side and rear of 32 Summer Hill Road to the owners of 32 Summer Hill Road.

## **2 Background information**

- 2.1 The prospective owner of 32 Summer Hill Road has put in a request to purchase land to the side and rear of the property (the blue land). The land is vested with Environment and Housing.
- 2.2 The land measures approximately 75 sq. meters with a value between £1875 and £2625 plus fees (at garden prices). Although this could be increased to development prices as the land currently is being used as a drive and has a porch structure to the rear.

## **3 Main issues**

- 3.1 The prospective owner of 32 Summer Hill Road has put in a request to purchase land to the side and rear of the property (highlighted on the attached plan). The land is vested with Environment and Housing.
- 3.2 The house was sold under the right to buy with the blue land retained in Leeds City Council's ownership.
- 3.3 There is a small shared access point to the front between number 32 and 34 Summer Hill Road.
- 3.4 The land at the side is already used as a driveway and the land at the rear forms part of the rear garden. This has been the case for many years.

## **4 Corporate Considerations**

### **4.1 Consultation and Engagement**

- 4.1.1 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 32 Summer Hill Road would generate a capital receipt for the Council and alleviate any future maintenance responsibility.

4.3.2 The Council has no operational use for the land and the owners may make an adverse possession claim which the Council would then be obliged to defend or negotiate a sale with additional expenditure. Any successful claim would result in the Council losing income from an agreed sale.

#### **4.4 Resources and value for money**

4.4.1 The sale of the land would eliminate the Council from any future maintenance liability or potential personal injury or damage claim 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 blue land. A sale of the blue land to the owner of 32 Summer Hill Road would remove the Council's maintenance liability and ensure the land is not lost through adverse possession.

### **5 Conclusions**

5.1 The Department of Environment and Housing has no operational use for the blue land to the side and rear of 32 Summer Hill Road. Following internal consultation where no right of way or adverse issues were raised, it is concluded that the best option would be to sell the land to the owners of 32 Summer Hill Road.

### **6 Recommendations**

6.1 It is recommended that the Director of Environment & Housing declare the land shown blue on the Plan attached and referred to in this report surplus to the Department of Environment and Housing operational requirements and sell the land to the owners of No 32 Sumer Hill Road.

### **7 Background documents<sup>1</sup>**

7.1 Plan identifying land to side and rear of 32 Summer Hill Road shown coloured blue.

7.2 Plan showing the "blue highlighted area".

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<sup>1</sup> 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.