

Report of : Head of Property Services
Report to : Chief Asset Management and Regeneration Officer
Date: 6 October 2014
Subject: 15 Woodnook Close, Leeds LS16 6PQ

Are specific electoral Wards affected?	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
If relevant, name(s) of Ward(s):	Weetwood	
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?	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
If relevant, Access to Information Procedure Rule number:	10.4 (3)	
Appendix number:	1	

Summary of main issues

1. The purpose of this report is to seek approval to transfer land to the rear of 15 Woodnook Close to the owner of 15 Woodnook Close, on the terms specified in the confidential appendix.
2. 15 Woodnook Close was purchased as part of the Right to Buy Scheme 12 November 2012.

Recommendations

3. It is recommended that the land identified on the attached plan to the rear of 15 Woodnook Close be transferred to the owner of 15 Woodnook Close on the terms detailed in the confidential appendix.

1 Purpose of this report

- 1.1 The purpose of this report is to recommend that the land to the rear of 15 Woodnook Close be transferred to the owner of 15 Woodnook Close on the terms reported in the confidential appendix.

2 Background information

- 2.1 15 Woodnook Close was valued on 17 April 2012 for the purpose of a Right to Buy request. 15 Woodnook Close is a three bed end town house, Airey construction that has been improved by an outer brick layer.
- 2.2 During the Right to Buy valuation it was noted that the rear garden had been divided with approximately two thirds of it being separated from the house by a mature hedge. The hedge had been planted by a previous tenant who did not want such a large garden. The subsequent tenant exercising their Right-to-Buy believed the “abandoned” part of the garden was included in the tenancy and also would be sold with the house. All the other houses in this terrace (numbers 3, 5, 7, 9, 11 Woodnook Close) have full length gardens identical to No.15 before it was divided.
- 2.3 15 Woodnook Close was valued including all the garden on the assumption that all the rear gardens of this row of houses would follow the same line, there was no reason to assume otherwise.
- 2.4 Property Services advised Environment and Housing that the full extent of the garden should be included in the house sale. Environment and Housing only included the shortened garden and the tenant failed to notice that not all the garden was included.
- 2.5 The tenant of 15 Woodnook Close purchased the house on 12 November 2012 unaware that their registered title was only to the dividing hedge.
- 2.6 Shortly after the sale of 15 Woodnook Close completed, 5 Woodnook Close was also sold under the Right to Buy Scheme. 5 Woodnook Close is in the same row of town houses and this sale included garden land which extended to the rear of properties on Woodnook Drive.

3 Main issues

- 3.1 Solicitors acting on behalf of the owners of 15 Woodnook Close wrote to the Council regarding the garden and explained that that owners believed that they were to be sold the entire rear garden when they purchased their house and they had not fully understood the plan that was shown to them prior to buying the house.
- 3.2 The garden land in question is presently over grown and very awkward for anyone to access other than the owner of 15 Woodnook Close.

4 Corporate Considerations

4.1 Consultation and Engagement

- 4.1.1 Ward members were consulted via email on 11 August 2014. All Ward members responded in support of the transfer on 14 September 2014 via a collective email.
- 4.1.2 The information contained in the Appendix attached to this report relates to the financial or business affairs of a particular person, and of the Council. This information is not publicly available from the statutory registers of information kept in respect of certain companies and charities. It is considered that since this information was obtained through one to one negotiations for the disposal of the property/land then it is not in the public interest to disclose this information at this

point in time. Also it is considered that the release of such information would or would be likely to prejudice the Council's commercial interests in relation to other similar transactions in that prospective purchasers of other similar properties would have access to information about the nature and level of consideration which may prove acceptable to the Council. It is considered that whilst there may be a public interest in disclosure, much of this information will be publicly available from the Land Registry following completion of this transaction and consequently the public interest in maintaining the exemption outweighs the public interest in disclosing this information at this point in time. It is therefore considered that this element of the report should be treated as exempt under Rule 10.4.3 of the Access to Information Procedure Rules.

4.2 Equality and Diversity / Cohesion and Integration

4.2.1 There are no equality issues arising from this proposal.

4.3 Council Policies and City Priorities

4.3.1 The transfer of land to the rear of 15 Woodnock Close on the terms detailed in the confidential appendix.

4.4 Resources and Value for Money

4.4.1 Environments and Housing recommends that the land to the rear of 15 Woodnock Close be transferred to the owner of 15 Woodnock Close as it should have been included in the original right to buy sale.

4.5 Legal Implications, Access to Information and Call In

4.5.1 Under Part 3 Section 3E Paragraph 2(a) of the Council's Constitution (Officer Delegation Scheme (Executive Functions)) the Director of City Development has authority to discharge any function of Executive Board in relation to the management of land (including valuation, acquisition, appropriation, disposal and any other dealings with land or any interest in land) and Asset Management.

4.5.2 Chief Asset Management and Regeneration Officer has authority to take the decisions requested in this report under Executive functions 1 and 10 (specific to the Director of City Development) of the Director of City Development's sub delegation scheme.

4.5.3 The Head of Land & Property Services confirms that whilst the Council will receive no consideration for the land being transferred the price paid for 15 Woodnock Close included an element of the value for the larger garden. The Council will have achieved the best consideration that can reasonably be obtained under Section 123 of the Local Government Act 1972 (or under the Housing Act 1985).

4.6 Risk Management

4.6.1 The risk associated with the transfer are considered below:-

4.6.2 If the land to the rear of 15 Woodnock Close is not transferred and left vacant maintenance responsibilities and associated costs will remain with the Council.

4.6.3 There is a risk that if the land is not transferred to the owner of 15 Woodnock Close that it could in the future be lost to an adverse possession claim.

5 Conclusions

- 5.1 It can be concluded that the land to the rear of 15 Woodnook Close be transferred to the owner of 15 Woodnook Close as it should have been as part of the right to buy sale.

6 Recommendations

- 6.1 It is recommended the land to the rear of 15 Woodnook Close be transferred to the owners of 15 Woodnook Close on the terms detailed in the confidential appendix.

7 Background documents¹

- 7.1 None

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.