

REPORT TO THE EXECUTIVE



DATE	20th March 2018
PORTFOLIO	RESOURCES & PERFORMANCE MANAGEMENT
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Appropriation of land off Holme Road, Burnley

PURPOSE

1. To seek authority for the appropriation of land off Holme Road Burnley, shown edged red on Plan A, to enable the land to be sold to the adjoining owner, the sale to be completed under powers delegated to the Head of Finance and Property.

RECOMMENDATION

2. To appropriate for planning purposes land at Holme Road Burnley, shown edged red on Plan A, under Section 122 of the Local Government Act 1972, to enable disposal pursuant to section 233 of the Town and Country Planning Act 1990.

REASONS FOR RECOMMENDATION

3. The Council acquires and holds property for various statutory purposes in order to provide its various functions. Land is used only for the purpose of the function for which it was originally acquired, until such time as it is disposed of or appropriated for another purpose. In this instance the land edged red on Plan A was acquired in order to facilitate the construction of the Princess Way/Holme Road link road which was needed to promote future industrial development of the land in the immediate vicinity.
4. Land is held by the Council subject to any existing third party legal rights and any such rights will pass with the land on disposal. If the land is formally appropriated for planning purposes prior to disposal however, Section 237 of the Town and Country Planning Act 1990 provides statutory power to override easements and other rights subject to the grant of planning permission for the development of the land being received.

SUMMARY OF KEY POINTS

5. The land was acquired by the Council in order to construct the link road using powers conferred by the Highways Act 1980 with the highway, when constructed, to be adopted by

the Highway Authority. The highway was constructed on a slightly different line to that originally identified which resulted in small areas of land being surplus to the Council's requirements

6. The land edged red on the attached plan appears to have been physically incorporated into the adjoining privately owned plot for many years, but the Council remain the registered proprietor under title number LA695940
7. The owner of the adjoining plot has offered to purchase the land edged red from the Council with the land to continue to be used as part of their industrial plot. The land must first be appropriated for planning purposes to enable the sale to proceed
8. The land is surplus to the Council's requirements having been physically occupied for many years by the proposed transferee.

FINANCIAL IMPLICATIONS AND BUDGET PROVISION

9. Where rights are overridden compensation is payable to any person suffering loss. The potential for excessive claims and the ability for owners to frustrate development will have been removed by the appropriation. The Council is unaware of any third party rights over the land edged red on Plan A and the risk to the Council is considered to be remote. A capital receipt of £1500 with the purchaser to pay the Council's legal and surveyors fees is anticipated.

POLICY IMPLICATIONS

10. None

DETAILS OF CONSULTATION

12. Ward Councillors.

BACKGROUND PAPERS

13. None.

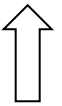
FURTHER INFORMATION

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PROPERTY SERVICES

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