

BRIERLEY HILL AREA COMMITTEE

DATE: 7TH JULY 2004

APPLICATION TO PURCHASE LAND

LOCATION: REAR OF 88 SWAN STREET, PENSNETT

(As shown on the plan attached)

BACKGROUND

A report regarding this application was deferred from the meeting of this Committee on 16th March 2004 to allow members to make a site visit. The visit was held on 7th May 2004.

The view of the site visit was that the application should be refused as the sale of the land would prejudice the Council's interests for future development of the adjacent Council owned garage site.

To reiterate, an application has been received from the owner of 88 Swan Street, Pensnett, a former Council house purchased under the right to buy scheme in 1988, to purchase an area of land at the rear of the property.

The owner of the property states that he has lived in the property for most of his life and has enjoyed vehicular access across this land from Redfly Lane to a garage in the rear of his garden. No access rights were conveyed with the property.

The applicant has been experiencing extreme problems over the last few years with people fly-tipping on the land, of damage to his fence and gates and people climbing over into his garden from the land to cause damage. He has also recently experienced obstruction by unknown vehicles parked on the land that has resulted in the access to his garage being blocked.

The applicant has on numerous occasions removed rubbish from this land and taken it to the tip himself but has now reached a point where he requires a permanent solution to the inconvenience and disruption that he is experiencing and has therefore asked to purchase the area of land so that he may prevent access to the land by unauthorised persons and keep in a tidy state.

The property, 24 Redfly Lane, which is adjacent to the land was sold by the Council in 1996 and was once a shop premises but has now been converted into a residential property. This property was sold with a right of access to cross this land in order to gain access and egress to the rear of the property with vehicles.

No. 25 Redfly Lane is currently on the market for sale.

COMMENTS

The relevant Council Directorates have been consulted regarding this application and the Directorate of Housing have no objections to the disposal of the land subject to existing rights of access being retained.

The Estates Management Officer has contacted the current owner of 24 Redfly Lane who says that if the disposal of the land meant that they would lose their access rights they object to its disposal and would wish the land to remain as it is. The proposed sale of land, however, if agreed, would be subject to the existing rights of the owner of 24 Redfly Lane. This would mean that the owner of 24 Redfly Lane would enjoy the same rights over the land as are currently in existence but that the freeholder of the land would change only. If the sale is agreed the applicant must be made aware of this and must allow the owner of 24 Redfly Lane access across the land.

However the Directorate of Law and Property state that as the Council owns adjacent land that is currently used as a Housing controlled garage site, they consider that the application should be refused as the granting of permanent rights across the land may prejudice any future development potential of the Councils land holding in the vicinity.

PROPOSAL

That the Area Committee advise the Lead Member for Housing to refuse the application to purchase the land but to regularise the situation by offering the applicant a standard Housing access agreement to cross the land.

BACKGROUND PAPERS

1. Letter(s) from the applicant.
2. E-mails and memos from the Council Directorates.

Contact Officer: Gill Hudson, Property Manager, Ext. 5311