

**NORTH SOMERSET COUNCIL
DECISION**

2015/16 scheme



DECISION OF SECTION 151 OFFICER OF THE COUNCIL,
CORPORATE SERVICES DIRECTORATE

DECISION NO: CSD143

SUBJECT: Land Adjacent 57 Green Pastures Road Wraxall

BACKGROUND:

The owner of 57 Green Pastures Road has applied to purchase an area of land adjacent to the property, as shown in red outline on the report plan.

The Council owns the freehold interest in the subject land which is subject to a covenant restricting its use to public open space. The owners have contacted the original covenantee / beneficiary of the covenant which is the successor company to the original estate developer and it has been agreed in principle that the covenant will be lifted subject to the owner making a payment and covering all legal costs incurred.

The owner has already obtained planning approval to change the use of the land from public open space to residential and intends to cultivate part of the land and include the other part in his driveway. Officers have also advertised the loss of public open space and consulted local members, receiving no objections to the proposed sale. The Parish Council has also considered the sale of the land and raised no objection subject to its open aspect being maintained, which will be the case as a low post and rail fence will be erected along the boundary.

The following principal terms and conditions have been agreed between the Council and the applicant:

The Council will convey the freehold interest in the land shown in red outline on the attached plan to the owner of 57 Green Pastures Road.

The consideration paid for the land will be £1,350.

The land will be used for garden or parking purposes and there will be a restriction prohibiting the erection of any building on the land.

The purchaser will erect a boundary fence between points A-B-C on the plan to a specification agreed by the Council. The intention is to erect a 2 foot high post and rail fence along the boundary line.

The purchaser will reimburse the Council's surveying, legal and administrative costs incurred in connection with the transaction.

The purchaser will also be responsible for all payments to the covenantee incurred in connection with the release of the restrictive covenant on the land.

DECISION:

The subject land be sold to the owner of 57 Green Pastures Road in accordance with the terms and conditions set out in this report.

Reasons:

The loss of public open space will not be detrimental to the local environment, the land will cease to be maintained by the Council and the Council will receive a capital receipt.

Other Alternatives Considered:

n/a

Financial Implications:

The Council will receive a capital sum and all costs incurred in connection with the sale will be reimbursed by the purchaser.

Implications for Future Years:

None.

Signed: 
Section 151 Officer, North Somerset Council

Dated: 12/4/2016

