

CABINET MEMBER FOR WASTE, PROPERTY AND ENVIRONMENT – MR T STURGIS

DEPARTMENT OF TRANSFORMATION AND RESOURCES

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REFERENCE: WPE-009-11

LAND ADJOINING 35 AND 36 THE HALVE, TROWBRIDGE

Purpose of Report

1. To:
 - (i) Seek approval for the disposal of approximately 42 square metres of land adjoining 35 and 36 The Halve, Trowbridge, the extent of which is shown approximately edged red on the plan at **Appendix 1**.

Background

2. The owners of the adjoining properties, 35 and 36 The Halve, have encroached upon the land between their property and St. Thomas' Road. In addition to the property considerations, this encroachment contravenes the Planning Acts.
3. As enforcement of planning legislation is against the land owner, it is impossible to take action under this legislation as Wiltshire Council would have to take action against itself. If the land is sold to the householders action can be taken against them if this should prove necessary.
4. The householders have indicated that they would like to buy the land.

Main Considerations for the Council

5. Prior to being taken into the gardens of the adjoining houses, the land comprised part of a grass verge between the rear boundaries of the properties and the footway at St. Thomas' Road. Although the land is at the junction of The Halve and St. Thomas' Road it is not within the adopted highway and is not required.
6. As this is a small area of land to which access from the highway will not be permitted it would not be of use to any party other than the adjoining owners. The houses are listed and their sites fully developed so there is no prospect of enhanced value in the foreseeable future.

Environmental Impact of the Proposal

7. There is no significant environmental impact.

Equalities Impact of the Proposal

8. None.

Risk Assessment

9. As this proposal is for the disposal of a small area of land and the likely capital receipt is low the risks associated with the proposal are low.

Financial Implications

10. There will be a small capital receipt, the size of which has still to be established but which is unlikely to exceed £50,000.

Legal Implications

11. This disposal will enable the council to take enforcement action against the householders if this should prove necessary as their enclosure of the land with fences contravenes the relevant legislation.

Options Considered

12. To:
- (i) Dispose of the land.
 - (ii) Not dispose of the land.

Reasons for Proposal

13. To dispose of a small parcel of land which is of little use to the Council, obtain a capital receipt and resolve the encroachment by the adjoining owners.

Proposal

14. That:
- (i) Land adjoining 35 and 36 The Halve, Trowbridge, approximately as indicated edged red on the plan at **Appendix 1** be disposed of to the adjoining owners on terms to be agreed by the Head of Strategic Property Services.

The following unpublished documents have been relied on in the preparation of this Report:

None.