

Wiltshire Council

Cabinet Member Delegated Decision

Date of meeting

Subject: **Land adjoining Sampford House Bath Road Melksham**

Cabinet member: Toby Sturgis Strategic Planning, Development Management, Strategic Housing, Property, Waste

Key Decision: No

Purpose of Report

1. To seek authority to sell the land adjoining Sampford House Bath Road Melksham to the owner of Sampford House care home.

Background

2. The Council owns approximately 0.024 hectares (0.06 acres) of land between Sampford House care home and Bath Road, Melksham.

3. This small strip was reserved out of the sale when the Council sold Sampford House in 1982, possibly as it could have value as a visibility splay in the event that other adjoining land was developed at some time in the future.

Main Considerations for the Council

4. The land runs along part of the front of the Sampford House Care Home and unless the council is prepared to pay for its maintenance it will detract from the visual amenity of the property.

5. The owner of the care home will use the land for emergency purposes, car parking and amenity space.

6. The land has no operational value to the Council.

Safeguarding Considerations

7. None

Public Health Implications

8. None

Environmental and Climate Change Considerations

9. None

Equalities Impact of the Proposal

10. None

Risk Assessment

Risks that may arise if the proposed decision and related work is not taken

10. The report should highlight risks that may arise if the proposed decision and related work is not taken.
 1. The owner may use the land and eventually be able to claim prescriptive rights. The owner has been using the land unbeknown to officers for the last 4 years. The payment reflects such past use as well as a capital sum.

Risks that may arise if the proposed decision is taken and actions that will be taken to manage these risks

11. The report should highlight risks that may arise if the proposed decision is taken.

It should also identify the actions that will be taken to manage those risks.

Risk	Action to mitigate the risk
1. The owner of nearby land may wish to use it as a visibility splay for a development in the future	An overage clause has been agreed with the owner of Sampford House in the event that such a situation should arise

Financial Implications

12. The council will receive a 5 figure sum in payment for the land

Legal Implications

13. The Council will be entering into property transactions.

Options Considered

14. The council could offer the land to the owner of the nearby property. However that owner has not approached the Council in the recent past, if at all. As that land is not identified in the Council's 2013 Housing Land Availability Report for development it is unlikely that the owner will be interested in its acquisition. If the owner does want the land for visibility purposes in the future then the Council will benefit from the uplift in value through an overage clause.
15. The Council could decide not to sell the land in which case it will lose out of a 5 figure payment and the land will become a maintenance liability.

Conclusions

16. It is in the Council's interests to sell the land to the owner of Sampford House..

***Proposal**

That the Council sells the 0.024 hectares (0.06acres) of land at Bath Road Melksham to the owner of the adjoining Sampford House Care Home.

***Reason for Proposal**

17. The land is of no operational use to the Council and it is believed that the price offered by the owner of Sampford House exceeds that which any other potential purchaser would be prepared to pay

Carlton Brand

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(Date of report)

Background Papers

None

Appendices

Site Plan
