

DECISION NO:	<i>For Member Services use only</i>
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Concurrence No:	066378
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Action under delegated authority of Chief Executive	X
Action under delegated authority of Director of Finance and Cabinet Member for Finance	
Action taken by Chief Executive in consultation with Cabinet Member(s)	

Subject: Land adjacent to 73 Pulham Avenue, Broxbourne, Herts, EN10 7TA

Signature and designation of officer(s) taking action:

Chief Executive	Date	Director of Finance	Date
		Head of Finance	Date

Name of Cabinet Member(s) Consulted:

I have been consulted and concur with the proposals set out below:

Councillor

Cabinet Member for

Signature:

Date:

Councillor

Cabinet Member for

Signature:

Date:

Name of any member who has declared a conflict of interest in relation to this decision: _____

THIS DOCUMENT WILL BE PUBLISHED ON THE COUNCIL'S WEBSITE

The report overleaf sets out the decision to be taken, the reasons for the decision, and the details of alternative options, if any, considered and rejected.

Officer decisions are available for public inspection, both at the Borough Offices and on the Council's website, for a period of six years after the decision is made. Background papers are available for four years.

RECOMMENDED that:

Approval is given to sell land adjacent to 73 Pulham Avenue based on the terms outlined below.

Purpose

To approve the sale of land adjacent to 73 Pulham Avenue to the owners of a neighbouring property (73 Pulham Avenue).

The Project

In 2017 terms were agreed to sell a small part of the Lucy Warren Open Space to the owners of a neighbouring property - 73 Pulham Avenue.

It subsequently came to light that a third party had encroached on to the land and were claiming adverse possession so the sale was put on hold. The Council took the case to court and won and the third party have now vacated the land. It is recommended that the Council now completes the sale to the owners of 73 Pulham Avenue.

The land comprises approximately 308 square metres of open space as shown on the attached plan. It has been agreed to sell the land for £32,500 which equates to over £105psm and is considered best consideration for the land.

As the land forms part of an Open Space the sale of the land has been advertised in the Mercury in accordance with the Local Government Act 1972. There were no formal responses to this so the Council is at liberty to sell the land.

The purchasers obtained planning permission to change the use from public open space to residential garden land in June 2017 so it is important that the sale is completed and the fencing is in place before the planning permission expires in June 2020.

A restrictive covenant will be placed on the land prohibiting future development and the removal of 3 established trees at the far side of the land, close to the footpath.

Financial, Legal and Risk Management Implications

The sale of the land will result in a capital receipt of £32,500 for the council. It will also help prevent any further encroachment by third parties.

Alternative Options Considered and Rejected

The sale could be declined but this would result in the Council foregoing the opportunity of a capital receipt of £32,500. Furthermore, the Council could incur costs defending potential future adverse possession claims.

Contribution to the Council's Objectives

14.2 Manage the Council's assets efficiently to maximise returns and contribute to Council priorities.

Conclusion

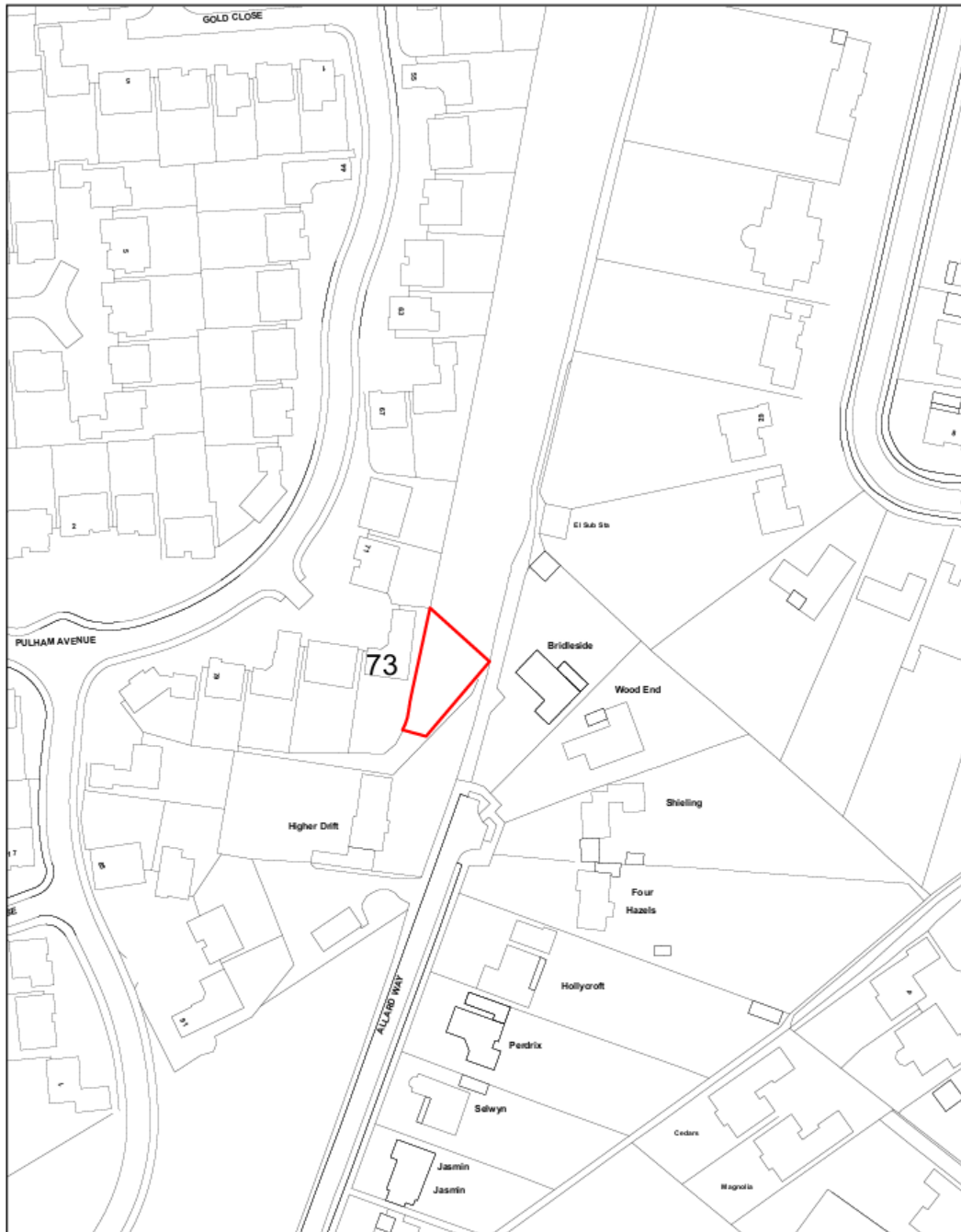
The land is sold to the owners of 73 Pulham Avenue on the above terms.



Contact Officer: Sarah High

Ext: 5768

Date: 4.2.20

Action reported to the Cabinet on:



 <p>BOROUGH OF BROXBOURNE <small>www.broxbourne.gov.uk</small></p>	Title Broxbourne Borough Council Land	
	Location adjacent to 73 Pulham Avenue	
	Copyright Borough of Broxbourne LA10023526 Dm TR Jan 2020 Scale 1:1250@ A4	