

Committee:	Cabinet	Date:
Title:	Land at the side of 4 Petlands, Little Walden	Tuesday, 9 th March 2021
Portfolio Holder:	Councillor Petrina Lees, Portfolio Holder for Housing and Health	
Report Author:	Claire Shelley Homeownership Officer 01799 510497	Key decision: No

Summary

1. 4 Petlands was sold under the “right to buy”. Subsequently planning consent has been given to develop part of the plot for a new dwelling. The land on which the new dwelling is to be built will have access via the existing single Right of Access therefore leaving no vehicular access to the existing property which is bounded by a Council-owned strip of land over which there is no other right of access.
2. The land owner has approached the Council with regard to the granting of a new right of way to enable access to the property allowing the existing access to be earmarked for the development site.
3. This Report is made to Cabinet for authority to proceed on the basis that the land owner will bear all valuation, legal and survey costs of the transaction.

Recommendations

4. That Cabinet gives authority for Officers to negotiate and agree the terms of the proposed easement, subject to prior payment by the owner of the valuation fee.

Financial Implications

5. In return for the granting of a right of way, the Council will secure a receipt for the housing revenue account. The valuation will take into account the development potential of the land and the value of the right of way sought.
6. There will be a cost for obtaining a valuation, preparing surveys and Legal Services time in preparing the right of way which will be met by the owner of 4 Petlands, Little Walden

Background Papers

7. There are no background papers to this report.

Impact

8.

Communication/Consultation	Consultation with neighbours as part of the planning process
Community Safety	N/A
Equalities	N/A
Health and Safety	N/A
Human Rights/Legal Implications	A Grant of Right of Way/Easement will need to be completed. The Council is under a statutory duty to obtain best value in respect of this.
Sustainability	N/A
Ward-specific impacts	N/A
Workforce/Workplace	Within resources

Situation

9. Planning has been approved for a 3 bedroom dwelling to be built adjacent to 4 Petlands in Little Walden, application number UTT/17/3422/OP.
10. The owner of 4 Petlands wants to proceed with the development of the new dwelling on this site.
11. The existing vehicular access over the strip of land between the edge of the road and the boundary of the property will be assigned to the new dwelling. This will leave 4 Petlands with no vehicular access.
12. The owner of 4 Petlands is requesting to be granted a right of way over the strip of land, owned by UDC, or purchase that land from the Council. The land owner is seeking the former.
13. The council's granting of a right of way would be subject to obtaining a valuation and agreeing the consideration that would be payable. Cabinet is asked to give officers delegated authority to negotiate and agree terms for the right of way with the other party and, subject to this, to grant the rights requested.
14. There are no adverse implications to the granting of a right of way in respect of the Council's land. The implications of the proposed development generally have been considered as part of the Council's decision to grant planning consent.

Risk Analysis

15.

Risk	Likelihood	Impact	Mitigating actions
The Council owns the access strip which currently serves the existing property. This is documented so there is no risk	N/A	N/A	N/A

1 = Little or no risk or impact

2 = Some risk or impact – action may be necessary.

3 = Significant risk or impact – action required

4 = Near certainty of risk occurring, catastrophic effect or failure of project.