

Key Decision Required:	No	In the Forward Plan:	Yes
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PORTFOLIO HOLDER FOR CORPORATE FINANCE AND GOVERNANCE

9 July 2019

A. TERMS FOR THE REMOVAL OF A RESTRICTIVE COVENANT OVER LAND TO THE REAR OF WAYSIDE, RECTORY ROAD, GREAT HOLLAND (Report prepared by Jennie Wilkinson)

PART 1 – KEY INFORMATION

PURPOSE OF THE REPORT

To approve the principle for the removal of a restrictive covenant from land to the rear of Wayside, Rectory Road, Great Holland shown edged red on the plan in Appendix A

EXECUTIVE SUMMARY

A restrictive covenant was placed on the land when it was sold in 1998, along with another piece which is part of the garden of Wayside, to restrict the use to agricultural and garden purposes. TDC have been approached by the solicitors for a developer who has built some bungalows on a site adjacent and would like to build a further property on his site which would include the land edged red. They have therefore requested that the restrictive covenant be removed.

RECOMMENDATIONS

That the Portfolio Holder approves the principle of removing the restrictive covenant over the land to the rear of Wayside, Great Holland

PART 2 – IMPLICATIONS OF THE DECISION

DELIVERING PRIORITIES

The removal of the restrictive covenant will contribute to the following Council priorities:

- Make the most of our assets

FINANCE, OTHER RESOURCES AND RISK

Finance and other resources

The removal of the restrictive covenant will provide a small capital receipt to the Council

Risk

The removal of the covenant will mean the owners of the land will be able to use it for purposes other than agricultural, however any change of use or building will be subject to planning permission.

LEGAL

In coming to decisions in relation to management of assets, the Council must act in accordance with its statutory duties and responsibilities. Under case law following Section 120 of Local Government Act 1972, the Council is obliged to ensure that the management of its assets are for the benefit of the district.

Section 123(1) Local Government Act 1972 indicates that, a local authority may dispose of land held by it in any way it wishes so long as (section 123 (2) the land is disposed for a consideration not less than the best that can reasonably be obtained.

OTHER IMPLICATIONS

Consideration has been given to the implications of the proposed decision in respect of Crime and Disorder, Equality and Diversity, Health Inequalities, Consultation/Public Engagement and Wards; and any significant issues are set out below.

The Ward Member has been advised of this report

Ward

Thorpe, Beaumont and Great Holland

PART 3 – SUPPORTING INFORMATION

BACKGROUND

Tendring District Council have been approached by the solicitors of the current owners of the land to the rear of Wayside who have a covenant over part of their property imposed by the Council when land was sold in 1998. This covenant restricts the use to agricultural and garden purposes only.

CURRENT POSITION

An open market valuation has been carried out, details of which are in the concurrent confidential report together with proposed terms for the removal of the covenant.

FURTHER HEADINGS RELEVANT TO THE REPORT

None

BACKGROUND PAPERS FOR THE DECISION

Equality Impact Assessment – available on request.

APPENDICES

Appendix A: Location Plan