

## **MAIDSTONE BOROUGH COUNCIL**

### **CABINET MEMBER FOR CORPORATE SERVICES**

#### **REPORT OF ASSISTANT DIRECTOR OF ENVIRONMENT AND REGULATORY SERVICES**

**Report prepared by: Lucy Stroud**

**Date Issued: 10 November 2011**

- 1. DISPOSAL OF LAND AT RED HILL STABLES, LENHAM ROAD, HEADCORN.**
  - 1.1 Issue for Decision
    - 1.1.1 To consider a request from Headcorn Parish Council to grant it a lease for a term of 125 years of approximately 4 acres of land, shown on the plan (attached as **Appendix I**), for community use.
  - 1.2 Recommendation of Assistant Director of Environment and Regulatory Services
    - 1.2.1 That the Cabinet Member agrees to dispose of the land at Red Hill Stables, Lenham Road, Headcorn ("the Land") for a term of 125 years for a 'peppercorn' rent.
    - 1.2.2 That the Head of Legal Services be instructed to complete a lease to Headcorn Parish Council on terms agreed between the Borough Council and Headcorn Parish Council and outlined in the Heads of Terms (attached as **Appendix II**).
- 1.3 Reasons for Recommendation
  - 1.3.1 Following persistent breaches of planning law by the then owner the Council acquired the Land using Compulsory Purchase Powers issuing a General Vesting Declaration 3<sup>rd</sup> June 2008.
  - 1.3.2 In subsequent negotiations with the former landowner the Council sought an independent assessment of the potential planning uses to which the land could be put. It was reported back to the Council as part of a draft Section 17 submission and included the following statement:

*"...It is likely that development for residential or commercial purposes other than agriculture or uses appropriate to a rural location would be contrary to principles of sustainability and would not provide proper and effective protection of the natural environment and the character and appearance of the landscape..."*

- 1.3.3 Upon this basis the Council reached agreement with the former land owner, and a payment in full and final settlement for any claims relating to the Land was made in early 2011.
- 1.3.4 The Land comprises approximately 4 acres of field in a rural location adjacent to Lenham Road, Headcorn.
- 1.3.5 Since acquiring the site there have been continuing matters of trespass on the land and the Council has had to expend sums of money and officer time in managing the land, including increasing security measures and carrying out, when necessary, legal action to clear the site.
- 1.3.6 The Land is currently surplus and has no productive worth to the Borough Council.
- 1.3.7 Headcorn Parish Council has expressed an interest in managing the site for community purposes such as a Scout and Guide camp, community garden or similar, and such uses are considered acceptable in terms of land asset management. Express covenants will be contained within the lease documentation to prevent the land being used for either residential or commercial purposes other than agricultural use.
- 1.3.8 Ward Councillors have been canvassed by the Corporate Property Manager and they are in support of the proposal to transfer the land to Headcorn Parish Council for community uses because of the reasons outlined above.

1.4 Alternative Action and why not Recommended

1.4.1 The Council could retain the site and continue to manage it as a parcel of land, however it is likely that the land would again become the target for trespass and other activity.

1.4.2 The Council could consider offering the site as a development opportunity, however the independent professional advice received indicates that due to the location of the site applications for commercial or residential uses would be unlikely to be considered favourably.

1.5 Impact on Corporate Objectives

1.5.1 None

1.6 Risk Management

1.6.1 There is a risk that terms of the lease may not be agreed between the Parish and Borough Council and should this be so further consideration for alternative use of the land may be required to be considered

1.7 Other Implications

1.7.1

1.	Financial	X
2.	Staffing	
3.	Legal	X
4.	Equality Impact Needs Assessment	
5.	Environmental/Sustainable Development	
6.	Community Safety	X
7.	Human Rights Act	
8.	Procurement	
9.	Asset Management	X

Legal

Officer time will be required to prepare the lease to Headcorn Parish Council

Financial, Asset Management & Community Safety

By permitting the Land to be managed by Headcorn Parish Council for community use this will reduce the risks of recurring anti-social behaviour and lessen the cost to the Borough Council of securing and managing the site. Other implications are identified within the report.

## 1.8 Conclusions

1.8.1 None

## 1.9 Relevant Documents

### 1.9.1 Appendices

1.9.2 Appendix I: Site location plan

1.9.3 Appendix II: Heads of Terms

### 1.9.4 Background Documents

1.9.5 None

**IS THIS A KEY DECISION REPORT?**

Yes

No X

If yes, when did it first appear in the Forward Plan?

.....

This is a Key Decision because: .....

.....

Wards/Parishes affected: .....

.....

**How to Comment**

Should you have any comments on the issue that is being considered please contact either the relevant Officer or the Member of the Executive who will be taking the decision.

Councillor Eric Hotson

Cabinet Member for Corporate Services  
Telephone: 01580 892312  
E-mail: erichotson@maidstone.gov.uk

Lucy Stroud

Corporate Property Assistant  
Telephone: 01622 602015  
E-mail: lucystroud@maidstone.gov.uk