

## **APPENDICES**

### **BRIERLEY HILL AREA COMMITTEE**

**DATE: 3 FEBRUARY 2004**

### **REQUEST TO: PURCHASE LAND**

### **LOCATION: ADJACENT TO 8 CAM GARDENS, PENSNETT**

**(As shown on the plan attached)**

### **BACKGROUND**

The area of land adjacent to 8 Cam Gardens, Pensnett, is an area of Council owned land controlled by the Housing Department and forms a grass verge adjacent to a pedestrian access to No. 10 Cam Gardens. Both properties have been sold under the right to buy and No. 10 Cam Gardens has recently changed hands.

An application has been received from the owner of 8 Cam Gardens to purchase this area of land and state that they have tended and kept the land neat and tidy for the last 29 years. The applicant wishes to purchase the land to keep as a garden at the side of the property and state that as the adjacent property, 10 Cam Gardens has just been sold, they do not wish the use of the land to change or to be used for vehicular access to 10 Cam Gardens, or for it to be used for car parking purposes. The applicant therefore wishes to purchase the land in order for it to remain as a pleasant grassed area.

An application to purchase the same area of land has also been received from the new owners of 10 Cam Gardens, Pensnett, to extend the existing driveway of the property and the applicant has provided a statutory declaration signed by the previous owner of 10 Cam Gardens stating that he has maintained this land from 1982 when he purchased the property, until the recent sale.

### **COMMENTS**

The relevant Council Directorates have been consulted regarding both of these applications.

The Directorate of Housing have no objections to the land being declared surplus to requirements as it is of no beneficial use to the Council but would not wish to become involved in a potential dispute between owner/occupiers and therefore suggest that the Committee consider the options and determine the application.

The Directorate of Law and Property suggest that the land is declared surplus to requirements and sold for the best price reasonably obtainable, inviting both parties to make offers for the land.

The alternative to disposing of the land would be to retain it in Council ownership as a grass verge. However, the Housing Directorate would then be responsible for its

continued maintenance and may still become involved in a dispute between the two parties if the land was used for vehicular access and parking in the future.

## **PROPOSAL**

That the Area Committee consider the applications and make a recommendation to the Lead Member for Housing regarding the land's disposal.

## **BACKGROUND PAPERS**

1. Letter(s) from the applicant.
2. E-mails and memos from the Council Directorates.

Contact Officer: Gill Hudson, Property Manager, Ext. 5311