

## **MAIDSTONE BOROUGH COUNCIL**

### **RECORD OF DECISION OF THE CABINET MEMBER FOR CORPORATE SERVICES**

Decision Made: 18 November 2011

#### **DISPOSAL OF LAND AT RED HILL STABLES, LENHAM ROAD, HEADCORN**

##### **Issue for Decision**

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 for community use.

##### **Decision Made**

1. That the disposal of the land at Red Hill Stables, Lenham Road, Headcorn ("the Land") for a term of 125 years for a 'peppercorn' rent be agreed.
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 as set out at Appendix II to the report of the Assistant Director of Environment and Regulatory Services.

##### **Reasons for Decision**

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.

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..."*

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.

The Land comprises approximately 4 acres of field in a rural location adjacent to Lenham Road, Headcorn.

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.

The Land is currently surplus and has no productive worth to the Borough Council.

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.

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.

### **Alternatives considered and why rejected**

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.

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.

### **Background Papers**

None

Should you be concerned about this decision and wish to call it in, please submit a call in form signed by any two Non-Executive Members to the Head of Change and Scrutiny by: <b>25 November 2011</b>
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