

**REPORTS FOR DECISION BY THE
CABINET MEMBER FOR CORPORATE SERVICES**

Date Issued: 10 November 2011

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A Record of Decision will be issued following the conclusion of 5 clear working days from the date of issue of the Report

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Agenda Item 1

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 3rd 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.

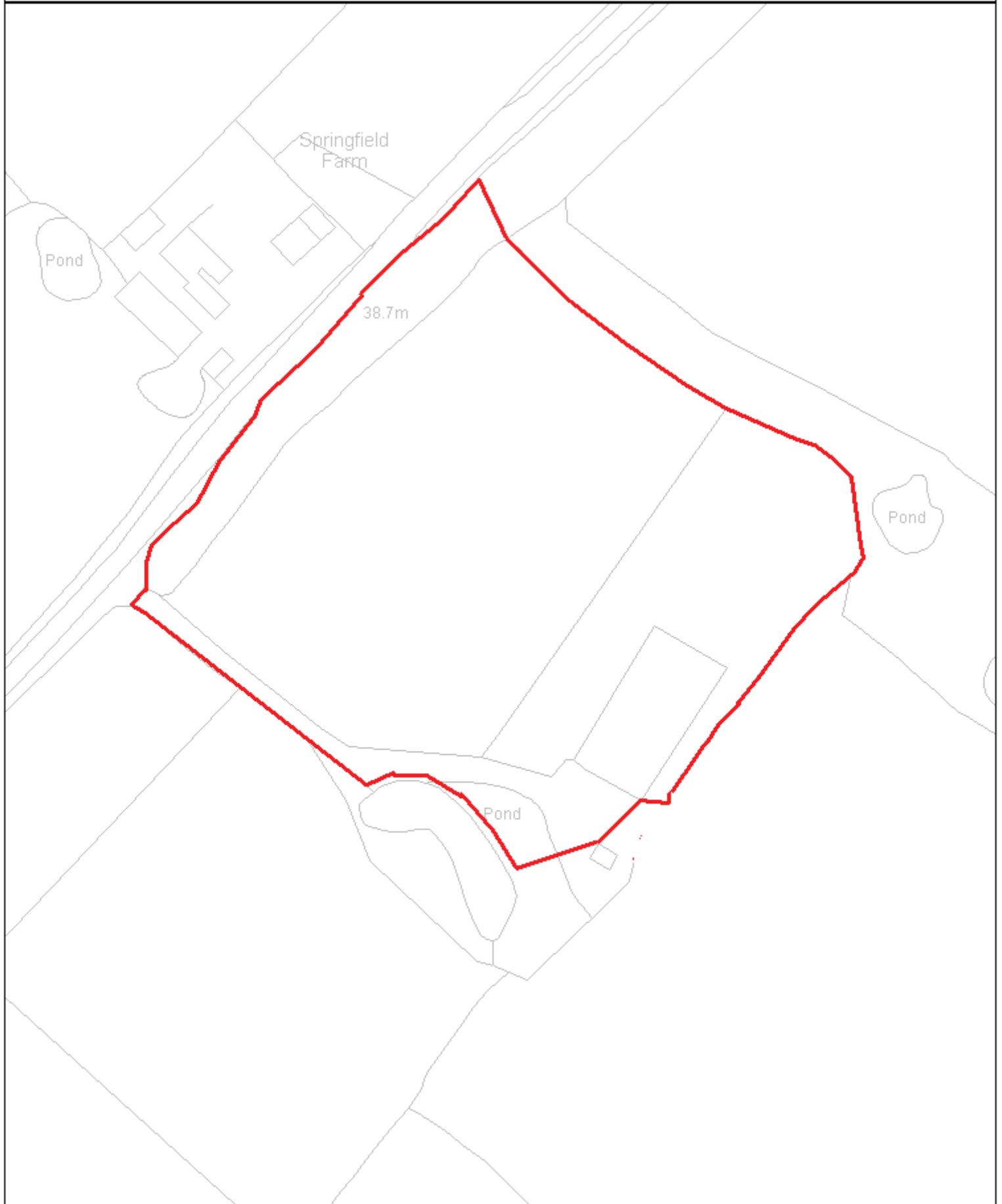
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THE MAIDSTONE BOROUGH COUNCIL



Land at Lenham Road
(Redhill Stables)
Headcorn
Kent



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Scale: 1:1250

SUBJECT TO CONTRACT	DRAFT HEADS OF TERMS		DATE
PROPERTY ADDRESS Red Hill Stables, Lenham Road, Headcorn. Kent			
		COMPANY NUMBER	
	Maidstone Borough Council		Headcorn Parish Council
ADDRESS	Maidstone House King Street Maidstone ME15 6JQ	ADDRESS	
TELEPHONE	01622 602015	TELEPHONE	
FAX	01622 602974	FAX	
CONTACT	Lucy Stroud Corporate Property Assistant	CONTACT	
SOLICITOR	Legal Services Department	SOLICITOR	
ADDRESS	Maidstone House King Street Maidstone ME15 6JQ	ADDRESS	
TELEPHONE		TELEPHONE	
FAX	01622 602974	FAX	
DX	4819	DX	
CONTACT		CONTACT	

HEADS OF TERMS (CONT'D)

Red Hill Stables, Lenham Road, Headcorn. Kent	
DEMISE	All that land outlined in red on the plan
TYPE OF AGREEMENT	Lease
PERMITTED USE	For community use as space for public access, or other use as may be agreed by the Landlord
SECURITY OF TENURE	Inside the Act
TERM	125 years
RENT	Peppercorn
BUSINESS RATES	The tenant to be responsibly for the payment of any business rates, and to indemnify the Landlord against same.
ASSIGNMENT	Not permitted
SUB-LETTING	Not permitted, although the Tenant may agree to permit the land to be used by other charitable organisations for periods not exceeding one month
INSURANCE	Tenant to be responsible for the payment of all insurances
REPAIR	To keep the land so demised in a good and tenantable condition and not to permit the land to become overgrown with weeds.
PAYMENT OF FEES	The Tenant to be responsible for the payment of all legal fees.
VAT	None
OTHER TERMS AND CONDITIONS	Not to station or allow to be stationed any caravans/mobile homes Not to carry out any commercial activity at the premises