

AGENDA ITEM NO 12

REPORT NO 161 /15

ANGUS COUNCIL

COMMUNITIES COMMITTEE – 14 APRIL 2015

DISPOSAL OF GROUND AT MARYWELL GARDENS, KIRRIEMUIR

REPORT BY HEAD OF PLANNING AND PLACE

Abstract: This report relates to the disposal of an area of ground at 16 Marywell Gardens, Kirriemuir.

1. RECOMMENDATION

1.1 It is recommended that the Committee agree to the sale of an area of ground adjacent to 16 Marywell Gardens, Kirriemuir to the owner of that property on appropriate terms and conditions, subject to:

- (i) Section 12 consent being received from the Scottish Ministers;
- (ii) The purchaser meeting all costs in connection with the disposal.

2. BACKGROUND

2.1 The solicitor acting for the owners of 16 Marywell Gardens, Kirriemuir contacted the Council regarding an area of ground adjacent to his clients' property. His clients had already incorporated this ground into their existing garden ground and now wished to regularise their title.

2.2 The owners of 16 Marywell Gardens have also incorporated a further area of ground into their garden. This small area, adjacent to the ground they now wish to purchase, was sold on a shared basis with the proprietors of number 18 when both properties were sold under the Right to Buy. The solicitor acting for the owners of 16 has advised that his clients already have an agreement in place with their neighbour for the rights to this ground to be conveyed on.

2.3 The purchasers, via their solicitor, have been advised that a formal planning application to change the use of the ground is required and, as they are already occupying the ground, a breach of planning control has occurred. The solicitor has advised that his clients' were reluctant to submit a planning application until the Council had agreed to sell the ground, but intended to submit their application as soon as the sale was approved.

2.4 The Council's valuers, Messrs J & E Shepherd, have valued the area of ground at £1000. The valuers have advised that the ground has limited development potential as it would be unsuitable for extending the property and is of insufficient size to construct a garage.

2.5 The area of ground measures 10.1 square metres and is shown shaded on the [attached plan](#).

2.6 **Assessment of Risks.** An assessment has been undertaken and due to the nature of the subject a detailed risk assessment is not considered to be required. Other than the normal risks inherent in carrying out asset sales, no other significant risks have been identified.

2.7 **Property Implications.** Properties and assets affected by this report are all on the Housing Revenue Account – there are no implications for other corporate assets.

3. FINANCIAL IMPLICATIONS

3.1 The financial implications arising from this report would be a capital receipt of £1000 accruing to the HRA capital account.

4.. CONSULTATION

4.1 The Chief Executive, Strategic Director - Resources, Strategic Director – People, Head of Corporate Improvement and Finance, Head of Legal and Democratic Services and Head of Technical and Property Services have been consulted in the preparation of this report.

7. CONCLUSION

7.1 This area of ground is not considered to serve any purpose to the Council and, having been already incorporated into the existing garden of 16 Marywell gardens, has reduced the maintenance obligation. It is therefore surplus to requirements. The disposal of this ground will result in a capital receipt of £1000 accruing to the HRA capital account and consequently it is recommended that the ground is sold.

NOTE: No background papers, as detailed by Section 50D of the Local Government (Scotland) Act 1973 (other than any containing confidential or exempt information) were relied on to a material extent in preparing the above report.

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