



TODMORDEN TOWN COUNCIL

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Report to Resources Committee

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Date	4 th May 2022
Subject	Disposal of Rear Parcel of Land - Vale Land

PURPOSE OF REPORT

1. To inform Members that this area of leasehold land held under Land Registry Title WYK402273 has been used without permission and currently has placed on it a chicken house and chicken run.
2. To inform Members that investigations have revealed that an officer of the Baptist Church, in his own personal capacity, has maintained and in practice improved the appearance of this site during the period of lockdown.
3. To inform Members that this rear parcel of land is “land locked” and that and formal access to it is dependent upon use of the lane accessing the Baptist Church.
4. To inform Members that given the steepness of the site and its potential risk from a Health and Safety point of view, it does not lend itself to general amenity use. The reality is that the entrance steps up onto this site, should be closed off and ideally the site secured.
5. To inform Members that whilst on original sale to The Town Council, there will have been some value attributed to it, it is more likely there was no choice but to take it as part of the overall plot of land, with no purpose in this rear parcel of land being retained by way of separate title.
6. To advise Members that action of some sort is therefore needed to either remove and restrict future use or regularise the situation.
7. To advise Members that following initial contact, the Church are happy to continue maintaining and managing this rear parcel subject to transfer of land ownership by way of gift, as identified in Appendix 1 – Area B.
8. To advise Members that given its land locked status, to the Town Council, this rear parcel of land may appear to have little or no residual financial value, however potentially for the Church, with access, it will have some financial value should the church be subsequently sold. It would be appropriate therefore to include some form of financial clawback limited to say ten years from disposal.

BACKGROUND

9. Historically this piece of rectangular land had apparently been owned by the Church and sold along with a few similar back stretches, when trying to mass a potential access route through to the nearby mill. This may have created a rear access way into our site, but other landowners apparently would not sell.
10. There is a stepped access up into the site, which consists of a rectangular sloping scrubby woodland area, with both rear and front stone wall. There is a gap between the two areas of land that is closed off with branches. See Appendix 2 – current photographs of Area B.
11. Since being improved by one of the Church Officers, including some rear wall rebuilding, the area is apparently used by locals, including those from the church, but this does increase risk to the Town Council as owner of this land.
12. The rear plot was a but has now been transformed by one of the Church officers who has in a personal capacity during “lockdown”, taken it upon himself to work on the site including creating a chicken house and enclosed chicken run.
13. The Geo Environmental Investigation and Risk Assessment completed in January 2011 does not reference specifically this area of the site, but it is unlikely that any building previously existed on this given the steepness of banking, and therefore no potential land contamination issues. As a precaution any proposed transfer would recommend no growing use unless thought the use of raised beds.
14. There is no right of way over the narrow drive at the side of the church to this rear parcel of land, and no contribution is made by the Town Council towards the maintenance cost of maintaining such access.

FINANCIAL

15. Should Members wish to consider a transfer by way of gift, a budget of £500 should be established to cover anticipated legal costs.

RECOMMENDATION

16. That Members consider whether they wish to dispose of this rear parcel of land to the Baptist Church by way of gift and if so what amount of financial clawback on subsequent sale should be applied and that recommendation then be made to Full Council for approval.
17. That if not wishing to dispose of this rear parcel of land by way of gift to the Church, that approval be given to seek removal of the chicken house and run from the site and that arrangements be made to secure the site from any future unauthorised access.

REASONS FOR RECOMMENDATION

18. The Resources Committee will need to consider the financial, legal and risk implications of this proposal prior to making either formal recommendation to Full Council for the disposal of this small plot of land, or to instruct officers to take action to remove the chicken house and run and prevent future unauthorised use.

POLICY IMPLICATIONS:

19. None directly arising from this report

DETAILS OF CONSULTATION:

20. None directly arising from this report

CLIMATE CHANGE:

21. None directly arising from this report

IMPACT EQUALITY ASSESSMENT

22. None directly arising from this report

SUPPORTING PAPERS:

Appendix 1 – Location Map

Appendix 2 – Images of rear parcel of land

Appendix 3 – Land Registry extract WYK402273

FURTHER INFORMATION, PLEASE CONTACT: Naomi Crewe or Colin Hill