

REPORT ON BEHALF OF THE PROPERTY & PROJECTS GROUP

**SUBJECT: PROPERTIES KNOWN AS ‘WOODSIDE’ & ‘AVALON’,
FRESHWATER EAST**

Purpose of Report

This paper presents the case for the transfer of NPA owned land into private ownership under our existing policy for regularising historical encroachments in the interests of good estate management.

Background

In 2001 the Authority acquired the freehold of a large area of land at Freshwater East known as the ‘Burrows’. The land was (and remains) characterised by a long and complex boundary abutting numerous separate third party ownerships, many of which are residential dwellings. As at the date of our purchase one of those registered abutting third party ownerships was a dwelling known as ‘Woodside’. In the period following the Authority’s acquisition, it became clear that there was an ongoing, unresolved encroachment of part of the garden of ‘Woodside’ over the Authority’s registered freehold title. Your Officers entered into discussions with the then owner of ‘Woodside’, Miss Sylvia Moore resulting in the early and amicable realignment of one section of her boundary to a mutually acceptable line. Discussions to realign the remaining disputed boundary’s continued sporadically over the years, although those efforts were subsequently overtaken by the following sequential events namely; Miss Moores development of a new dwelling known as ‘Avalon’ within her preexisting registered curtilage of ‘Woodside’, the sale of ‘Avalon’ by Miss Moore approximately 2 weeks before her death and the ensuing sale of Miss Moores retained title of ‘Woodside’ by the executors of her estate.

As at today’s date those 2 separate purchasers remain in possession as owner occupiers of ‘Avalon’ & ‘Woodside’ respectively and your officers have now reached ‘in principle agreements with them with them to regularise those encroachments which predate their ownership. The areas of the Avalon & Woodside encroachments are circa 30 Sqm & 110 Sqm respectively.

Financial, Risk & Compliance Considerations

The Authority’s adopted policy (approved 17th April 2002) authorises the legal transfer of National Park owned land to adjoining property owners in instances where encroachments fall within clearly defined guidelines i.e. the encroachment is longstanding, is small scale, does not materially compromise our statutory objectives and does not release significant value to the transferee.

Human Rights/Equality Issues

No issues

Biodiversity Implications/Sustainability Appraisal

No issues

Welsh Language Statement

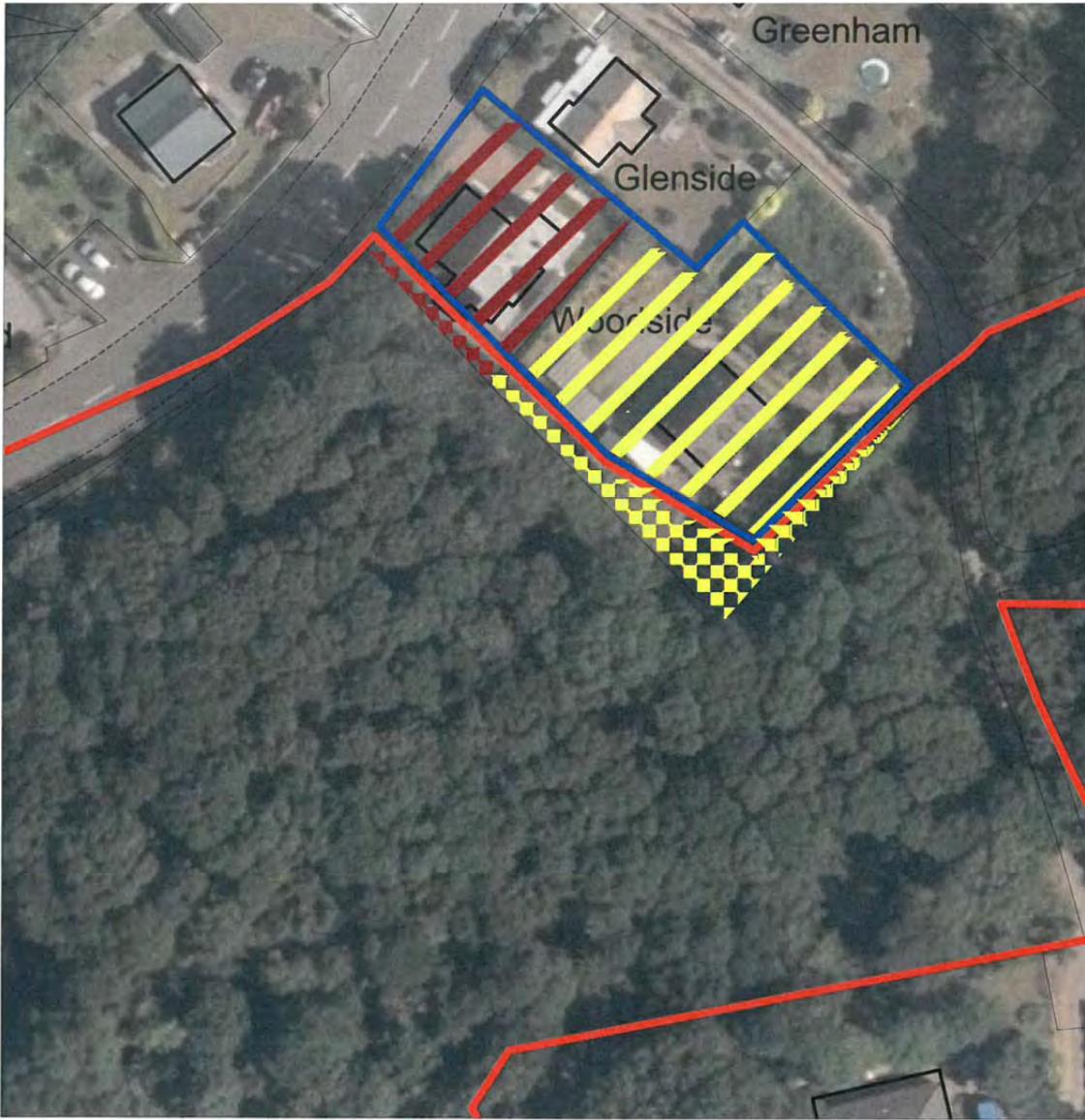
No issues

Conclusion

Following negotiations, provisional agreement has now been reached to transfer paper title of the subject land to the owners of Avalon & Woodside respectively at a nominal price of £1, to include restrictive covenants limiting its future use and undertakings to meet the Authority's reasonably incurred legal costs in documenting the transfers.

Recommendation

In accordance with the Adopted Encroachment Policy it is recommended that Members endorse the transfer of approximately 30 Sqm and 110 Sqm of land within registered title of the Authority to the owners of Avalon & Woodside respectively.



 = EXTENT OF NOT PARK REGISTERED TITLE

 = EXTENT OF "WOODSIDE REGISTERED TITLE AS @ 2001

 = EXTENT OF "WOODSIDE REGISTERED TITLE AS @ TODAY'S DATE

 = EXTENT OF "WOODSIDE" ENCROACHMENT AS @ TODAY'S DATE

 = EXTENT OF "AVALON" REGISTERED TITLE AS @ TODAY'S DATE

 = EXTENT OF "AVALON" ENCROACHMENT AS @ TODAY'S DATE