

# Norfolk County Council

## Record of Individual Cabinet Member Decision

**Responsible Cabinet Member: Cllr Jane James** (Cabinet Member for Commercial Services & Innovation) **(Choose an item.)**

**Background and Purpose:**

Norfolk County Council has acquired some land north of Farman Way, Blofield (shown on the appended map) from Broadland District Council for the purpose of delivering a new primary school. The land is burdened with a title restriction, limiting its use to public open space. The County Council requires to vary the title restriction to enable the land to be used for the new primary school, and potentially for recreational use by the wider community. Further background and the legal basis for doing this is provided in appendix 1.

**Decision:**

The Cabinet Member approves the variation of the title restriction to allow the land to be used for educational purposes to provide a new primary school and potential recreational use by the local community.

**Is it a key decision? No**

**Is it subject to call-in? Yes**

**If Yes – the deadline for call-in is: 4pm, Friday 17 November 2023**

**Impact of the Decision:**

Set out in appendix 1

**Evidence and reason for the decision:**

Set out in appendix 1

**Alternative options considered and rejected:**

Set out in appendix 1

**Financial, Resource or other implications considered:**

Set out in appendix 1

**Record of any conflict of interest:**

None

**Background documents:**

- S203 Report – appendix 1
- Original transaction Cabinet report from August 2022 – appendix 2

**Date of Decision: 7 November 2023**

**Publication Date of Decision: 10 November 2023**

**Signed by Cabinet Member: Cllr Jane James**

I confirm that I have made the decision set out above, for the reasons also set out.

**Signed: JJ**

**Print name: Cllr Jane James**

**Date: 7 November 2023**

**Accompanying documents:**

- S203 Report - appendix 1
- Cabinet report August 2022 – appendix 2

Once you have completed your internal department clearance process and obtained agreement of the Cabinet Member, send your completed decision notice together with the report and green form to [committees@norfolk.gov.uk](mailto:committees@norfolk.gov.uk)

# Individual Cabinet Member Decision Report

Item No:

**Report Title:** Land north of Farman Way, Blofield - Removal of restrictive title

**Date of Meeting:** n/a

**Responsible Cabinet Member:** Cllr Jane James (Cabinet Member for Commercial Services & Innovation) (**Choose an item.**)

**Responsible Director:** Simon Hughes, Director of Property

**Is this a Key Decision?** No

**If this is a Key Decision, date added to the Forward Plan of Key Decisions:** N/A

## **Executive Summary / Introduction from Cabinet Member**

Norfolk County Council has acquired some land north of Farman Way, Blofield (shown on the appended map) from Broadland District Council for the purpose of delivering a new primary school. The land is burdened with a title restriction, limiting its use to public open space. The County Council requires to vary the title restriction to enable the land to be used for the new primary school, and potentially for recreational use by the wider community.

## **Recommendations:**

1. Variation of the title restriction to allow the land to be used for educational purposes to provide a new primary school and potential recreational use by the local community.

## **1. Background and Purpose**

1.1 – as outlined in Appendix 1

## **2. Proposal**

2.1 - as outlined in Appendix 1

### **3. Impact of the Proposal**

3.1 – as outlined in Appendix 1

### **4. Evidence and Reasons for Decision**

4.1 - as outlined in Appendix 1

### **5. Alternative Options**

5.1 - as outlined in Appendix 1

### **6. Financial Implications**

6.1 - as outlined in Appendix 1

### **7. Resource Implications**

7.1 **Staff:** - as outlined in Appendix 1

7.2 **Property:** - as outlined in Appendix 1

7.3 **IT:** - as outlined in Appendix 1

### **8. Other Implications**

8.1 **Legal Implications:** - as outlined in Appendix 1

8.2 **Human Rights Implications:** - as outlined in Appendix 1

8.3 **Equality Impact Assessment (EqIA) (this must be included):** - as outlined in Appendix 1

8.4 **Data Protection Impact Assessments (DPIA):** - as outlined in Appendix 1

8.5 **Health and Safety implications (where appropriate):** - as outlined in Appendix 1

**8.6 Sustainability implications (where appropriate):** - as outlined in Appendix 1

**8.7 Any Other Implications:** - as outlined in Appendix 1

## **9. Risk Implications / Assessment**

9.1 - as outlined in Appendix 1

## **10. Select Committee Comments**

10.1

10.2

## **11. Recommendations**

1. Variation of the title restriction to allow the land to be used for educational purposes to provide a new primary school and potential recreational use by the local community.

## **12. Background Papers**

12.1 S203 Report – Appendix 1

12.2 Cabinet report from August 2022 – Appendix 2

### **Officer Contact**

If you have any questions about matters contained within this paper, please get in touch with:

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**Telephone no.: 01603306010**

**Email: [charlotte.mant@norfolk.gov.uk](mailto:charlotte.mant@norfolk.gov.uk)**



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**Blofield – Land north of Farman Way**

**File Note – Review of position regarding background to issues associated with removal of restrictive title for land north of Farman Way, Blofield currently designated as public open space to use for development of new Primary School.**

- a) Under a s106 Agreement dated 17<sup>th</sup> October 2013 land to the north of what is now Farman Way, Blofield was identified by the parties as future public space allocation as part of a proposed residential development scheme being undertaken by Norfolk Homes Ltd ('NHL'). This land had an overall area of some 1.951 hectares.
- b) The designated open space land was transferred from NHL to Broadland District Council ('BDC') pursuant to the provisions of the s106 agreement on 5<sup>th</sup> October 2021. The original intention was that this land would subsequently be transferred to Blofield Parish Council ('BPC').
- c) Separately, NCC Children's Services had been undertaking a review of site options for the development of a replacement Primary School in Blofield, as the existing school site on North Street was insufficient to allow the expansion of pupil numbers resulting from significant levels of residential development in the village.
- d) An area of land to the east of Plantation Road is in NCC ownership, previously forming part of the County Farms Estate. Following the site review, this was identified as the best strategic and deliverable location for a new school when combined with part of the land with public open space designation, which is located immediately to the south of the NCC-owned land.
- e) Provisional agreement was reached with BDC for part of the open-space allocation to be transferred to NCC to enable the Primary School development. This required a variation to the existing s106 agreement confirming the redesignation of 1.26 ha of previously allocated open space land as educational development land, which was completed on 13<sup>th</sup> October 2023. This left a residual area of 0.69 hectares to the north of Farman Way with continued open space use.
- f) The transfer of the land involved between BDC and NCC, also completed on 13<sup>th</sup> October 2023. This was subject to a restrictive covenant by the Transferee (NCC) not to 'use or permit the use of the Property for a purpose other than as public open space or for community purposes at all times'. This covenant was in the original transfer from NHL to BDC.
- g) The s106 variation included reference to a separate Conditional Contract between NCC and BPC dated 18<sup>th</sup> August 2023. This makes provision for the transfer of playing field land and a building with a total land area of 0.977 ha at the current Primary School to BPC, following the opening of the new Primary School which is programmed for January 2025. The intention was that this would provide compensatory open space and community allocation in lieu of the open space land redesignated as part of the development of the new Primary School.
- h) The Transfer to NCC included the restrictive covenant on open space and community use with the intention that these should be substituted with the alternative educational use through the use of powers under s203 of the Housing and Planning Act 2016. Its effect is to enable a local authority and other specified authorities to override easements and other rights over land they have acquired or appropriated to enable development with the benefit of planning permission to be carried out, subject to the payment of compensation. It is therefore akin to a form of compulsory purchase, and indeed is subject to the authority

having compulsory purchase powers for the acquisition of the land for the purpose of the development proposed.

- i) Use of these powers requires the authority to demonstrate that :
  - i. the land to be in the ownership of the authority concerned.: - The land is now in NCC's ownership.
  - ii. a relevant planning approval to be in place.: - Planning consent for a new school development was approved by NCC on 27<sup>th</sup> July 2023. (Ref. - FUL/2022/0055)
  - iii. the authority could acquire the land compulsorily for the purposes of the development.: - It is our view that NCC would have a compelling case in the public interest for the use of CPO powers in this case.
  - iv. the building or maintenance work is for purposes related to the purposes for which the land was vested, acquired, or appropriated.: - The building work involves the construction of a new Primary School.
- j) The restrictive covenant in question was for the benefit of the property owners of the housing development undertaken by NHL on the land between Yarmouth Road and Farman Way. The removal of the covenant will result in those property owners losing the benefit of the larger area of open space land previously planned for this area, linked to a new community hall and associated facilities which BPC was previously planning to develop on the NCC-owned land to the north of this area.
- k) While on a significantly reduced area, the retained open space land of some 0.69 hectares that will still be created will nevertheless still allow use by the beneficiaries of this covenant. There is no access to the new school from this south side to prevent any issues with parental parking and pupil access through the estate.
- l) The alternative provision of the open space on the existing school site by BPC following the opening of the new school referred to in g) above is intended to provide mitigation for the loss of these facilities. BPC has obtained funding from National Highways for a large area of formal play equipment on the existing school playing field which is due to be installed in summer 2024.
- m) As required under Section 123 of the Local Government Act 1972, prior to the transfer taking place between BDC and NCC, BDC posted notices notifying local residents of the proposed disposal of open space for two consecutive weeks in the Eastern Daily Press. BDC confirmed that no objections were received to these Notices prior to NCC transfer on 13<sup>th</sup> October.
- n) NCC undertook a public consultation exercise as part of the Planning Application for the proposed new school development. Most concerns that were raised were over in respect of any proposed access to the school from the southern side of the site via the NHL development, which were dealt with as mentioned in paragraph k) above. Only limited objections were raised by neighbouring property owners in respect of the loss of the public open space.
- o) The usual approach to calculating compensation in CPO cases in any claims in respect of loss arising from the overriding of the restrictive covenant in respect of the public open space use would be by reference to any assessed reduction in house values resulting from this proposal. It is not considered by NPS that any appreciable impact on the value of the houses on Farman Way could be attributable to this loss if any such claims were to be made and that any compensation payable is likely to be nominal.
- p) Human Rights

The Human Rights Act 1998 (HRA 1998) places direct obligations on public bodies such as NCC to demonstrate that the use of the section 203 powers is in the public interest and that the use

of such powers is proportionate to the ends being pursued. The HRA 1998 incorporates the Convention Rights (European Convention on Human Rights). NCC is obliged to act in a way which is compatible with the European Convention on Human Rights. The Convention Rights relevant are as follows:

#### Article 8 (of the Convention)

This protects private and family life, home, and correspondence. No public authority can interfere with these interests except if it is in accordance with the law and is necessary in the interests of national security, public safety or the economic well-being of the country.

#### Article 14 (of the Convention)

This protects the right to enjoy rights and freedoms in the Convention free from discrimination on any ground such as sex, race, colour, language, religion, political or other opinion, or national or social origin.

#### Article 1 (of the First Protocol)

This protects the right of everyone to the peaceful enjoyment of possessions. No one can be deprived of possessions except in the public interest and subject to the relevant national and international laws.

The above rights are qualified rights and may be interfered with provided such interference is prescribed by law, pursuant to a legitimate aim, necessary in a democratic society and proportionate. The use of the section 203 powers is deemed necessary to override the covenant concerned in the wider public interest. In addition, compensation is payable, making the action fair and proportionate.

“Proportionate” in this context means that the interference must be no more than is necessary to achieve the identified legitimate aim.

#### q) Equality Implications

The Council must have due regard to its Equalities Duties as specified under section 149 of the Equality Act 2010. In taking the decision to use its powers under section 203 the Council will need to be satisfied that the proposal is fully compliant with the Equality Act and compatible with the Public Sector Equality Duty. This involves an assessment of the need to eliminate unlawful discrimination, advance equality of opportunity between people who share a protected characteristic and those who do not, and to foster or encourage good relations between people who share a protected characteristic and those who do not. The Council does not consider that use of the section 203 powers would result in undue/unacceptable/unlawful discrimination or inequitable access, or treatment based on the protected characteristics of any category of person. Paying due regard to the Public Sector Equality Duty, the Council does not consider that the use of section 203 of the Housing and Planning Act 2016 would breach this duty.



It is recognised that The Public Sector Equality Duty is an ongoing duty and must be considered throughout the section 203 process.

- r) Accordingly, the Director of Property is asked to consider the position and confirm instructions on the proposed use of s203 powers to allow the restrictive covenant requiring public open space and community use to be over-ridden by NCC to allow development of the new primary school to be progressed.**

## **Cabinet**

**Item No:**

**Report Title: Disposal, acquisition and exploitation of property**

**Date of Meeting: 8 August 2022**

**Responsible Cabinet Member: Councillor Greg Peck, Cabinet Member for Commercial Services & Asset Management**

**Responsible Director: Simon George  
Executive Director for Finance and Commercial Services**

**Is this a Key Decision? Yes, for New Gayton Primary Academy  
No for other cases**

**If this is a Key Decision, date added to the Forward Plan of Key Decisions: 5/5/2022**

### **Executive Summary/Introduction from Cabinet Member**

Proposals in this report are aimed at supporting Norfolk County Council (NCC) priorities by exploiting properties surplus to operational requirements, pro-actively releasing property assets with latent value where the operational needs can be met from elsewhere and strategically acquiring property to drive economic growth and wellbeing in the County.

One of the key actions within the Strategic Property Asset Management Framework is a sharp focus on maximising income through adoption of a more commercial approach to property.

As part of corporate management of property and a systematic approach to reviewing the use and future needs of property assets for service delivery there is a continued emphasis on minimising the extent of the property estate retained for operational purpose. However, on occasion there will be the requirement to acquire or reuse an individual property to support a service to delivers its aims.

By adopting a “single estate” approach within the County Council and sharing property assets with public sector partners through the One Public Estate programme, the Council is aiming to reduce net annual property expenditure.

Consideration is also given to the suitability of surplus property assets for reuse or redevelopment to meet specific service needs that could improve the quality of services for users, address other policy areas and/or improve financial efficiency for the County Council, for example, facilitating the supply of assisted living accommodation and other housing solutions for people requiring care, or undertaking re-development to support jobs and growth.

This means that as well as continuing with the rationalisation of the operational property estate to reduce the number of buildings used by the County Council, a more commercial approach is being adopted over the sale or redeployment of surplus property assets.

## **Recommendations:**

### **Cabinet is asked:**

- 1. To formally declare part of the site named Land at Plantation Road, Blofield (5009/105) (hatched red on plan), amounting to approximately 0.52 hectares, surplus to County Council requirements and instruct the Director of Property to dispose of the property. In the event of the disposal receipt exceeding the valuation figure the Director of Property in consultation with the Executive Director of Finance and Commercial Services and Cabinet Member for Commercial Services and Asset Management is authorised to accept the most advantageous offer.**
- 2. To agree to the appropriation of part of the site named Land at Plantation Road, Blofield (5009/105) (edged red on plan) amounting to approximately 1.2 hectares to Children's Services (from the County Farms Estate).**
- 3. To formally declare Blofield Primary School site, North Street NR13 4RH (5009/011) (edged blue and hatched blue on plan) surplus to County Council requirements.**
- 4. To instruct the Director of Property to agree terms and dispose of part of the Blofield Primary School site, North Street NR13 4RH (5009/011) property (edged blue on plan) amounting to approximately 0.91 hectares to Blofield Parish Council. In the event of the disposal receipt exceeding the valuation figure the Director of Property in consultation with the Executive Director of Finance and Commercial Services and Cabinet Member for Commercial Services and Asset Management is authorised to accept the most advantageous offer.**
- 5. To instruct the Director of Property to dispose of part of the Blofield Primary School site, North Street NR13 4RH (5009/011) (hatched blue on plan) amounting to approximately 0.41 hectares. In the event of the disposal receipt exceeding the valuation figure the Director of Property in consultation with the Executive Director of Finance and Commercial Services and Cabinet Member for Commercial Services and Asset Management is authorised to accept the most advantageous offer.**
- 6. To approve the acquisition of the additional land north of Farman Way, (shaded pink on plan), amounting to approximately 1.3 hectares on terms agreed and instruct the Director of property to implement the acquisition.**
- 7. To consent to the transfer of the freehold of the new Gayton Primary School building and hard play area shaded pink/orange on plan at nil consideration to the Norwich Diocesan Board of Finance Ltd in return for the proceeds of the sale of the existing school site.**

8. **To agree to the letting of the house and garden at Money Hill Farmhouse, Deopham Road, Hingham NR9 4NL (7055/100) to Tenant RB on the terms agreed as detailed in Appendix A.**
9. **To formally declare the Land at Terrington Fern House Estate (part), Terrington St Clement (2078/108A) (edged red on plan) amounting to 0.93 hectares surplus to County Council requirements and instruct the Director of Property to dispose of the property. In the event of the disposal receipt exceeding the valuation figure limits the Director of Property in consultation with the Executive Director of Finance and Commercial Services and Cabinet Member for Commercial Services and Asset Management is authorised to accept the most advantageous offer.**

## **1. Background and Purpose**

- 1.1 The County Council actively manages its property portfolio in accordance with the Strategic Property Asset Management Framework 2021/22-2026/27. Property is held principally to support direct service delivery, support policy objectives, held for administrative purposes or to generate income. Property is acquired or disposed of as a reaction to changing service requirements, changing council policies or to improve the efficiency of the overall portfolio.
- 1.2 The County Council challenges the use of its property on an ongoing basis. In the event of a property asset becoming surplus to an individual service need there are internal officer led processes to ascertain whether other service areas have an unmet need that could be addressed by re-using the property asset for that service. This may lead to a change of use of individual properties, for example, an office building may be adapted and reused for operational service delivery. Any proposals for retention are only agreed if supported by a robust business case showing the benefits to the County Council and are funded from approved budgets. This assessment will also consider whether a property could be offered at best consideration to public sector or third sector partners.
- 1.3 The above assessments are carried out by the Corporate Property Officer (the Director of Property) in consultation with the Corporate Property Strategy Group (CPSG). Once it is confirmed there is no further County Council requirement, Cabinet is asked to formally declare property assets surplus or re-designate for alternative purposes.
- 1.4 The Corporate Property Officer reviews options for maximising income from surplus properties usually by open market sale to obtain the best consideration possible. These will range from selling immediately on the open market (to the bidder making the best offer overall), enhancing the value prior to sale, strategic retention for a longer-term benefit through to direct development of the land and buildings and selling/letting the completed assets, in the expectation of enhanced income for the Council. Most disposals will be by way of tender or auction. In respect of auctions the contract of sale will be formed at the fall of the hammer and where this approach is selected the Corporate Property Officer will determine a reserve below which the property will not be sold. Most disposals will include

overage/clawback provisions to enable the council to collect future uplifts in value created by alternative uses.

- 1.5 For properties to be sold immediately there is sometimes a need to consider selling directly to a specific purchaser instead of going to the open market. This may be justified where the third party is in a special purchaser situation and is willing to offer more than the assessed market value. Conversely this might be to a purchaser who is in a unique position of control for the unlocking of the full latent value of the County Council owned site (ransom situation). A direct sale without going to market can also be justified if there are specific service benefits or a special partnership relationship which is of strategic value with service/community benefits.
- 1.6 In making recommendations for direct sale without going to market, or direct property development, the Corporate Property Officer will consider risks, opportunities, service objectives, financial requirements and community benefits.
- 1.7 The recommendations for all disposals, acquisitions and exploitation of NCC property in this report follow detailed assessment by officers of the range of options available. The recommendation for each property is based on existing policies and strategies and judged to provide the best return to the County Council in financial terms and, where appropriate, taking account of community and economic benefits.

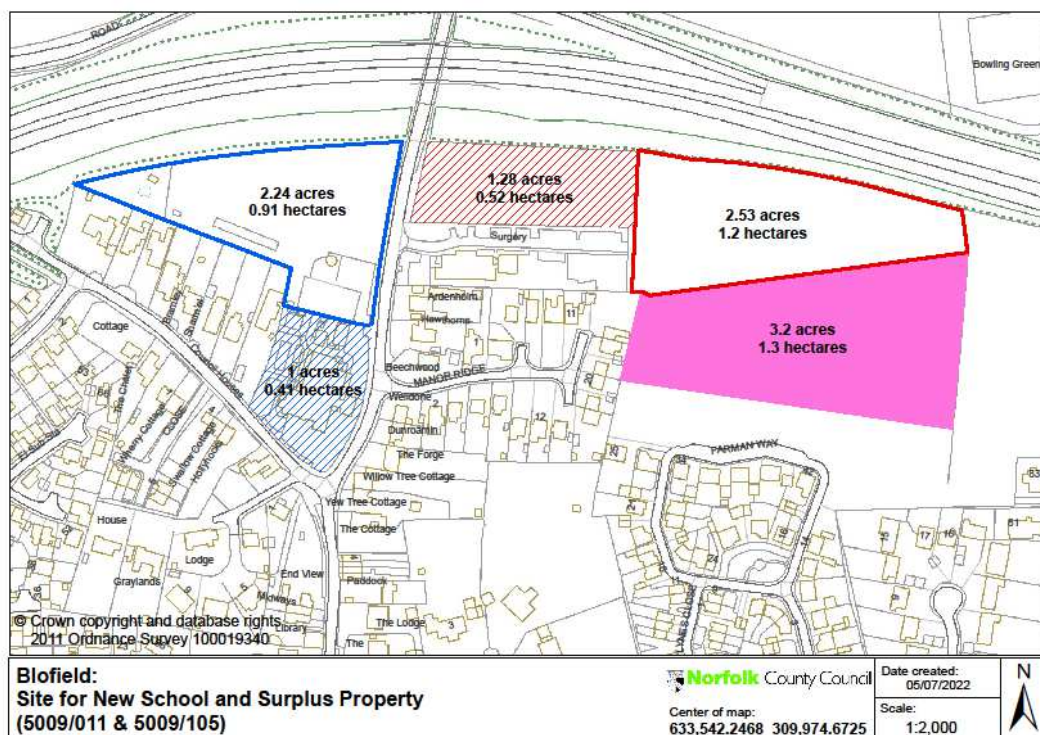
## **2. Proposals**

### **Blofield – Land at Plantation Road (5009/105)**

#### **Primary School, North Street NR13 4RH (5009/011)**

- 2.1 The land hatched red and edged red on plan (named “Land at Plantation Road”) amounts to a total area of 1.72 hectares (3.81 acres) in area and is in the freehold ownership of NCC. Previously it formed part of the County Farms Estate, however this land has not been farmed since October 2012.
- 2.2 The area edged red was granted permission on 13 August 2014 for change of use to Community Use/Public open space, this permission was renewed 6 April 2018. The area hatched red was granted outline planning permission on 24 September 2014 for residential development. An application to renew this permission has been registered with Breckland District Council.
- 2.3 This land has been the subject of previous reports to Policy and Resources Committee in 2015.
- 2.4 The land parcels edged blue and hatched blue form the Blofield Primary School site and are in the freehold ownership of NCC and amount to approximately 1.32 hectares (3.24 acres) in area.
- 2.5 The land shaded pink is in the ownership of Broadland District Council (BDC) and amounts to 1.3 hectares (3.2 acres). This land was previously allocated under a

section 106<sup>1</sup> agreement (relating to the development in Farman Way) for use involving the developers, Norfolk Homes Ltd, as public open space and which was due to have been transferred initially to BDC and then to Blofield Parish Council (BPC).



- 2.6 Following significant housing growth within Blofield, the current 1 form-entry Primary School no longer has sufficient capacity to meet current pupil place demands. The current school is restricted due to its shape, size and layout. A search for potential sites for a new school development identified a preferred site off the eastern side of Plantation Road. This preferred site comprises the 1.2 hectare of land owned by NCC (edged red) and the land shaded pink comprising 1.3 hectares and forms a more regular shaped site suitable for a new 2 form-entry school.
- 2.7 There have been a series of discussions and negotiations between NCC, BDC and BPC with the aim of bringing forward a 2-form entry primary school on a single site and bringing into beneficial use the land identified in the section 106 agreement.
- 2.8 Agreement has been reached with BDC in respect of the use of land previously designated for use as public open space Land (shaded pink) to be used for the purposes of a new Primary School. BDC have instructed their solicitors to prepare a Deed of Variation to the existing section 106 agreement to document the change of use for the site.
- 2.9 Provisional agreement has been reached for the transfer of some 0.91 hectares of land at the existing Primary School comprising playing field land and a 2009-built school building (area edged blue on plan) from NCC to BPC for community

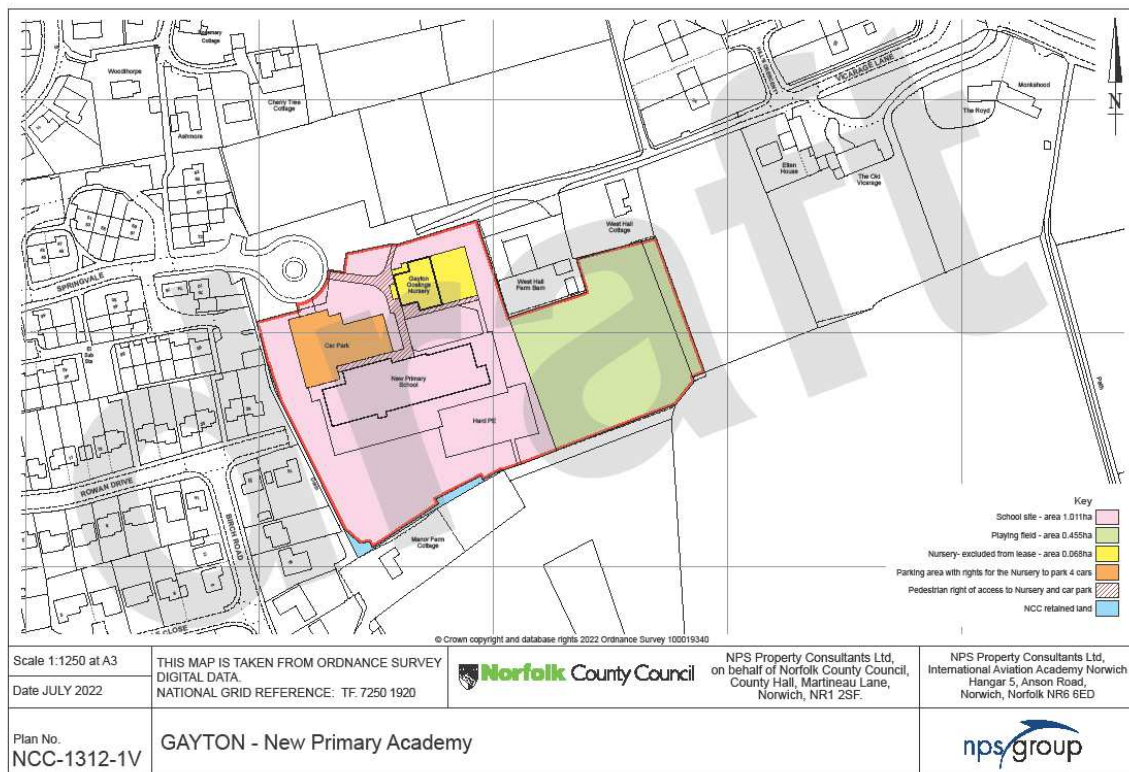
<sup>1</sup>Section 106 – Planning Obligations, part of the Town and Country Planning Act 1990

use, following the completion and opening of the new school site. This area also includes an existing electricity sub-station compound.

- 2.10 Following the closure and relocation of the Primary School the area hatched blue will be disposed of through open market sale by tender or auction.
- 2.11 The Council's agent, Norse Consulting, are currently undertaking formal valuations of all the parcels of land and sites.
- 2.12 The Divisional Member has been informed of these proposals.

**Gayton - New Gayton Primary Academy, Springvale, Gayton, King's Lynn, Norfolk, PE32 1QZ (2033/022)**

- 2.13 The new school project in Gayton provides expansion to deliver sufficient accommodation for a 210-place primary school and nursery following on from a reorganisation of area schools to primary from infant and junior status.
- 2.14 The site of the new school is owned by NCC previously having been part of the County Farms Estate and subsequently appropriated for use by Children's services. The whole site is approximately 1.6 hectares (3.95 acres) in area.
- 2.15 The site received planning permission for change of use and erection of a new school and nursery 21 February 2020.
- 2.16 Construction is nearing completion and the new school will be open from September 2022.
- 2.17 The existing school is a Church of England Primary Academy and as such the school buildings and the school playing fields are owned by the Norwich Diocesan Board of Finance Ltd. The site of the existing nursery is in the ownership of Viscount Marsham.
- 2.18 The freehold of the new school building and hard play area (shaded pink/orange on plan amounting to 1.011 hectares (2.5 acres), (excluding the new nursery (shaded yellow on plan) and new playing field (shaded green on plan)) will be transferred to the Norwich Diocesan Board of Finance Ltd at nil consideration. NCC has agreed to proceed with the transfer, subject to receipt of the sale proceeds of the former school site. NCC will ensure the transfer of the new site is subject to a legally binding conditional contract to achieve this. NCC will grant a lease for the new school building and hard play area under the Academies Act to the Diocese of Norwich Education Academy Trust. Once the freehold transfer is completed the academy lease for the new school building and hard play area would be surrendered. This approach provides certainty to the Diocese who need to use the site from 1 September. NCC will benefit from statutory protections imposed on the site after it's transferred in that the Diocese can only dispose of the site with Secretary of State consent and NCC would have 6 weeks to make representations regarding the future of the site.



2.19 With respect to the new Nursery site, shaded yellow on plan, amounting to 0.068 hectares (0.17 acres), the land will remain in the freehold ownership of NCC and will be the subject of a formal lease to the Nursery Provider.

2.20 Regarding the new school playing field, shaded green on plan, amounting to 0.455 hectares (1.13 acres), the land will remain in the ownership of NCC but will be leased to Diocese of Norwich Education Academy Trust under the Academies Act in the usual way.

2.21 The leases under the Academies Act 2010 will be in accordance with the current arrangements and authorisations for all such leases.

2.22 The divisional member has been informed of this proposal.

### **Hingham – leasing out Money Hill Farmhouse, Deopham Road NR9 4NL (7055/100)**

2.23 The House and garden at Money Hill Farm, Deopham Road, Hingham NR9 4NL (7055/100), edged red on the plan, is owned by NCC and is part of the County Farms estate. The site area is 0.34 hectares (0.83 acres).

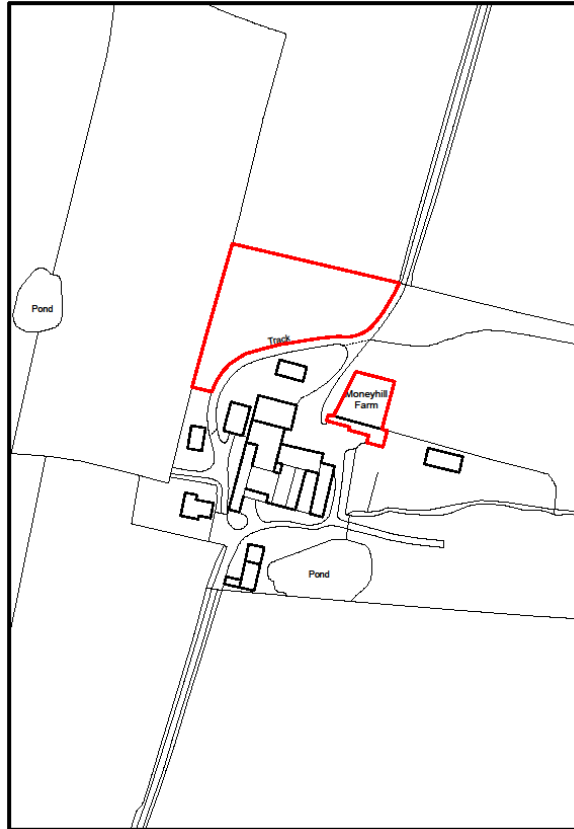
2.24 The property is currently let with the adjoining farmland and buildings to Tenant RB on a tenancy in accordance with the Agricultural Holdings Act 1986. Tenancies under this act confer lifetime rights.



2.25 The tenant has been unable to farm the land in his own right and has subsequently considered his options in respect of retirement. Following negotiation, the County Council has agreed in principle to the surrender of the whole holding from 10 October 2022 and the waiving of any notice periods. In return the Council will let to Tenant RB the house and garden on a 21 year and 1 day lease on terms as detailed in **Appendix A**.

2.26 The adjacent land amounting to approximately 49.4 hectares (122 acres) will be advertised and let on a Farm Business Tenancy in accordance with Agricultural Tenancies Act 1995.

2.27 The Division Member have been informed of this proposal.



2.28 **Appendix A** is exempt from publication as it involves the likely disclosure of exempt information as defined in Paragraph 1 of Part 1 of Schedule 12A to the Local Government Act 1972. The public interest test has been applied and it is considered that the public interest in maintaining the exemption outweighs the public interest in disclosing the information at this stage. The information is exempt from the Cabinet Report for the lease to Tenant RB.

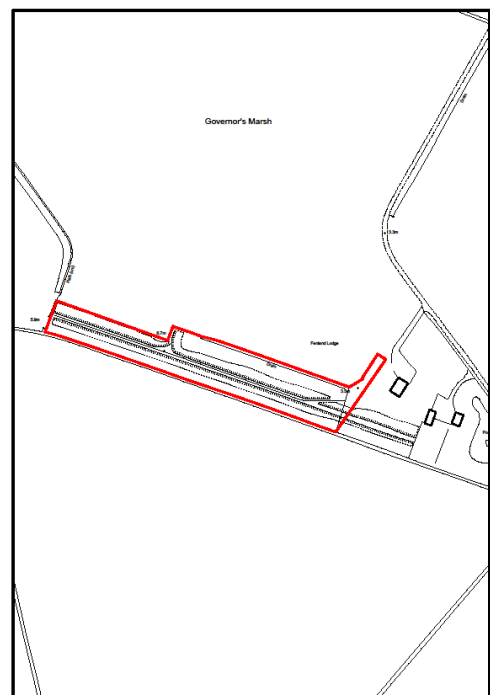
### **Terrington St Clement – Terrington Fern House Estate (part) (2078/108A)**

2.29 This land edged red on plan, is in the freehold ownership of NCC and forms part of the county Farms estate and amounts to 0.93 hectares (2.29 acres).

2.30 The County Farms Team have reviewed this site and determined it is not required for operational use. Following a review by the Director of Property in consultation with CPSG it has been confirmed that the land is not required for NCC service use.

2.31 It is proposed to dispose of this site by open market sale through auction or by tender.

2.32 The Division Member have been informed of this proposal.



### **3. Impact of the Proposal**

- 3.1 Releasing surplus land holdings and buildings no longer required for service use will contribute to reducing costs and provides the potential for capital receipts. for the council to support the capital programme and hence service delivery. The County Council will apply the capital receipts to meet its priorities.
- 3.2 In respect of the new school at Gayton the proposal provides certainty to the Diocese to use the site from 1 September 2022.
- 3.3 Lifetime rights under the Agricultural Holdings Act 1986 will be removed from retained land which will then be relet on Farm Business Tenancies under the Agricultural Tenancies Act 1995.

### **4. Evidence and Reasons for Decision**

- 4.1 Declaring the sites and land holdings surplus to County Council use means that the Corporate Property Team can consider options for the disposal and exploitation of these sites.
- 4.2 In respect of the County Farms Estate lettings the existing tenants can retire with dignity.

### **5. Alternative Options**

- 5.1 Declaring sites and land holdings surplus is a result of the sites no longer being required for service delivery. The alternative would be to retain resulting in incurring holding costs for an asset that is not contributing to service delivery.

### **6. Financial Implications**

- 6.1 Disposals outlined in this report will provide the opportunity for capital receipts and savings in holding costs.

### **7. Resource Implications**

- 7.1 **Staff:** Nil
- 7.2 **Property:** As described in the earlier parts of this report.
- 7.3 **IT:** Nil.

### **8. Other Implications**

- 8.1 **Legal Implications:** For disposals and leases in the usual way the legal implications are around the parties agreeing to the terms of the agreement for each disposal and lease and entering a contract.
- 8.2 **Human Rights Implications:** No implications.

- 8.3 **Equality Impact Assessment (EqIA):** No specific EqIA has been undertaken in respect of the cases in this report.
- 8.4 **Data Protection Impact Assessments (DPIA):** No data protection impact implications in respect of the cases in this report.
- 8.5 **Health and Safety implications:** No implications for the cases in this report.
- 8.6 **Sustainability implications:** Future possible redevelopment of disposed sites will require planning permission and therefore would be mindful of sustainability measures.

## **9. Risk Implications / Assessment**

- 9.1 The risks around disposals/leases are around the non-agreement of terms. This risk is mitigated using experienced expert consultants.

## **10. Recommendations**

- 10.1 Cabinet is asked to formally declare part of the site named Land at Plantation Road, Blofield (5009/105) (hatched red on plan), amounting to approximately 0.52 hectares, surplus to County Council requirements and instruct the Director of Property to dispose of the property. In the event of the disposal receipt exceeding the valuation figure the Director of Property in consultation with the Executive Director of Finance and Commercial Services and Cabinet Member for Commercial Services and Asset Management is authorised to accept the most advantageous offer.
- 10.2 Cabinet is asked to agree to the appropriation of part of the site named Land at Plantation Road, Blofield (5009/105) (edged red on plan) amounting to approximately 1.2 hectares to Children's Services (from the County Farms Estate).
- 10.3 Cabinet is asked to formally declare Blofield Primary School site, North Street NR13 4RH (5009/011) (edged blue and hatched blue on plan) surplus to County Council requirements.
- 10.4 Cabinet is asked to instruct the Director of Property to agree terms and dispose of part of the Blofield Primary School site, North Street NR13 4RH (5009/011) property (edged blue on plan) amounting to approximately 0.91 hectares to Blofield Parish Council. In the event of the disposal receipt exceeding the valuation figure the Director of Property in consultation with the Executive Director of Finance and Commercial Services and Cabinet Member for Commercial Services and Asset Management is authorised to accept the most advantageous offer.
- 10.5 Cabinet is asked to instruct the Director of Property to dispose of part of the Blofield Primary School site, North Street NR13 4RH (5009/011) (hatched blue on plan) amounting to approximately 0.41 hectares. In the event of the disposal receipt exceeding the valuation figure the Director of Property in consultation with

the Executive Director of Finance and Commercial Services and Cabinet Member for Commercial Services and Asset Management is authorised to accept the most advantageous offer.

- 10.6 Cabinet is asked to approve the acquisition of the additional land north of Farman Way, (shaded pink on plan), amounting to approximately 1.3 hectares on terms agreed and instruct the Director of property to implement the acquisition.
- 10.7 Cabinet is asked to consent to the transfer of the freehold of the new Gayton Primary School building and hard play area shaded pink/orange on plan at nil consideration to the Norwich Diocesan Board of Finance Ltd in return for the proceeds of the sale of the existing school site.
- 10.8 Cabinet is asked to agree to the letting of the house and garden at Money Hill Farmhouse, Deopham Road, Hingham NR9 4NL (7055/100) to Tenant RB on the terms agreed as detailed in **Appendix A**.
- 10.9 Cabinet is asked to formally declare the Land at Terrington Fern House Estate (part), Terrington St Clement (2078/108A) (edged red on plan) amounting to 0.93 hectares surplus to County Council requirements and instruct the Director of Property to dispose of the property. In the event of the disposal receipt the valuation figure limits the Director of Property in consultation with the Executive Director of Finance and Commercial Services and Cabinet Member for Commercial Services and Asset Management is authorised to accept the most advantageous offer.

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