

SUBJECT:	Disposal of Land Adjacent to 40 Leechpool Holdings
MEETING:	Cabinet
DATE:	July 2026
DIVISION/WARDS AFFECTED:	Portskewett

NON-PUBLICATION

1. PURPOSE:

To seek approval for the disposal of land adjacent to number 40 Leechpool Holdings, Portskewett.

2. RECOMMENDATIONS:

- 2.1 That land forming part of Land Registry title number WA655395 (outlined red on attached plan) be disposed of subject to contract as use as garden land to the adjacent property owner as special purchasers.
- 2.2 To delegate responsibility to the Head of Landlord Services and the Chief Officer for Resources, to finalise the terms of the disposal.

3. KEY ISSUES:

- 3.1 The land measures approximately 0.17 acres or 700 m² in size and forms part of a larger field parcel measuring approximately 9.0 acres.
- 3.2 The land is currently subject to a farm business tenancy (FBT). The land is however not farmed by the tenant given the land forms part of the existing garden/property curtilage due to the position of a historic fence boundary.
- 3.3 The tenant has agreed to surrender the land from their tenancy agreement. The retained land is not compromised in any way and will continue to be farmed.
- 3.4 The purchaser is considered a 'Special Purchaser,' defined by the Royal Institution of Chartered Surveyors as 'a particular buyer for whom a particular asset has a special value because of advantages arising from its ownership that would not be available to other buyers in a market.'
- 3.5 Section 123 (General Power of Disposal) of the Local Government Act 1972 enables the Council to dispose of land held by it provided that best consideration is achieved. The

price takes into account the use of the land as garden land forming part of the property's residential curtilage and reflects best consideration via a sale to a special purchaser.

- 3.6 The disposal will be subject to an appropriate covenant and restriction as well as an overage/clawback to ensure the land is used as garden land only. The overage will seek 50% of the uplift in value for a period of 25 years and will be triggered in the event of planning permission approval for other uses.

4. EQUALITY AND FUTURE GENERATIONS EVALUATION (INCLUDES SOCIAL JUSTICE, SAFEGUARDING AND CORPORATE PARENTING):

The land disposal incurs little or no impact on the Equality and Future Generations Evaluation. An Integrated Impact Assessment accompanies this report.

5. OPTIONS APPRAISAL

- 5.1 An options appraisal has been undertaken in the table below and can be summarised as followed:

Option	Positives	Negatives	Recommended?
Dispose of the land 1. Proceed with disposal	Potential to enhance the biodiverse natural environment. The grass and plants within a garden will provide a healthy functioning ecosystem to support ecological resilience by attracting an array of wildlife. Relieve the possible claim of adverse possession and associated legal involvement. The Council will receive best consideration for the land via a 'special purchaser'. The Council will be relieved of any maintenance liabilities associated with maintaining and securing the land.	Loss of a very small area of farmland, although not currently farmed due to the position of an historic fence.	Yes
Retain the land. 2. Request the fence be taken down and repositioned in its correct position in line with ownership.	Forms a 'buffer' zone between the garden and land that is farmed. Can be held for long term development subject to change in current planning policy, offering the	Possible land dispute due to historic position of fencing. Requires new stock proof fence to be erected to define ownership boundaries.	No

Include the land within any future FBT.	potential for increased value.		
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6. EVALUATION CRITERIA

- 6-month review – has the transaction completed and records been updated.
- 12-month review – Is the land being used as intended and is stock proof fencing in good state of repair.

7. REASONS:

- 7.1 The Council will receive a capital receipt reflective of best consideration via a sale to a special purchaser.
- 7.2 To prevent the need for treating as an encroachment, saving time and money in dealing with a potential legal boundary dispute.
- 7.3 To relieve the Council of maintenance liabilities.

8. RESOURCE IMPLICATIONS:

- 8.1 A capital receipt will be generated, reflective of best consideration.
- 8.2 The Council's associated legal and surveyor fees will be covered by the purchaser, totalling £1,500.

9. CONSULTEES:

Ward Members – Cllr Lisa Dymock (Ward Member for Portskewett)
 Cabinet Member for Resources – Cllr Ben Callard
 Legal Services – Joanne Chase, Solicitor & Head of Commercial Law
 Legal Services – John Rogers & Paige Moseley
 Head of Landlord Services – Nicholas Keyse
 Chief Officer Resources – Peter Davies

No objections were received.

10. BACKGROUND PAPERS:

Location plan – attached to report.

11. AUTHOR:

Ben Thorpe – Development Surveyor

12. CONTACT DETAILS:

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