

Delegated Decision

16th May 2024

Appropriation of Part of Framwellgate Moor Open Space (50403S01) to Small Holdings and Allotments Act 1908



Case Management Ref: APR9467

Regeneration, Economy and Growth

Anna Wills, Asset Strategy and Property Manager, Corporate Property and Land

Electoral division(s) affected:

Framwellgate and Newton Hall

Purpose of the Report

- 1 The purpose of the report is to seek approval to:
 - (a) Appropriate land known as Part of Framwellgate Moor Open Space from Housing Act 1985 to Small Holdings and Allotments Act 1908.

Executive summary

- 2 The land edged red on the attached plan amounting to 1.437 acres was held as open space and managed by Clean and Green.
- 3 This site is to be developed as an allotment extension to the adjacent land known as Newton Hall Farnham Close Allotments.
- 4 It has been confirmed by our Legal team that Secretary of State consent is only required to appropriate land where a house/part of a house is located on it. Therefore, as the land is open space and there is no house/partial house built on it then Secretary of State consent is not required.
- 5 A loss of Open Space Notice was placed in the local newspaper on 18th May 2024 and 25th April, with a closing date of 16th May 2024. No objections were raised.
- 6 The land will now be held as Allotments and managed by the Allotment team.

7 The service will remain as Neighbourhoods and Climate Change.

Recommendation

8 It is recommended to agree to appropriate land known as Part of Framwellgate Moor Open Space as shown edged red on the plan attached from Housing Act 1985 to Small Holdings and Allotments Act 1908 for the purpose of an Allotment.

Background

- 9 Following a project delivered by the Corporate Property and Land service, the legal reason for holding each asset has been identified and recorded.
- 10 The legal reason for holding an asset relates to the original act that the asset was acquired under and any subsequent appropriations, which would result in an alteration to the holding act.
- 11 Where the use of the land asset changes, or it is going to change, from its original/existing purpose, the statutory act under which it's new purpose will fall will also, in most circumstances, change and, if this is the case, an Appropriation will be required.
- 12 If a local authority determines that it is necessary to transfer land from one purpose or function to another, (Appropriate) it may do so in accordance with s122 of the Local Government Act 1972.
- 13 An Appropriation report is required, where a change of occupier results in a change of holding act, and deals with the following changes:
 - (a) Identifies the existing holding act and the new holding act under which the asset is held;
 - (b) confirms agreement from the service to realignment of the asset to the new service area, including identification of cost centre;
 - (c) identification of budget;
 - (d) identification of who will be managing the asset;
 - (e) property type alteration, to reflect new use;
 - (f) property name alteration, to reflect new use.
- 14 The above changes are necessary, so that records are up to date and capital accounting reflects the correct property type and land user. This will assist with improved budget allocation and the alleviation of gaps in management of assets.

Background papers

- None

Other useful documents

- None

Author(s)

Becca Easton

Tel: 03000 267053

Appendix 1: Implications

Legal Implications

Legal implications are covered in the body of the report.

Finance

Cost centre to be re-aligned to Countywide Allotments - 011171

Consultation

Councillors Amanda Hopgood, Mamie Simmons and Mark Wilkes were consulted 5th March 2024 with no objections raised (Appendix 3).

Portfolio Holder and Councillor James Rowlandson was consulted on 5th March 2024 with no objections raised (Appendix 3).

Equality and Diversity / Public Sector Equality Duty

None

Climate Change

None

Human Rights

None

Crime and Disorder

None

Staffing

The maintenance of the site will be the responsibility of the Allotment team, Neighbourhoods and Climate Change.

Accommodation

None

Risk

None

Procurement

None

Appendix 2



Framwellgate Moor Open Space

Plan Ref: ARC-24-102. Paper Size: A4. Scale: 1:1,250

Total Area Coloured Red: 5816.41 m², 1.437 Acres or thereabouts.

Based Upon O.S Map: NZ2744. Date: 04/03/2024.

UPRN : 50403S01 (Part)

0 30 60 120 Metres



AMY HARHOFF
REGENERATION, ECONOMY AND
GROWTH
DURHAM COUNTY COUNCIL
TEL 03000 260 000
CORPORATE PROPERTY AND LAND