

## **Record of Officer Decision**

### **Land Adjacent 2 St Marys Park, Paignton**

#### **Decision Taker and Date Decision Taken:**

Director of Pride in Place, in consultation with the Managing Director of the TDA and in accordance with paragraph 2.9 of the Officer Scheme of Delegation, on 31 July 2023.

#### **Summary of Matter or Issue Requiring Decision:**

The Council was in receipt of a request by the current owners of 2 St Marys Park near Collaton St Mary, Paignton. It had been noted that the registered title does not match the boundary of the garden. To remedy this, the owners wish to purchase this land to have a clean title of their property. This small parcel has been enclosed for many years within the garden of 2 St Marys Park. The figure negotiated offers best value for the asset based on price/m<sup>2</sup>.

#### **Decision Taken:**

That the land edged red as shown on Plan A57132a (as set out in Appendix 1) be disposed of to the adjoining owner of 2 St Marys Park, Paignton, subject to the following proposed terms, agreed subject to contract, as follows:

- A price of £15,000 for the freehold of a parcel of land, measuring approximately 189m<sup>2</sup> to the owners of 2 St Marys Park.
- The use is to be as garden land with part of existing garage and no further development will be permitted
- The Buyer to pay the Seller's legal costs for dealing with the sale
- Any other costs of the sale are to be paid by each party;
- The new boundaries are to be the responsibility of the Buyer.

#### **Summary of Reason(s) for Decision Taken:**

To rectify the Council's title plan not matching the boundary on the ground.

#### **Summary of Alternatives or Options considered and rejected and Background Papers:**

The Council could choose not to sell the land to the adjoining owner. However, this would leave the situation where the boundary on the site does not correspond with the title held by the Council and the Council would not benefit from the capital receipt associated with the sale.

In consultation with SWISCo, the Council have not identified any reason to retain this parcel of the field. The field is not open to the public. The wider plot of land has been used as a flood meadow and legal advice confirms that although there is a right of way reserved by another owner of further adjoining land, this plot should be transferred subject to that right.

#### **Details of any conflict of interest and dispensation granted to the Officer taking the decision or by any Member of the Council in delegating responsibility for any specific express delegation:**

None.

#### **Implementation:**

This decision will come into force immediately.

A copy of this decision and any supporting documentation considered by the Officer taking this decision may also be available for inspection by the public at the Council's offices or posted upon payment of any copying and postage charges. Any member of the public wishing to take up either of these options is asked to please ring (01803) 207087 or email [governance.support@torbay.gov.uk](mailto:governance.support@torbay.gov.uk)

Signed: \_\_\_\_\_ Date: \_\_\_\_\_  
(Director of Pride in Place)