

REPORT TITLE: Surplus Property Disposals 2025/26 and consideration of objection to the disposal of Public Open Space at Grasscroft, Almondbury

Cabinet date	8 th July 2025
Cabinet Member	Cllr Graham Turner (Finance & Regeneration)
Key Decision Eligible for Call In	Yes – KDN published 2 nd May 2025 Yes
<p>Purpose of Report The purpose of this report is to seek approval and delegated authority from Cabinet for bringing forward the proposed Supplementary Capital Receipts Schedule for 2025/26 as shown at Appendix A, delivering a targeted level of capital receipts in alignment with the Council's approved budget and Capital Strategy.</p> <p>This report also asks Cabinet to consider the objection received following advertisement of the Council's intention to dispose of open space at Grasscroft, Almondbury edged red on the Plan contained within Appendix B and to determine whether to proceed with the intended disposal of the open space.</p> <p>Cabinet is also asked to consider revoking the highways improvement lines at Walkley Lane, Heckmondwike as detailed in Appendix C to enable the land to be sold without fetter.</p>	
<p>Recommendations</p> <ol style="list-style-type: none"> 1. It is recommended that Cabinet: <ol style="list-style-type: none"> i. Approves the disposal of the land and property within the Supplementary Capital Receipts Schedule 2025/2026 (Appendix A) to support the Council's income targets. ii. Delegates authority to the Executive Director for Place in consultation with the Portfolio Holder for Finance and Regeneration, to negotiate and agree terms and complete the sales of any land and property identified within the Supplementary Capital Receipts Schedule 2025/2026 Appendix A to support the Council's income targets, in line with the legal requirements outlined in paragraph 3.7.1 and on such terms as officers deem most appropriate. iii. Approves the disposal of the land at Grasscroft, Almondbury shown edged red on the plan at Appendix B having considered and dismissed the objection to the disposal of public open space. iv. Delegates authority to the Executive Director for Place to negotiate and agree terms and complete the sale of the land at Grasscroft, Almondbury shown edged red in the plan Appendix B. v. Delegates authority to the Service Director – Legal, Governance and Commissioning authority to enter into all agreements necessary to affect any of the disposals approved by this report. vi. Resolves to revoke all the highway improvement lines as shown in the plan at Appendix C and as identified in paragraphs 2.20 - 2.22 of the report. 	

Reasons for Recommendations

- To support the Council's requirement for capital receipts as part of its budget strategy, to help reduce its long-term revenue commitments and to support wider regeneration of the area through the disposal of surplus buildings and land.

Specifically, in the case of Grasscroft:

- The objection does not highlight any use or value in the open space, nor object to its loss.
- The objections raised are in relation to issues and concerns associated with the future use of the site will be considered as part of the statutory planning process.
- The land can be better utilised and maintained compared to its current derelict and unused state.
- A capital receipt would be achieved and is required to part-fund the Capital Plan.

Specifically, in the case of the proposed Highways scheme at Walkley Lane, Sycamore Industrial Estate:

- The land is no longer required for use in a Highways improvement scheme. Revoking the scheme will enable the land to be sold un-fettered.

Resource Implications:

Supplementary Capital Receipts Schedule

The Council has a capital receipts target of £6M in Financial Year 2025/26. A pipeline of sites is already developed and scheduled for disposal either at auction, private treaty or through freehold reversion based on previous cabinet reports and the scheme of delegations. By identifying these additional assets as surplus, it will provide further opportunities to support the Capital Plan through capital receipts either in 2025/26 or more likely during 2026/27 for which a target of £4M has been set.

Disposal of the land at Grasscroft, Almondbury

This site forms part of the disposals pipeline identified for 2025/26. It has already been declared surplus to the Council's requirements in a previous cabinet report and – if sold – will contribute towards the Council's capital receipts target of £6m for 2025/26.

Signed off by:

- **Lead Executive Director**
- **Service Director for Finance**
- **Service Director for Legal and Commissioning**

David Shepherd – Executive Director for Place – 17/06/2025

Kevin Mulvaney – Service Director Finance – 30/06/2025

Samantha Lawton – Service Director Legal & Commissioning – 24/06/2025

Electoral wards affected:

Supplementary Capital Receipts Schedule (Appendix A)

Almondbury, Ashbrow, Batley East, Birstall & Birkenshaw, Crosland Moor & Netherton, Dewsbury East, Dewsbury South, Greenhead, Holme Valley South, Lindley, Mirfield, Newsome.

Disposal of the land at Grasscroft (**Appendix B**)

Almondbury

Revocation of the Highways improvement scheme at Walker Lane (**Appendix C**)

Heckmondwike

Ward councillors consulted: Yes

Public or private: Public

Has GDPR been considered? Yes – no personal information is presented within this report.

1. Executive Summary

- 1.1 This report, in alignment with and in response to the Council's approved budget and Capital Strategy, presents a proposed Supplementary Capital Receipts Schedule for 2025/26 to be brought forward for delivery as detailed in **Appendix A**.
- 1.2 As a result of the previous cabinet approval received on the 14th November 2023, officers have moved forward with the disposal of the land at Grasscroft, Almondbury. The land in question is classed as 'open space' and therefore requires the advertising of the intention to dispose in the local press to determine if there are any objections to the disposal of the land. Any objections received must be referred to Cabinet for consideration pursuant to Part 3.7, Section F paragraph K(d) of the Constitution. Cabinet is therefore asked to consider the objection received in response to the advertisement of disposal of open space at Grasscroft **Appendix B** and to determine if the intended disposal should proceed.
- 1.3 As a result of the previous cabinet approval received on the 14th November 2023, officers have moved forward with the disposal of the land at Walkley Lane / Sycamore Industrial Estate **Appendix C**. The land was previously approved for a Highways Scheme which is no longer required. Cabinet is therefore asked to agree to revoke the scheme to enable the land to be sold without fetter.

2. Information required to take a decision

Supplementary Capital Receipts Schedule

- 2.1 As part of the Council's approved budget, the Capital Strategy presents a £6m minimum 2025/26 in-year target for capital receipts – which is money received from the sale of property assets (land and buildings).
- 2.2 Since the last Surplus Property reports in June and November 2023 and in January 2025, progress has been made to dispose of the assets declared surplus through a series of auctions, private treaty, and Freehold Reversion sales. In financial year 2024-25, Capital receipts totalled £5.9M.
- 2.3 Table 1 illustrates the progress we have made in disposing of assets formerly declared surplus in the previous three Surplus Assets reports:

Table 1

Date of Cabinet Report	Number of Assets Declared Surplus	Number of assets disposed	Due for disposal 2025-26	Capital Receipt (£M)
June 2023	45	24	8	6.175
November 2023	14	5	7	2.260
January 2025	29	3	17	0.210

- 2.4 A further review of the estate has identified another batch of surplus property, which is property no longer required to support the Council's strategic or organisational delivery requirements. It is government policy that local authorities should dispose of surplus property wherever possible.
- 2.5 The property interests identified for disposal have been assembled to form a Supplementary Capital Receipts Schedule (SCRS) for 2025/26 in addition to that approved by Cabinet in January 2025, which is presented as **Appendix A** for consideration.
- 2.6 The property interests identified on the SCRS each require further evaluation to determine the appropriate legal process, market value, mode of disposal, and possible timings, to allow a forward delivery programme to be developed and accelerated to achieve the in-year target. Further investigation and consideration of these assets during their passage to market may result in them no longer being considered surplus and therefore not being disposed of.
- 2.7 Assurance and progress will be monitored, with risks and issues managed by exception by an established Assets Disposal Board. This forum will report progress into leadership and strategic groups. The Portfolio-holder will be regularly updated.
- 2.8 Over the course of the disposals programme, we have developed a focussed approach in collaboration with other services, particularly legal colleagues, that has proven successful in delivering the capital receipts we are targeting. Early identification of surplus assets will enable the service to start work on their disposal well in advance of proposed auction dates or private treaty sales meaning we can work through the barriers to sale or consider how we can enhance the values. The delivery of the SCRS list will continue to use this proactive and planned approach, with clear lines of communication, management of risks and issues, and assurance/progress monitoring.
- 2.9 To ensure seamless delivery, interdependencies and key stakeholders need to be identified and engaged at the earliest opportunity, with resource and capacity requirements actively monitored and planned for. Project Management discipline aids this accelerated approach, as does a continual review of the required capacity and gearing up needs across key services such as Corporate Landlord and Legal Services. There may also be opportunities to consider wider service linkage, where the skills and expertise needed may be present in-house and could be re-prioritised to support the required activity.
- 2.10 As sites are evaluated, key strategic partners will be consulted as appropriate, thereby dealing with any initial first refusal and/or private treaty opportunities.

Disposal of the land known as Grasscroft, Almondbury

- 2.11 Section 123 (2A) of the 1972 Local Government Act requires local authorities wishing to dispose of any land consisting of or forming part of an open space to advertise their intention to do so for two consecutive weeks in a local newspaper. The Council must then consider any objections to the proposed disposal. There is a 21-day objection period.

2.12 Caselaw has established that in determining whether land is or forms part of open space a Council should use the definition of open space provided at section 336 Town and Country Planning Act 1990 which states:

“open space” means any land:

- 1) laid out as a public garden, or
- 2) used for the purposes of public recreation, or
- 3) which is a disused burial ground.

2.13 As it was possible there may have been use for public recreation at Grasscroft, open space notices advertising the intention to dispose of this open space were placed on the Council’s website and in the Huddersfield Examiner on 30th October and 6th November 2024 with a deadline for objections to be received by no later than 20th November 2024.

2.14 One letter of objection was received from the residents of Grasscroft and surrounding areas which included a petition signed by 36 people. Due to the fact that an objection was received, it is necessary for this issue be referred back to Cabinet for consideration of the objection pursuant to Part 3.7, Section F paragraph K(d) of the Constitution and for a final decision to be made by Cabinet on whether to proceed with the intended disposal of the land.

2.15 The objections contained in the letter are:

- An objection to the area being described as an open space.
- A request, if sold, to sell with a restrictive covenant to use Grasscroft as an open space in its true sense (in the opinion of the residents), or as grazing land only
- Unsuitability for Grasscroft to be used as anything else than grazing land, specifically any form of development for several reasons:
 - Restricted access from St Helen’s Gate.
 - The land is steep, marshy in places with poor drainage.
 - The potential impact on wildlife including badgers, foxes, deer, bats, and birds using the land. The potential loss of plants, trees and fruit bushes and the possible impact on the green network for the movement of wildlife as far as Farnley Tyas.
 - The Council gave the previous tenant of 24 years Notice to Quit on the understanding the land would be used to address the climate emergency, habitat creation and woodland planting. This has not gone ahead despite it being ideal land in the opinion of the residents.
 - The land is greenbelt and should therefore be retained as an area of undeveloped, wild, or agricultural land.
 - Unsuitability for development for the above reasons as well as the impact on the local infrastructure, traffic, noise, overcrowding, pollution if developed and as such should be disposed of with a restriction on development.

2.16 An Open Space Notice informs interested parties of the Council’s intention to dispose of public open space. The notice is published to inform the public about the proposed disposal and to give them an opportunity to detail how the land is used as open space, the value of that use and to object to the loss of the open space. The Notices conform to prescribed legal requirements.

2.17 The main objections raised are of a nature which are dealt with via the planning system. The site is designated as greenbelt in the Local Plan, meaning that a subsequent purchaser will be restricted by this designation. In accordance with the Government’s National Planning Policy Framework and accompanying National Planning Practice Guidance,

should a future application for development be submitted, consultations are made with all relevant council departments, residents and an information notice placed close to the site advising members of the public of any intended development. All comments received are taken into consideration by the Planning Committee before a decision is taken on the application.

- 2.18 The previous tenant was issued with a Notice to Quit when the land was identified for use by the White Rose Forest project. However, following community engagement and a review of the site-specific conditions, it was decided that the land was inappropriate for planting. It was, therefore, handed back to the Corporate Landlord Service to consider for disposal.
- 2.19 Cabinet will note that the objections received relate to possible impacts of any future use of the land on the neighbourhood and a desire to keep the land undeveloped. The letter does not detail any public recreation, object to the loss of open space in relation to public recreation amenity nor highlight any current use or value in the open space to the objectors or the community for recreational purposes. Cabinet is therefore asked to dismiss the objection and approve the disposal of the site.

Revocation of Highways Scheme Improvement Lines – IL489

- 2.20 Land at Sycamore Industrial Estate, Walkley Lane, Heckmondwike was declared surplus by Cabinet on 14th November 2023. However, there is a highway improvement line prescribed over a portion of the land. Highway Improvement Lines are sections of land designated for the construction of new roads and the alteration of existing roads. Where an improvement line is prescribed no new building shall be erected, and no permanent excavation below the level of the street shall be made, nearer to the centre line of the street than the improvement line, except with the consent of the authority who prescribed the line. This allocation will make a portion of the land undevelopable without council consent and therefore less attractive to potential purchasers
- 2.21 The Highway Improvement Line IL489 at Sycamore Industrial Estate was prescribed in 1995 and delivery of a scheme has not come forward to date. Major Projects colleagues have confirmed that the Council no longer envisages the prospect of implementing a new access road progressing as shown in the existing improvement lines shown in **Appendix C**. The Council's Local Plan ambition for the area has changed to improve the local green network connectivity in the area. Consequently, the prescription of the land as an improvement line is no longer necessary or desirable.
- 2.22 Officers recommend revocation of the full extent of the allocated highway improvement line as shown on the plan at **Appendix C** and will comply with the requirements outlined at 3.7.3.

3. Implications for the Council

3.1 Working with people

The agreed continued approach to reviewing the Council's Estate requires Council Services to work closely together and proactively to communicate and deliver agreed outcomes. The disposal of the land will potentially provide the opportunity for local small-scale development and support the local labour market.

3.2 Working with partners

As part of the process for bringing forward disposals, key partners will be made aware to help identify any collaborative opportunities.

3.3 Place Based Working

Changes to property can often highlight wider opportunities and be a catalyst for development, which in turn can make our places more attractive and vibrant.

3.4 Climate Change and Air Quality

Rationalising and optimising property assets will deliver a smaller, more efficient, and effective estate, contributing to the reduction of the Council's carbon footprint and commitment towards net zero.

3.5 Improving outcomes for children

None

3.6 Financial Implications

The generation of capital receipts supports the Council's Capital Strategy and more specifically the delivery of the Capital Programme (and, where appropriate, the transformation of services through the Flexible Capital Receipts Policy), safeguarding service delivery into the future. Releasing assets for disposal will, equally, contribute to the savings required in the Council's Revenue Budget by reducing the cost of holding assets. Capital receipts also support the revenue budget as 4% of the receipt is top sliced to fund staff costs involved in the disposals process.

3.7 Legal Implications

3.7.1 The disposal of property assets will need to be in accordance with the relevant statutory framework which applies to the particular asset. The Council has the legal power to dispose of assets generally under section 123 of the Local Government Act 1972 usually for the best consideration that can be obtained. Where it is proposed that an asset is disposed of at an undervalue, the General Disposal Consent 2003 (contained within circular 06/93) and the Subsidy Control Act 2022 (and associated regulations) must be assessed, and, where applicable, complied with. Housing assets may only be disposed of in accordance with The General Housing Consents 2013 issued pursuant to section 32 of the Housing Act 1985.

3.7.2 Alongside the Localism Act 2011, which may highlight certain sites for potential listing as an Asset of Community Value (ACV), the Council's approach to Community Asset Transfers (CAT) will also need to be considered. Both disposal routes require additional lead-in and determination time and need to be highlighted as a significant risk should applicable sites be targeted for disposal within year, or within a specific time limit.

3.7.3 The Highways Act 1980 Section 73(8) provides that where in the opinion of a highway authority an improvement line prescribed by them under this section, or any part of such a line, is no longer necessary or desirable and should be revoked, they may revoke the line or that part of it. If Cabinet resolve to revoke the improvement line Schedule 9 Paragraphs 9 requires the authority shall—

- (a) give notice of the revocation to every owner, lessee or occupier of land affected and to the Chief Land Registrar; and
- (b) indicate on the plan prepared in accordance with paragraph 8 above the extent to which the line has been revoked.

3.8 Other Issues

An Integrated Impact Assessment has been carried out as part of the Council Budget setting process and is published on the Council's website. Individual assessments may need to be considered for individual property solutions and should be undertaken as part of bringing each forward for delivery alongside appropriate consultation and communication.

4. Consultation

4.1 Consultation took place with all Ward Members impacted by the proposed disposals in **Appendix A** (see list of wards affected at the start of this report) between 7th May 2025 and 22nd May 2025. Their comments and any responses provided by Officers have been summarised in this report below and will be circulated to Cabinet for consideration prior to any decisions being taken.

4.2 In Almondbury, questions were raised about the land being declared surplus on Sharp Lane and Lumb Lane and whether it was being sold as green belt and grazing land. The current Local Plan review is considering the designation of greenbelt land in Kirklees. We will await the outcome of this work before making any final decision on it but its inclusion in this report provides officers with the necessary approval should disposal be the preferred option.

4.3 In Newsome, all Ward Members agreed to the need for the land on Elm Street to be disposed of.

4.4 This report has been subject to consultation with the Council's Executive Leadership Team (13th May 2025), Executive Board (19th May 2025) and the Portfolio Holder for Finance and Regeneration (9th May 2025) and their comments have informed the contents of this report.

5. Engagement

5.1 The Portfolio Holder for Finance & Regeneration confirmed that the assets in the SCRS as listed at **Appendix A** are considered surplus to operational requirements.

6. Options Considered

Option A – Do not declare any more assets surplus to requirements.

6.1 The Council's Capital receipts target for 2025/26 is £6m, with a further £4m to be raised in 2026/27, 2027/28, 2028/29 & 2029/30. A pipeline is in place consisting of assets that have already been declared surplus. This includes Riverbank Court, strategic housing sites and other land and buildings set to be auctioned during the first six months of this financial year. If all properties sell for the predicted estimates the current targets for capital receipts would be met during 2025/26.

6.2 However, if any of the assets already approved for disposal fail to sell, or the estimated values have to be revised downwards the annual target for 2025/26 may not be met. The assets in the Supplementary Capital Receipts Schedule will be used to cover the shortfall and form the pipeline for future years.

Option B – Declare the new list of assets on the SCRS attached at **Appendix A** surplus to the Council’s requirements

- 6.3 By declaring the supplementary list of assets at **Appendix A** as surplus and approving them for disposal the Council will have more flexibility and alternative options for disposal in the event that properties do not sell, or do not make the predicted estimates. This reduces the risk of the annual capital receipt targets outlined above not being met.

7. Reasons for Recommended Options

The officer recommendation in relation to the proposed Supplementary Capital Receipts Schedule at **Appendix A** is that Option B should be pursued. The reasons for this are as follows:

- Declaring these assets as surplus will improve our ability to reach the target for capital receipts either during 2025/26 or more likely in future years when the targets remain challenging. The income from capital receipts plays an important role in supporting the Council’s Capital Plan, reducing borrowing, investing in projects, and supporting the Council’s financial reserves;
- The supply of small sites, surplus buildings and leasehold interests provides an opportunity for developers to invest, create jobs and business growth for the Kirklees Economy;
- The supply of small sites also provides the opportunity for future owners to help fulfil the Council’s ambitions of housing growth and/or community use.
- Disposing of surplus assets reduces the Council’s maintenance liabilities, thereby easing revenue and capital financial cost pressures.

In relation to the land at Grasscroft, Almondbury, the officer recommendation is that the site should be released for disposal for the following reasons:

- The objection does not highlight any use or value in the open space for public recreation, nor object to its loss.
- The objections raised are in relation to issues and concerns associated with any potential future development. Use of the site will be considered as part of the statutory planning process should any development be brought forward in future.
- The land can be better utilised and maintained compared to its current derelict and unused state.
- A capital receipt would be achieved, which helps to part-fund the Capital Plan.

In relation to the highway improvement scheme at Walkley Lane / Sycamore Industrial Estate:

- Revoking the proposed scheme will enable the land to be sold without fetter.

On this basis, Cabinet is asked to:

- a) Consider and approve the list of assets identified in **Appendix A** as being surplus to requirements, with their disposal being managed as business as usual in line with the contents of this report;
- b) Support the immediate need to limit ongoing revenue liabilities and to meet the requirement for capital receipts, by

- i. Approving the disposal of the land and property within the Supplementary Capital Receipts Schedule 2025/2026 (Appendix A) to support the Council's income targets.
- ii. Delegates authority to the Executive Director for Place in consultation with the Portfolio Holder for Finance and Regeneration, to negotiate and agree terms and complete the sales of any land and property identified within the Supplementary Capital Receipts Schedule 2025/2026 **Appendix A** to support the Council's income targets, in line with the legal requirements outlined in paragraph 3.7.1 and on such terms as officers deem most appropriate.
- iii. Approves the disposal of the land at Grasscroft, Almondbury shown edged red on the plan at **Appendix B** having considered and dismissed the objection to the disposal of public open space.
- iv. Delegates authority to the Executive Director for Place in consultation to negotiate and agree terms and complete the sale of the land at Grasscroft, Almondbury shown edged red in the plan **Appendix B**.
- v. Delegates authority to the Service Director – Legal, Governance and Commissioning authority to enter into all agreements necessary to affect any of the disposals approved by this report.
- vi. Resolves to revoke all the highway improvement lines as shown in the plan at **Appendix C** and as identified in paragraphs 2.20 - 2.22 of the report.

8. Next Steps and Timelines

- 8.1 Following this report, and subject to approval, instruction will be given to proceed at pace with the proposals, forming an accelerated programme for delivery.

9. Contact Officer

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David Martin – Head of Property – david.martin@kirklees.gov.uk

10. Background Papers and History of Decisions

- i. [Surplus Property Disposals 2023/24](#)
- ii. [Asset Review November 2023](#)
- iii. [Surplus Property Disposals January 2025](#)

11. Appendices

- A. Supplementary Capital Receipts Schedule (SCRS) 2025/26
- B. Red Line Boundary Grasscroft, Almondbury
- C. Highways improvement scheme, Walkley Lane, Heckmondwike

12. Service Director Responsible

Joanne Bartholomew: Service Director – Development – Place – 01484 210000 – Joanne.Bartholomew@Kirklees.gov.uk