

**The Highland Council**

**17 December 2009**

Agenda Item	<b>16</b>
Report No	<b>HC-41-09</b>

**Sale of Common Good Land at 8 Well St. Dornoch**

**Report by Corporate Manager Caithness, Sutherland and Easter Ross.**

**Summary**

The report proposes the sale of land belonging to Dornoch Common Good

**1. Background**

The owners of 8 Well St. Littleton, Dornoch have requested that the Council considers the sale of 122 sq m or thereby of Dornoch Common Good land that has been enclosed as part of the garden of 8 Well St. for at least thirty years. The purpose of the purchase is to consolidate the land holding and to enable the construction of an extension to the house which directly abuts the part of the garden belonging to Dornoch Common Good.

**2 Proposal**

- 2.1 When consulted, Dornoch Community Council restated a position that they have held for several years that Common Good land should not be sold, but should be leased. In this instance, a lease is not feasible because the stated wish of the owner is to extend the house onto the land in question.
- 2.2 The land in question has been inaccessible to Dornoch residents for at least thirty years and serves no benefit to them. If the land were to be given up by the current occupier it would not offer any access, recreational or income earning opportunity, and in all likelihood would become a maintenance burden. Furthermore it may be considered unreasonable to demand the return of a relatively insignificant area of land after its occupation for such a long time.
- 2.3 On consideration of the merits of the case and following the approval of the Common Good Policy (Resources Cttee 24 June 2009 Report no. RES-80-09), which states that any funds received from disposal of Common Good assets should be paid into a capital fund, Local Members consider that the best course of action is the sale of the land and the protection of the proceeds in a capital fund. This will not only resolve a longstanding request, but will also release the value of land that is currently inaccessible to the residents of Dornoch.
- 2.4 It is proposed that the land is offered for sale at market value and otherwise on terms and conditions to be agreed by the Director of Housing & Property..

Proceeds from the sale will be secured in a Dornoch Common Good Capital fund to be used at a future date as outlined in newly adopted Common Good Policy.

### **3 Financial Implications**

The Dornoch Common Good Fund would receive a capital receipt from the sale of the land and the applicant will meet any legal and professional fees arising.

#### **Recommendation**

Members are recommended to approve:

- That that the land is offered for sale at market value and otherwise on terms and conditions to be agreed by the Director of Housing & Property.
- The deposit of proceeds from the sale in a Dornoch Common Good capital fund as outlined by Highland Council Common Good Policy

Signature:

Designation: Ian Hargrave,  
Corporate Manager Caithness, Sutherland and Easter Ross.

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