

BOLSOVER DISTRICT COUNCIL

Meeting of the Executive on 23rd June 2025

Land to the rear of St Helen's Church Hall

Report of the Portfolio Holder for Growth

Classification	This report is Public
Contact Officer	Amelia Carter Senior Economic Development Officer

PURPOSE/SUMMARY OF REPORT

To set out the options and recommend the freehold transfer of the Council's land to the rear of St Helen's Church Hall, Pinxton for no consideration in order to deliver the outcomes of the Regeneration Funding which has been allocated to the project.

REPORT DETAILS

1. Background

- 1.1 The Regeneration Fund was allocated to Bolsover District Council in the Autumn Statement of 2023. The Investment Plan was approved on 22 May 2024 and the Memorandum of Understanding was signed in February 2025.
- 1.2 One of the projects within the Investment Plan is the refurbishment of Pinxton Church Hall. £700,000 was awarded from the Regeneration Fund for this project and £53,333 from the East Midlands Combined County Authority as part of the Rural Economic Prosperity Funding (REPF). The project has to be completed by March 2026, unless a variation is submitted and approved by the Minister for Housing Communities and Local Government
- 1.3 Significant work has been undertaken to explore both the refurbishment and new build options for the site, including condition surveys, measured surveys, utility surveys, RIBA 0-2 refurbishment concept drawings for a refurbishment and RIBA 0-2 concept drawings for a new build and indicative cost plans for both options. A RIBA 3 drawing pack is currently being prepared for a new build, in addition to a cost plan, to develop the design and to get a greater understanding of the costings for this option.
- 1.4 The site of the hall is in split ownership between the Diocese of Derby and Bolsover District Council (see Appendix A). The Council's land has been long associated and used by the Church Hall. Enquiries have been made with the Council's Legal department and, due to the absence of deed information, the arrangements which led to the Diocese using this piece of land for the last couple of decades are unclear.

- 1.5 The public access planning file reference BOL487/0170 shows that planning consent was applied for and granted for the change of use of the site from the rear garden of 99 Glebe Avenue into a parking area for the church hall. The application was made on behalf of Pinxton Parochial Church Council and permissions were granted in 1987.
- 1.6 The site is approximately 416m² and is only accessible from Church Street East. There are no rights of access across the land owned by the Diocese to the Council's land. There are also no rights of access from 97 or 99 Glebe Avenue onto the site.
- 1.7 The Council's parcel of land has been valued on the basis of the land being used as amenity/community use by the Council's Land Valuer as follows:
- Freehold value between £5,000 and £10,000
 - Leasehold value £720 per annum (The market value at £11,500 de-capitalised at a yield of 6% for a 99-year term)
- 1.8 An independent valuation has also been completed and the freehold valuation was estimated to be approximately £10,000.

2. Details of Proposal or Information

- 2.1 Local authorities are given powers under the Local Government Act 1972 Act to dispose of land, the only constraint is that a disposal must be for the best consideration reasonably obtainable (except where there is consent from the Secretary of State).
- 2.2 The Secretary of State has provided specific consent for the disposal of any interest in land which the authority considers will help it to secure the promotion or improvement of the economic, social or environmental well-being of its area.
- 2.3 It is considered that the disposal of the site for less than best consideration will result in the promotion of the social wellbeing of Pinxton residents by facilitating the re-development of the hall for the benefit of the whole community. Further the Council's land will be used as community garden area which will promote the environmental wellbeing of the area (See Appendix B).
- 2.4 A requirement of the funding is that land titles must be clear and undisputed. It is therefore recommended that the whole site has the same registered owner.
- 2.5 Conversations have taken place with the Diocese about how to resolve the land ownership issue. Currently, they do not wish to transfer their land asset (the church hall) to the Council. In addition, no business case has been prepared to explore this option or the associated risks/opportunities of the Council in taking on this asset. The Diocese also currently do not wish to purchase additional assets as part of their estate and do not have budgets available to do this.
- 2.6 In addition, if the Diocese were to pay for the land, there would be additional VAT implications for the project which would negatively impact on the budget. This is

likely to substantially reduce the possibilities of both refurbishment and rebuild options on the site.

- 2.7 Should the land be formally transferred by the Council to the Diocese, it will promote the social and environmental wellbeing of Pinxton. It will do this by allocating amenity space to be used in connection with a community facility, in accordance with the Local Government Act (1972). Restrictive covenants can be imposed to control this use. Appendix B sets out how the land could be used and form part of a redevelopment scheme on the site.

3. Reasons for Recommendation

- 3.1 The Council's land has been long associated and used by the Church Hall (over two decades) for no consideration i.e. no financial benefit to the Council.
- 3.2 The Council's Legal department has advised the site could potentially be pursued by the Diocese if they choose to explore claiming adverse possession rights to the site.
- 3.3 A nil consideration would result in all the VAT being fully recoverable allowing for the full budget allocated by the funders to be spent on the project.
- 3.4 The disposal of the asset will promote the social wellbeing of Pinxton which allows the Council to dispose of its asset for less than best consideration, in accordance with the Local Government Act 1972.

4 Alternative Options and Reasons for Rejection

- 4.1 A peppercorn lease transfer could be considered. However, this has been discounted as it would result in more expensive legal fees agreeing the terms of the lease. The leasehold transfer would have no greater benefit to the Council as restrictions covenants can be imposed on a freehold transfer.
- 4.2 Sale of the Council's land to adjacent neighbours could be considered. However, this would result in no amenity space being available for hall users, and will reduce the scope of the hall, and its connection to the proposed landscaping/community garden to the rear. It is also a possibility that the adjacent neighbours may not be interested in purchasing the site.
- 4.3 Requiring the Diocese to pay for the site could be considered. However, they have already said they do not have the budget to purchase the site. If the Council were to sell the land to the Diocese for a consideration it would result in the VAT not being recoverable for the project, thereby reducing the scope of the project.

RECOMMENDATION(S)

1. Approve the freehold transfer of the land to the Diocese for no consideration i.e. no financial benefit to the Council on terms to be agreed by the Monitoring Officer.

2. That the Council acknowledges that the transfer of the land to the Diocese will contribute to the promotion of the economic, social or environmental wellbeing of the area.

Approved by Councillor Tom Munro, Portfolio Holder for Growth

IMPLICATIONS:

<u>Finance and Risk</u> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>		
Details: There are no cost implications from this report for Bolsover District Council as all expenditure incurred will be financed by external contributions. If the land had been transferred for some consideration, the Council would have received a capital receipt, which could only have been used to fund further capital expenditure to that value (approximately £5,000 - £10,000). By transferring the land for no consideration, the VAT position is not affected, and the Council does not have to incur costs on specialist VAT advice. On behalf of the Section 151 Officer		
<u>Legal (including Data Protection)</u> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>		
Details: Section 123 of the Local Government Act requires the Council to obtain best consideration on the disposal of land except with the consent of the Secretary of State The General Disposal Consent (England) 2003 "Disposal of land for less than the best consideration that can reasonably be obtained" provides permission for Councils to dispose of land for less than best consideration when the purpose for which the land is disposed contributes to the promotion or improvement of economic, social or environmental wellbeing. On behalf of the Solicitor to the Council		
<u>Staffing</u> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>		
Details: There are no staffing implications arising within this report. On behalf of the Head of Paid Service		

Equality and Diversity, and Consultation

Yes No

Details:

Environment

Yes No

Details:

The land transfer offers the potential for the community to carry out landscaping/ amenity space which could enhance the biodiversity on site, depending on what types of habitats are planted. The landscaping works are a good opportunity for the community to be involved in the project, and advice can be provided by the Council on native species and planting which will benefit local ecology and biodiversity.

DECISION INFORMATION:

Please indicate which threshold applies:

Is the decision a Key Decision?

A Key Decision is an Executive decision which has a significant impact on two or more wards in the District or which results in income or expenditure to the Council above the following thresholds:

Yes No

Revenue (a) Results in the Council making Revenue Savings of £75,000 or more or **(b)** Results in the Council incurring Revenue Expenditure of £75,000 or more.

(a) (b)

Capital (a) Results in the Council making Capital Income of £150,000 or more or **(b)** Results in the Council incurring Capital Expenditure of £150,000 or more.

(a) (b)

District Wards Significantly Affected:

(to be significant in terms of its effects on communities living or working in an area comprising two or more wards in the District)

Please state below which wards are affected or tick **All** if all wards are affected:

All

Is the decision subject to Call-In? <i>(Only Key Decisions are subject to Call-In)</i>	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
If No, is the call-in period to be waived in respect of the decision(s) proposed within this report? <i>(decisions may only be classified as exempt from call-in with the agreement of the Monitoring Officer)</i>	Yes <input type="checkbox"/> No <input type="checkbox"/>
Consultation carried out: <i>(this is any consultation carried out prior to the report being presented for approval)</i>	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
Leader <input checked="" type="checkbox"/> Deputy Leader <input checked="" type="checkbox"/> Executive <input checked="" type="checkbox"/> SLT <input type="checkbox"/> Relevant Service Manager <input checked="" type="checkbox"/> Members <input type="checkbox"/> Public <input type="checkbox"/> Other <input type="checkbox"/>	

Links to Council Ambition: Customers, Economy, Environment, Housing
This project will create positive impacts on the residents and environment of Pinxton.

DOCUMENT INFORMATION:

Appendix No	Title
Appendix A	Site Plan
Appendix B	Plan showing proposed use of the land

Background Papers
<i>(These are unpublished works which have been relied on to a material extent when preparing the report. They must be listed in the section below. If the report is going to Executive, you must provide copies of the background papers).</i>
Regeneration Fund Investment Plan