

## **9. PROPOSED ACCEPTANCE OF THE LEGACY OF LOWER GREENHOUSE FARM, CALTON, STAFFORDSHIRE**

### **1. Purpose of the report**

This report is to set out the details to consider regarding the acceptance of the legacy of Lower Greenhouse Farm (farmhouse, outbuildings and land) in the village of Calton, Staffordshire to the Authority. The Committees approval to accept the property is required under Standing Orders.

#### **Key Issues**

- **The Authority has power under s139 of the Local Government Act 1972 to accept, hold and administer for the purpose of discharging any of its functions, gifts of property, whether real or personal, made for that purpose.**
- **The legacy includes a farmhouse, outbuildings and two parcels of land extending to approximately 38.5 acres in total. The farmhouse is in need of modernisation and the outbuildings are limited in size and in need of repair. The farm does have some ecological and cultural heritage interest which will require consideration alongside future options for the property.**
- **The legacy is made to the Authority free of conditions. The Will specifies that the legacy is to be used for the “general benefit of the Peak District” subject to payment of inheritance and other taxes attributable to the property. The executors are applying for an HMRC Clearance Certificate to confirm there are no outstanding taxation issues.**
- **As the legacy has a capital value of over £150,000, under Standing Orders Delegation of Powers to Officers Part 7 D-1 ARP approval is required ‘to acquire or renew any interest in or over land, including buildings, on terms to be approved by the Head of Law’.**
- **Acceptance of the legacy was approved by the Authority’s Due Diligence Panel on 26th July 2017. Checks were carried out of the donor and these did not reveal any concerns or reasons why the legacy could not be accepted.**

### **2. Recommendations**

- 1. The legacy is accepted from the executors once all the administration of the Estate is complete.**
- 2. Following transfer of the property to the Authority an options appraisal is completed with recommendations for consideration by ARP.**

### **3. How does this contribute to our policies and legal obligations?**

This legacy could contribute to the Authority’s objective to raise funds through giving to the Authority if the property is subsequently sold.

The property does possess some elements of conservation value which contribute to the Authority’s policies and purposes. The use of covenants and existing Statutory protection will be considered as part of the options appraisal for any future decision to either sell or retain the property for ARP to consider.

#### **4. Background Information**

The legacy was unexpected. There had been some limited previous contact between the donor and the Authority but no ongoing relationship.

Probate has been granted to the executors and the administration of Estate is underway. Lower Greenhouse Farm comprises a traditional farmhouse in need of upgrading, outbuildings and approximately 38.5 acres of grassland. It is located on the edge of the village of Calton within the Peak District National Park boundary. The house, buildings and 22 acres land form one parcel and there is a separate parcel of land across the road extending to approximately 16.5 acres. The executors were unable to locate the title deeds to the smaller separate land area. However, the executors are currently undertaking registration of the holding with Land Registry. It is likely that title to the 16.5 acres will be possessory only given that there are no title deeds. It is anticipated that the holding will be ready to transfer to the Authority in late 2017 or early 2018.

The historic farmstead lies in the Calton Conservation Area. A landscape and conservation survey has been undertaken but included external inspection only of the house and buildings. The farm does have some environmental significance which will be considered fully in the options appraisal. The land adjacent to the farmstead is of mixed quality. Some of the land has little ecological interest but 3 of the fields are semi improved grassland with areas of species rich BAP grassland and possibly a curlew nesting site. There is a scheduled ancient monument recorded on the farm and also a public footpath on the edge of the holding.

The separate land parcel across the road comprises semi improved grassland with localised areas of BAP priority grassland, a public footpath crosses the land and there are features of local archaeological interest.

The future options for the farm are likely to fall in to the following categories; sell as a whole or in lots as it is, sell with some improvements, sell part/retain part or retain the whole. All options will be considered alongside the environmental implications, potential use of covenants, risk analysis and financial implications.

#### **5. Proposals**

The current proposal is to accept the legacy once the administration of the Estate is complete. A full options appraisal will then be prepared with recommendations for consideration by ARP.

**Are there any corporate implications members should be concerned about?**

#### **6. Financial:**

Resource implications include Rural Surveyor and Legal time and any costs involved in the future management or disposal of the property.

There would be significant capital costs involved should the Authority wish to retain and manage this property as a working farm in the future.

There is a possibility of some inheritance tax being due but current indications from the executors are that no issues have arisen with HMRC and a Clearance Certificate is being applied for from HMRC to confirm that taxation position.

There would be resource implications in dealing with any issues which may arise, as identified under the 'risk management' section.

**7. Risk Management:**

There are no known issues at present in the proposal to accept the legacy but as the Will is still in the administration stage with the executors there is still the possibility of issues arising. Issues may include challenges to the Will by family members or claims to the area of land for which the title deeds have been lost, with the consequential costs implications in dealing with any such challenges. As there are no conditions apart from taxation implications attached to the legacy the Authority can apply the same criteria as it does to existing property management.

**8. Sustainability:**

There are no issues

**9. Equality:**

There are no issues

**10. Background papers (not previously published)**

None

**11. Appendices**

Location plan

Plan of farm

**Report Author, Job Title and Publication Date**

Tammy Shirley, Rural Surveyor - 26<sup>th</sup> October 2017