

From: Rebeca Spore, Director of Infrastructure

To: Peter Oakford, Deputy Leader and Cabinet Member for Finance, Corporate and Traded Services

Subject: Disposal of Boughton Mount, Boughton Lane, Boughton Monchelsea, ME17 4NA

Decision no: 24/00063

Classification: *Unrestricted report with exempt appendix, not for publication under Paragraph 3 of Part 1 of Schedule 12A of the Local Government Act 1972 - Information relating to the financial or business affairs of any particular person (including the authority holding that information).*

Key decision: Yes, involves expenditure or savings of maximum £1m – including if over several phases.

Past pathway of report: Policy and Resources Cabinet Committee, 10 July 2024.

Future Pathway of report: Cabinet Member Decision.

Electoral Division: Maidstone Rural South, Lottie Parfitt-Reid

Is the decision eligible for call-in? Yes

Summary: This report considers the proposed disposal of Boughton Mount, Boughton Lane, Boughton Monchelsea, ME17 4NA.

Recommendation(s):

That the Cabinet Member consider the following proposal:

As the Deputy Leader and Cabinet Member for Finance, Corporate and Traded Services, I agree to:

1. the disposal of the property, Boughton Mount, Boughton Lane, Boughton Monchelsea, ME17 4NA; and
 2. delegate authority to The Director of Infrastructure, in consultation with the Deputy Leader and Cabinet Member for Finance, Corporate and Traded Services, to finalise the terms of the disposal and execution of all necessary or desirable documentation required to implement the above.
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1. Introduction

- 1.1 This report addresses the Council's intention to sell Boughton Mount, which comprises of approx. 11.3 acres (4.6 hectares).

- 1.2 Boughton Mount is located south of Maidstone and north of The Quarries hamlet, sitting in the north-western corner of Boughton Monchelsea Parish. Boughton Lane is the only means of access; northwards is the A229 (Loose Road) and southwards lies Boughton Monchelsea. Farmland and some substantial residential dwellings surround the site. An aerial photograph below identifies the site:



- 1.3 The site sits on a ridge and slopes gradually from north to south, reflecting the topography of the wider area. As can be seen from the photograph in 1.2, the site is largely undeveloped. The northern 4.4 acres (1.8 hectares) originally contained a Victorian mansion house and gardens, a pool, stabling/barn and estate offices, a water tower and walled kitchen garden with glasshouses; these were partially replaced by what are now unused and dilapidated hostel/special care buildings. The southern part of the site is undeveloped; it formed the gardens and parkland to the original house, containing a Grade II Listed Folly incorporating a grotto and ha-ha with bridge. All remaining structures are covered with overgrown vegetation; these have suffered from vandalism and are blocked up against unauthorised entry.
- 1.4 A site plan is shown in Appendix B.

2. Background

- 2.1 The Boughton Mount estate comprised a mansion house constructed in the 1820s with a stable block/estate office to the north and a walled garden with glass houses to the east. The grounds included a Folly, lawns and a grotto with specimen trees in parkland beyond the Ha-ha (which was a later addition). The Foster Clark family acquired the estate in 1901.
- 2.2 Kent County Council (KCC) was bequeathed the freehold interest in 1948 by Deed of Gift from members of the Foster Clark family with a restriction to use it for the education of delicate children.
- 2.3 The mansion house burnt down and in the 1960s/70s KCC constructed several buildings to serve as a residential hostel and children's special care unit. After use of the site for special educational needs ceased, options for its re-use were considered. Once no operational use for the site could be established, it was declared surplus and suitable for disposal in 2010. Given that the educational use of the site ceased more than 10 years ago, there is no requirement to comply with Schedule 77 of the School Standards & Framework Act 1988 (as amended) nor Schedule 1 of the Academies Act 2010.
- 2.4 A Key Decision (17/00034) was taken in June 2017, which agreed to commence the appropriation procedure in relation to the land at Boughton Mount, and the restrictive covenant. See appendices E and F for details of this decision.
- 2.5 Following a review of the potential for redevelopment, the site was included in Maidstone Borough Council's call for sites, as part of its Local Plan. The Boughton Monchelsea Neighbourhood Plan also supported proposals for a scheme of c.25 residential units on the northern-most part, with the remaining area being kept as parkland (available for public access) and the heritage assets restored.
 - 1.1. Having been allocated for future redevelopment in the Local Plan process, KCC engaged planning consultants to undertake a pre-app exercise for a residential scheme on the site, which received a favourable response from the planning authority.
- 2.7 The limited amount of developable land (c5 acres of the 11 acres which comprise the site) and the planning policy requirement for the parkland to be maintained (with public access), may require a future owner working in conjunction with a specialist organisation.
- 2.8 Following an abortive disposal in 2019/20, a fresh appraisal of the site's potential has been undertaken and advice sought from several agents regarding its appeal to developers to prepare the site for remarketing.

3. Options considered and dismissed, and associated risk

- 3.1 Following internal consideration, no operational requirement for the site has been established, therefore other options to be considered were limited to holding the property for investment return or disposal.

- 3.2 Continuing to hold the site would leave the Council exposed to ongoing costs for securing it against unauthorised access and potential claims for injuries arising from any trespassing. The deterioration of the remaining buildings remains an inherent risk for KCC. Similarly, the frailty of the heritage assets has a heightened risk of the Conservation Officer's intervention and potential for requiring unbudgeted expenditure to make repairs. The site would also require significant investment either by the Council or an occupier prior to any re-occupation and use.
- 3.3 The exempt appendix A sets out the approaches by interested parties, which have been received by the Council, since the site was declared surplus in 2010.
- 3.4 A freehold disposal will allow a capital receipt to be generated for reinvestment back into the Council's stated capital priorities and support the delivery of the Council's statutory obligations.
- 3.5 A freehold disposal is the preferred option for the site, seeking offers on an 'all enquiries' basis to ensure all potential interest is explored in line with the Council's statutory duties.

4. Financial Implications

- 4.1 The sale of the property will result in a capital receipt which will be reinvested back into the Council's Capital Programme.
- 4.2 The disposal of the property will remove holding costs associated with the property easing pressure on revenue budgets.
- 4.3 Further financial information is set out in the exempt appendix A.

5. Marketing

- 5.1 Subject to the necessary approvals being forthcoming, KCC will appoint a suitably qualified agent to openly market the site in Q3/4 2024 on an 'all enquiries' basis to allow any interested parties to submit a bid for the site.
- 5.2 A marketing campaign to advertise the site through various media channels will be undertaken to ensure a wide audience is reached; appropriate due diligence will be undertaken on any bidders.
- 5.3 Bids will be appraised in line with the Council's legislative and fiduciary duties, and in compliance with any relevant Council policy.
- 5.4 Following the formal submission of bids, these will be assessed considering:
 - Overall price, any pricing caveats or exclusions
 - Any conditionality on the proposals and the deliverability of those
 - Compliance with the Local Plan affordable housing requirements, if appropriate
 - Deliverability of the proposals submitted, if they are reliant on the planning process.
 - Funding security

- Any factors of opportunity cost that KCC may wish to consider, other than those described above, which would deliver operational or policy returns.

- 1.1. Due diligence will be undertaken as appropriate which may include valuation, planning or other specialist advice.
- 1.2. Following the consideration of initial bids, best and final offers may be requested. It is proposed to select the best proposal that enables delivery of the maximum capital receipt for the Council, having given due consideration to all the factors described in 5.4 above.

6. Legal Implications

- 6.1 The Council has a duty under s123 of the 1972 Local Government Act to obtain not less than best consideration in the disposal of property assets.
- 6.2 External legal advisors will be appointed in consultation with General Counsel.

7. Equalities implications (EqIA)

- 7.1 The Key Decision to be taken by the Cabinet Member does not relate to a service delivery or change.
- 7.2 An Equalities Impact Assessment (EqIA) has been undertaken and identified no direct equalities implications arising from the disposal of the site. See Appendix D.

8. Data Protection Implications

- 8.1 As part of this approval process and in the handling of marketing/conveyancing of the site Data Protection regulations will be observed.
- 8.2 A Data Protection Implication Assessment (DPIA) screener has confirmed that there are no DPIA implications and that a further DPIA assessment is not required in respect of this decision.

9. Governance

- 9.1 A Key Decision is being sought in line with the constitution and the Council's governance processes. The views of the local Member in accordance with the property management protocol will be sought and will be reported to the Cabinet Member before a Key Decision is taken.
- 9.2 As shown in the recommendation, delegated authority is to be given to the Director of Infrastructure, in consultation with the Deputy Leader and Cabinet Member for Finance, Corporate and Traded Services, to finalise the terms of the disposal and execution of all necessary or desirable documentation required to implement the decision.

10. Next Steps and Conclusions

10.1 An indicative timetable for the planned disposal is set out below:

| Stage | Timescale |
|--|-------------------|
| Marketing | Q3/4 2024 |
| Bid appraisal | Q4 2024/Q1 2025 |
| Exchange | Q1/2 2025 |
| Completion assuming unconditional sale | Q1/2 2025 |
| Completion assuming conditional sale | Q4 2025 / Q1 2026 |

10.2 The site has been declared surplus to the Council's operational requirements. In accordance with the Council's strategy of recycling assets to produce capital receipts for reinvestment into capital project priorities it is recommended that this site is progressed for disposal.

Recommendation(s):

That the Cabinet Member consider the following proposal:

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1. the disposal of the property, Boughton Mount, Boughton Lane, Boughton Monchelsea, ME17 4NA; and
2. delegate authority to The Director of Infrastructure, in consultation with the Deputy Leader and Cabinet Member for Finance, Corporate and Traded Services, to finalise the terms of the disposal and execution of all necessary or desirable documentation required to implement the above.

11. Background Documents

11.1 Appendix A – Exempt Appendix

11.2 Appendix B – Site Plan

11.3 Appendix C – Proposed record of Decision

11.4 Appendix D – Equalities Impact Assessment

11.5 Appendix E - Record of Decision 17/00034

<https://democracy.kent.gov.uk:9071/documents/s77515/REcord%20of%20Decision%20-%20Land%20at%20Boughton%20Mount.pdf>

11.6 Appendix F – Executive Decision Report 17/00034

<https://democracy.kent.gov.uk:9071/documents/s77517/1700034%20-%20report%20Boughton%20Mount.pdf>

12. Contact details

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