

# CHARITABLE FUNDS COMMITTEE



**REPORT OF:** Chair of Charitable Funds Committee

**LEAD OFFICERS:** Claire Ramwell, Head of Service

**DATE:** 15<sup>th</sup> March 2023

## **SUBJECT:**

**Plot of Land to the Rear of the Lodge at Turton Tower**

### **1. EXECUTIVE SUMMARY**

The Lodge and the Turton Tower Estate are owned by Blackburn with Darwen Council as sole Corporate Trustee for the Turton Tower Charity Trust (Registered Number 513819). The Charitable Funds Committee ('the Committee') supports the Council in its function to act in the best interests of Turton Tower in relation to operational matters and provides recommendations for long term strategic sustainability.

The Executive Member for Growth and Development has accepted the Charitable Funds Committee's recommendation and approved the disposal of the Lodge, to be sold on the open market. Proceeds of the sale to be ring fenced and utilised to invest in the long term sustainability plans for the Tower including further exploring the development of the stables to create commercial hospitality spaces for income generation avenues to contribute to a sustainable business model for Turton Tower and create an ongoing funding reserve available for future investment and upkeep of the historic Grade 1 listed building.

As part of the due diligence process and preparation for sale it became apparent that a plot of land (83 square yards) to the rear of Turton Tower Lodge is considered under a separate title deed having been purchased independently of the Tower Estate by the Turton Urban District Council and that as the inheritor of the property of Turton Urban District Council the North Turton Parish Council assumes ownership of the land. The Council do not contest its ownership. It would however be advantageous, in order to achieve a maximum selling price on the open market for the Lodge and all the land to be offered as a single lot.

Blackburn with Darwen Council instructed an independent surveyor to carry out a valuation of the small plot in order to satisfy the requirements of the Charity Commission. The outcome of this survey is that, taking into account the Lodge the 'marriage value' of the land is £12,000.

A proposal was put to North Turton Parish Council for the purchase of the plot of land for £12,000. At a meeting on 6<sup>th</sup> February North Turton Parish Council resolved to accept this offer, with all proceeds of the sale being re-invested back in to Turton Tower and that the offer was to include Blackburn with Darwen Council paying the Parish Council's costs

### **2. RECOMMENDATIONS**

That the Trustees:

- Consider the information provided within this report and agree to purchase the plot of land at the rear of Turton Tower Lodge, informed by the independent valuation from North Turton Parish Council for £12,000.

### **3. BACKGROUND**

The Lodge and the Turton Tower Estate are owned by Blackburn with Darwen Council as sole Corporate Trustee for the Turton Tower Charity Trust (Registered Number 513819). The Charitable Funds Committee ('the Committee') supports the Council in its function to act in the best interests of Turton Tower in relation to operational matters and provides recommendations for long term strategic sustainability.

The Lodge is a detached part single, part two-storey dwelling originally built as a lodge house in the late 1800's to serve the Turton Tower Estate. It is located in the grounds of the borough's only Grade 1 listed building. Turton tower is approximately 800m distant along a pedestrian footpath. The property was occupied as a residential dwelling until approximately 12 months ago (achieving £600 per month rental income). It is now vacant and falling further into disrepair.

At a Charitable Funds Committee meeting on 1<sup>st</sup> August 2022 a resolution was passed to sell the Lodge with the proceeds of the sale being ring-fenced and utilised to re-invest into Turton Tower as a match fund for a Heritage Lottery Fund grant application, in order to restore the currently semi-derelict but otherwise listed coach house and stable block as part of the sustainability plan and business case. Protecting and preserving Turton Tower is a principle objective of the Trustees.

As part of the due diligence process and preparation for sale it became apparent that a plot of land (83 square yards) to the rear of Turton Tower Lodge is considered under a separate title deed having been purchased independently of the Tower Estate by the Turton Urban District Council, for the sum of £45, and that as the inheritor of the property of Turton Urban District Council the North Turton Parish Council assumes ownership of the land. The Council do not contest its ownership.

The plot to the rear of the Lodge is currently uncultivated, has no easement over the neighbouring field and so the only individuals who may gain access to the land are the Lodge and the owner of the field. This limits the practical uses for the land – although it is obviously of benefit to the future owner of the Lodge. Its location and lack of access also restricts the likely commercial interest in purchasing the land. Particularly as any other prospective purchaser would be responsible for the maintenance and potentially be liable for the removal of the septic tank. It would however be advantageous, in order to achieve a maximum selling price on the open market for the Lodge and all the land to be offered as a single lot.

Blackburn with Darwen Council instructed an independent surveyor to carry out a valuation of the small plot in order to satisfy the requirements of the Charity Commission. The outcome of this survey is that, taking into account the Lodge the 'marriage value' of the land is £12,000. If the land was considered independently as a piece of agricultural land the value is in the region of £1,700.

A proposal was put to North Turton Parish Council for the purchase of the plot of land for £12,000. At a meeting on 6<sup>th</sup> February North Turton Parish Council resolved to accept this offer, with all proceeds of the sale being re-invested back in to Turton Tower and that the offer was to include Blackburn with Darwen Council paying the Parish Council's costs

The disposal of the Lodge requires Charity Commission consent; this is currently being pursued concurrent with the sale process for The Lodge.

### **4. KEY ISSUES & RISKS**

To support the best interests of Turton Tower the Charitable Funds Committee continues to take a pro-active approach to opportunities that will protect Turton Tower and support its long term sustainability. The purchase of the plot of land to the rear of Turton Tower Lodge is in line with this objective.

Without the inclusion of the small plot of land the sale of the Lodge may not achieve its maximum potential on the open market; thereby reducing the benefit to Turton Tower in the longer term

The plot of land has been independently valued recognising its marriage value to the Lodge.

The current ownership of the land by North Turton Parish Council is not disputed

There is a risk that the Charity Commission does not grant consent to sell the Lodge. All available and requested documentation is being provided to the Charity Commission to demonstrate the clear rationale for the disposal in the long term interests of the Tower.

## **5. POLICY IMPLICATIONS**

The overall sale of the Lodge will require the approval of the Charity Commission

## **6. FINANCIAL IMPLICATIONS**

The sum of £12,000 required to purchase the plot of land will be realised from the proceeds of the sale of the Lodge (estimated to be £200,000). The Parish Council's legal conveyancing fees will also be paid from the proceeds of the sale

The purchase of the land from North Turton Parish Council would create a meaningful curtilage around the Lodge, marketed as a single lot that will be more attractive to buyers and thus maximise the sale price achieved

Purchasing the plot is in-line with the Charitable Funds Committee and Council's objective to reduce the inherent financial risk associated with maintaining this historic Grade I listed building whilst protecting and preserving Turton Tower into the future.

## **7. LEGAL IMPLICATIONS**

The resolution of the Charitable Funds Committee to recommend the sale of the Lodge and approval by the Executive Member, Growth and Development, on behalf of the Council will further require the consent for disposal from the Charity Commission.

The independent valuation provides the Trustees and the Council with a Valuer's opinion of the current 'marriage value' of the small plot of land, behind the Lodge and that this is in compliance with the Charities (Qualified Surveyor's Report Regulations) Act.

The precise mechanism in order to dovetail the purchase of the small plot and the sale of the Lodge still needs to be considered in detail, to ensure the Council is not drawing on its own resources to buy the section.

## **8. RESOURCE IMPLICATIONS**

Internal support will be provided through the Council's Legal Department. However, external capacity and expertise will be required to support the preparation of the necessary documents to secure Charities Commission consent and the property's sales marketing documentation.

## 9. EQUALITY AND HEALTH IMPLICATIONS

An Equality Impact Assessment (EIA) checklist has been completed and an EIA is not required

## 10. CONSULTATIONS

The proposal was put to the North Turton Parish Council and following formal discussion they have resolved to sell the land.

<b>CONTACT OFFICER:</b>	Claire Ramwell
<b>DATE:</b>	March 8 <sup>th</sup> 2023
<b>BACKGROUND PAPER:</b>	