



ACQ/311/2008
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LANDS TRIBUNAL ACT 1949

COMPENSATION – compulsory purchase – four sites forming part of highway – no alternative use – nominal compensation of £100 per plot awarded

IN THE MATTER OF FOUR NOTICES OF REFERENCE

by

**LONDON BOROUGH OF
BARKING AND DAGENHAM
(No Respondent)**

Applicant

**Re: Parts of highways known as
Church Elm Lane and
Heathway,
Dagenham,
Essex**

DECISION ON THE BASIS OF WRITTEN REPRESENTATIONS

by

N J Rose FRICS

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DECISION

1. These are four references by the London Borough of Barking and Dagenham (the applicant) to determine the amount of compensation payable for the freehold interests in four parcels of land comprising parts of highways known as Church Elm Lane and Heathway, Dagenham. The sites were compulsorily acquired under the London Borough of Barking and Dagenham (The Heathway) Compulsory Purchase Order 2007, which was made by the applicant on 21 March 2007, pursuant to section 226(1)(a) of the Town and Country Planning Act 1990 and section 13 of the Local Government (Miscellaneous Provisions) Act 1976, and confirmed by the Secretary of State for Communities and Local Government on 20 December 2007. A general vesting declaration was made on 26 March 2008 and the subject properties were vested in the applicant on 25 April 2008, which is the valuation date.

2. The subject properties may be briefly described as follows:

Plot 12 – 21 square metres of land part of an unadopted highway known as Church Elm Lane, situated to the south west of The Church Elm Public House, 1 Church Elm Lane.

Plot 14 – 476 square metres of land part of a public adopted highway known as Church Elm Lane, situated to the south and east of The Church Elm Public House, 1 Church Elm Lane.

Plot 15 – 24 square metres of land part of an unadopted highway known as Heathway situated to the west of The Church Elm Public House, 1 Church Elm Lane.

Plot 18 – 422 square metres of land part of a public adopted highway known as Heathway including the junction with Church Elm Lane, situated to the west and south west of The Church Elm Public House, 1 Church Elm Lane.

3. The owners of the four plots could not be traced. By order of the Tribunal, and with the agreement of the applicant, the reference was conducted on the basis of written submissions. I have considered various documents submitted by the applicant. They include a statement by Mr David Harley, a Regeneration Manager for London Riverside and Rest of the Borough, dealing with the steps taken by his employer, the applicant, to locate the owners of the land. They also include reports on value prepared by Mr Christopher Kench MRICS, a valuer with DVS, property specialists for the public sector.

4. Mr Harley said that the difficulty of tracing the land ownerships had arisen as a result of a number of factors, including mistake, probably as a result of the inaccurate preparation of plans and consequently the inaccurate registration of title. He outlined a number of steps which the applicant had taken in an attempt to locate the owners. In the light of his evidence I am satisfied that the applicant had made diligent inquiries in order to trace the owners, but has been unable to find them.

5. Mr Kench considered that the value of each of the four properties was nominal (say £100), since they could not be used for any valuable purpose in view of the established rights to use them for highway purposes. In the absence of any other evidence I accept Mr Kench's opinion. I determine that the compensation payable for the freehold interest in each of the four subject properties is £100. There being no respondent to these proceedings, I make no order as to costs.

Dated 8 October 2008

N J Rose FRICS