

HIW/18/69

Mid Devon Highways and Traffic Orders Committee
29 October 2018

Review of Building, Improvement and Visibility Lines in Register of Local Land Charges

Report of the Chief Officer Highways, Infrastructure Development and Waste

Please note that the following recommendation is subject to consideration and determination by the Committee before taking effect.

Recommendation: It is recommended that the building, improvement and visibility lines as prescribed in the Schedule attached as Appendix I be revoked and rescinded and removed from the Register of Local Land Charges.

1. Background

The Public Health Act 1925 and the Roads Improvement Act 1925 empowered the Highway Authority of the day to prescribe, in relation to one side or both of any Highway Maintainable at Public Expense, an improvement line the effect of which is to protect land, which may eventually be needed for road widening, from the erection of buildings.

Upon Local Government Re-organisation in 1974 the Devon County Council inherited as successor Highway Authority various building, improvement and visibility lines prescribed by the former Highway Authorities, most of which were prescribed in the 1920's and 1930's.

All building and improvement lines are protected by registration in the Register of Local Land Charges and are revealed in replies to searches made by Solicitors acting for prospective purchasers of properties or land.

Most of the Orders made under the Public Health Act 1925 and the Roads Improvement Act 1925 are unable to be located in printed version. It would be difficult, therefore, to enforce if thought necessary.

2. The Supplementary Search Process

Private individuals or companies wishing to purchase properties will arrange to undertake a Search of the Local Land Charges via their Solicitors. Searches that reveal a Building, Improvement or Visibility Line also state that further information may be obtained from the County Council.

Such Enquiries – known as Supplementary Search Enquiries – are submitted by Solicitors acting for prospective purchasers to the Land Charges Team. Responses are provided having consulted with local Highways Officers and a letter is sent, together with an invoice relating to the payment due to cover the notional administration charge. Replies are expedited but may cause delay to the purchase process.

Most of the Supplementary Search Enquiries related to Building, Improvement and Visibility Lines are returned advising the enquirer that the Order has no practical effect today (current Planning Legislation is able to condition appropriate highway improvements). This may be seen as an unnecessary procedure and a waste of time and money.

3. Review of Register of Local Land Charges

A review of building, improvement and visibility lines within the area of the Mid Devon District Council has been undertaken.

It is considered that the historic improvement, building and visibility lines in the Register of Local Land Charges summarised in Appendix I are now obsolete by virtue of the changes to road layout or traffic patterns over the years, the powers contained in current Planning Legislation, or there is no prospect of the identified highway improvement being progressed. It is recommended that the detailed lines should be revoked and rescinded and removed from the Register of Local Land Charges.

4. Options/Alternatives

The Committee may decide to retain in the Register of Local Land Charges any or all of the lines detailed in Appendix I.

5. Financial Considerations

There are no additional costs involved in implementing the recommendation. The modifications to the Register of Local Land Charges would be undertaken by existing staff.

6. Environmental Impact Considerations

It is considered the environmental impact of implementing the recommendation would be neutral.

7. Equality Considerations

It is considered there are no considerations in relation to the Public Sector Equality Duty in implementing the recommendation.

8. Legal Considerations

The lawful implications of the recommendations have been considered and taken into account in the preparation of this report.

9. Reasons for Recommendations

It is considered that the historic improvement, building and visibility lines in the Register of Local Land Charges summarised in Appendix I are now obsolete by virtue of the changes to road layout or traffic patterns over the years, the powers contained in current Planning Legislation, or there is no prospect of the identified highway improvement being progressed.

Meg Booth
Chief Officer Highways, Infrastructure Development and Waste

Electoral Divisions: All in Mid Devon

Local Government Act 1972: List of Background Papers

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Background Paper	Date	File Ref.
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Register of Local Land Charges
for Mid Devon District

tm011019mdh
sc/cr/Review of Building, Improvement and Visibility Lines in Register of Local Land Charges
02 191018

**Appendix I
To HIW/18/69**

Schedule of Local Land Charges to be revoked and rescinded and removed from the Register.

Nature of prohibition or restriction; and reference to order, scheme, instrument, resolution, covenant, agreement or other document, under or by virtue of which prohibition or restriction is created or enforceable	Historic description of land affected by prohibition or restriction	Current road number/ Electoral Division	Date
Improvement Line under Public Health Act 1925	Exeter – Taunton Road A38 Stoneshill Railway Bridge, Willand	B3181 Willand and Uffculme	23 February 1928
Building Line under Section 5 of the Roads Improvement Act, 1925	Exeter – Taunton Road A38 Woodland Glade, Cullompton A38/2D/1	B3181 Cullompton & Bradninch	24 July 1929
Building Line under Section 5 of the Roads Improvement Act, 1925	Exeter – Taunton Road Route A38 Poundapit Farm – Merry Harriers A38/2F/1 A38/2F/2	B3181 Cullompton & Bradninch	16 October 1931 16 October 1931
Building Line under Section 5 of the Roads Improvement Act, 1925	Exeter – Taunton Road Route A38 Merry Harriers - Westcott A38/2E/1	B3181 Cullompton & Bradninch	9 May 1931
Building Line under Section 5 of the Roads Improvement Act, 1925	Exeter – Taunton Road Route A38 Westcott – Padbrook Bridge A38/2G/1 A38/2G/2	B3181 Cullompton & Bradninch	15 October 1931 15 October 1931
Building Line under Section 5 of the Roads Improvement Act, 1925	Exeter – Taunton Road Route A38 Padbrook Bridge – Knowle Lane A38/2B/1	B3181 Cullompton & Bradninch	8 February 1928
Building Line under Section 5 of the Roads Improvement Act, 1925	Exeter – Taunton Road Route A38 Cullompton – Willand Moor Cross A38/2I/2 A38/2I/3 A38/2I/4	B3181 Willand & Uffculme	9 December 1931 9 December 1931 9 December 1931

Nature of prohibition or restriction; and reference to order, scheme, instrument, resolution, covenant, agreement or other document, under or by virtue of which prohibition or restriction is created or enforceable	Historic description of land affected by prohibition or restriction	Current road number/ Electoral Division	Date
Building Line under Section 5 of the Roads Improvement Act, 1925	Exeter – Taunton Road Route A38 Willand Moor Cross – Waterloo Cross A38/2M/1 A38/2M/2	B3181 Willand & Uffculme	18 July 1933 18 July 1933
Building Line under Section 5 of the Roads Improvement Act, 1925	Exeter – Taunton Road Route A38 Waterloo Cross – Uffculme Cross A38/2C/1	A38 Willand & Uffculme	24 July 1929
Building Line under Section 5 of the Roads Improvement Act, 1925	Exeter – Taunton A38 Lamb inn By-pass A38/2H/1	A38 Willand & Uffculme	4 May 1931
Building Line under Section 5 of the Roads Improvement Act, 1925	Copplestone – Bow Road B3215 Copplestone - Furzedown Cross	A377/A3072 Credton	7 July 1932
Visibility Line under Section 4 of the Roads Improvement Act, 1925	Halberton – Waterloo Cross Road Whitnage turning Sampford Peverell	C105 Willand & Uffculme	18 January 1933
Visibility Line under Section 4 of the Roads Improvement Act, 1925	Halberton – Waterloo Cross Road Westleigh turning triangle Sampford Peverell	C105 Willand & Uffculme	6 July 1932
Visibility Line under Section 4 of the Roads Improvement Act, 1925	Tiverton – Willand Road South View Terrace, Willand	C769 Willand & Uffculme	7 July 1932
Visibility Line under Section 4 of the Roads Improvement Act, 1925	Tiverton – Willand Road Willand turning	C769 Somerville Road / Gables Road Willand & Uffculme	7 July 1932
Visibility Line under Section 4 of the Roads Improvement Act, 1925	South Molton – Tiverton Road Corn Mill - Cadeligh turning Cruwys Morchard	B3137 Morchard Mill Cross Creedy, Taw & Mid Exe	7 July 1932