



## **SALE OF ADDITIONAL GARDEN GROUND POLICY**

### **1.0 INTRODUCTION**

- 1.1 This policy describes how Almond Housing Association Limited (AHA Ltd.) will respond to and process applications from residents who wish to purchase areas of common ground. It is supported by detailed procedures covering the application and approval process.
- 1.2 AHA Ltd.'s overall policy is that there is no advantage to us to sell common areas, and we have a duty to conserve open green spaces to maintain the amenity of an area for the benefit of the general community. We will therefore only consider the sale of land in exceptional circumstances and where there is a clear benefit that can be demonstrated to AHA Ltd. and/or to the wider community.

### **2.0 RESPONSIBILITIES**

#### **2.1 Board of Management**

- To ensure that there is in place a policy on the Sale of Additional Garden Ground which complies with current regulations, guidance and good practice.
- To monitor compliance with the policy and deal with any matters that require a Board decision.

#### **2.2 Management**

- Head of Housing Management: To manage the implementation of the policy and procedures on a day-to-day basis, advising the Board of Management, other Heads of Section and all employees as required on specific matters.

#### **2.3 Employees**

- To ensure they have read and understood the policy and procedures, and to implement them as required in the course of their work.

### **3.0 CONSIDERATIONS**

- 3.1 AHA Ltd. will take the following into account when considering a request to purchase a common area:

#### **Size of Area Requested**

- a) The width of the area requested will normally be no more than 2 metres from one existing boundary. Requests for areas of ground in excess of 2 metres from the current garden boundary line will generally be refused.
- b) The maximum area of ground that will be approved will be 30 square metres.
- c) The boundary line will be the 'as built' boundary to prevent multiple applications.

### **Visual Intrusion**

- a) Applications may be turned down where fencing will intrude on the sight lines of adjoining properties.

### **Management Issues**

- a) Where the extension is being sought to protect the gable of a property from football or other activity and the area sought will achieve this, AHA Ltd. will examine alternative solutions such as hard or soft landscaping alterations before approving the request.

### **Rationalisation of Boundary Lines**

- a) AHA Ltd. will consider proposals to improve areas where awkward shrub areas have previously been created.
- b) AHA Ltd. will normally not approve a proposal where fence realignment is likely to cause increased expense to maintain the surrounding area.

## **4.0 COSTS**

4.1 The applicant will be responsible for meeting the following costs:

- purchasing the area of common ground;
- AHA Ltd.'s legal costs;
- preparation of Feu Plan (if required);
- planning consent for change of use (current WLC fee);
- AHA Ltd.'s administrative charges.

## **5.0 APPEALS**

5.1 Where a request is not approved or only partly approved the applicant will be advised that, if they are dissatisfied with the way AHA Ltd. has handled the application, or if they have additional information that we were not initially aware of, they may request a review of the decision. For further details see the procedures.

5.2 If the applicant remains dissatisfied with the way AHA Ltd. has handled the application they will have the right to appeal to the Scottish Public Services Ombudsman.

## **6.0 REVIEW**

6.1 The Head of Housing Management will ensure that this policy is reviewed by the Senior Management Team at least every five years.

<b>FIRST APPROVED IN</b>	<b>OCTOBER 2004</b>
<b>CURRENT VERSION 3.0 APPROVED IN</b>	<b>MAY 2015</b>
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