

Garden Apportionment under Right to Buy

Frequently Asked Questions

1. How do I find out if I am entitled to a piece of land under my Tenancy with my Right to Buy application?

On the sites owned by Colchester Borough Council, some of the blocks of flats have gardens allocated to them which are clearly defined and fenced off, in these cases the gardens would be included with the sale under Right to Buy. However, other sites and blocks of flats may have no clearly defined gardens.

2. What land will be included in my Right to Buy application?

Where land is not defined by the tenancy agreement a policy is in place to set out how the Council will deal with applications to purchase pieces of garden in conjunction with a Right to Buy application. This excludes communal garden land that is being maintained as part of the Council's ground maintenance contract as this is not available for purchase.

3. How do I request a piece of garden if I am not allocated one?

In some circumstances tenants have requested to buy a piece of garden land when they make their Right to Buy applications where the garden is not included with the tenancy and the garden has been maintained by the tenant. This however will exclude communal garden land that is maintained as part of the grounds maintenance contract.

You should write to us and tell us:

- The piece of land you are interested in
- Why you require that particular piece of garden
- How you have maintained it, i.e. planting, fencing etc and for how long
- A sketch plan of the garden area you wish to have included in your Right to Buy application will also help us when we look at your request. Also indicate access points to the garden land.

You should send your request to:

Colchester Borough Homes
Rowan House
33 Sheepen Road
Colchester
CO3 3WG

E-mail – Life.Opportunities@colchester.gov.uk

4. What will happen next?

Your application will be considered in line with the Council's Policy. We will write to you to tell you whether your application passes the Policy test, we aim to do this in line with the Right to Buy legal process timescales of 12 weeks.

If your application fails to meet the Policy criteria and your request is denied we will explain why. You will have the right to appeal the decision.

5. How do I appeal against the decision?

Your appeal must be made in writing within 28 days of the date of the decision letter and additional information/evidence will need to be provided to support your appeal. You must specify whether you are appealing against the decision and state what aspect of the decision is being questioned or how the policy and procedure have been applied again stating which particular aspect the appeal is based on.

Useful Contacts:

Estate Services
Colchester Borough Council
PO Box 886
Colchester
CO1 1FP

01206 282250

Life Opportunities
Colchester Borough Homes
PO Box 887, 33 Sheepen Road
Colchester
CO3 3WG

01206 282722

Life.Opportunities@colchester.gov.uk

Legal Services
Colchester Borough Council
33 Sheepen Road
Colchester
CO3 3WG

01206 282258