

Purchasing Small Parcels of Council Owned Housing Land

Frequently Asked Questions

How do I find out who owns the land?

This FAQ only deals with the sale of housing land; Parks and Recreation land is dealt with by the Environment service area and has a different policy.

If you are unsure whether the area of land is owned by the Council please email estates@colchesteramphora.com with the location of the land and if possible provide a map indicating the area you are interested in purchasing.

If the land is not owned by the Council you will need to contact the Land Registry to find out who the owner is and contact that person direct. The contact details for the Land Registry are at the end of this sheet.

The land I am interested in is next to my house that I purchased from the Council under the Right to Buy, can I buy this extra land under the Right to Buy rule?

No, the Right to Buy applies only to the house and garden that you had use of whilst you were a tenant. Applications to buy additional land are dealt with using the procedure described here.

What happens if the land I want to buy is Council owned Housing land?

The Council will look at your request and use the policy to decide whether or not to sell the land. The policy sets out things the Council has to consider before making a decision. One of these is to ask the views of other people who may be affected by the sale. These people include your neighbours, the Housing Officer for the area and local Councillors. The final decision on the sale of housing land is made by the appropriate Portfolio Holder(s).

Step 1

Please read the Policy and this frequently asked questions fact sheet before submitting an application as a non-refundable fee is payable to process your application.

Step 2 - Making an application

Email the following details to client.services@colchester.gov.uk

- Your name and address, a daytime phone number and an email address
- The location of the land you wish to purchase, please include a map or plan
- The reason you want to purchase the land and what you want to do with the land
- Provide plans, pictures or other documentation to support your application

Step 3

We will contact you by phone to discuss your application.

Step 4

If you wish to proceed you will need to pay the non-refundable fee for your request to be processed. Please see the Council's website for current fees.

What happens once I have made an application?

Once we have received all the information and the fee has been paid we will write to acknowledge your request within 5 working days telling you the name and contact details of the officer dealing with your application.

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 within 28 working days of receipt of your application.

If your application fails to meet the Policy criteria we will explain why. Details of what you can do next can be found in the section under 'Appeals'.

If your application passes the Policy test we then ask Colchester Borough Homes and the Community Housing Officer for the area to consider all the options for the land. If they recommend to the Council that we should not sell the land we will write to you and explain why. If they think the sale should go ahead we will consult with local residents and Councillors this may take a further 28 days to complete.

Consultation

Council land is public property so we are required to consult with people that will be affected. We will ask local residents and Ward/Parish/Town Councillors for the area to consider the impact of selling the land. We will write to you within 7 working days of the close of consultation to update you on the progress of your application.

Following the consultation, if the view is to agree 'in principle' to the sale of the land the Officer dealing with your application will write a report making a recommendation to the Portfolio Holder(s).

Who/What is a Portfolio Holder?

Each council service is led by a member of the Council's Cabinet, they are known as Portfolio Holders and they have delegated responsibilities for making decisions regarding Council business.

The Portfolio Holder(s) will consider the recommendations in the report and make their decision. Decisions are published on the Council's web site www.colchester.gov.uk. The decision is open to the Council's 'Call in' procedure which means other councillors (at least 5) can request, within 5 days of publication of the decision, that the decision be scrutinised by the Scrutiny Panel.

What happens once a decision is made?

If the decision is not to sell the land to you we will write and tell you.

If the decision is to sell the land, we will write giving the contact details for Estates and Legal Services who will complete the sale.

Can I Appeal?

Appeals should be made in writing within 28 days of the date of the decision letter giving specific grounds for your appeal and whether it is regarding the policy or the procedure. You will need to supply additional information or evidence to support your appeal; **we are unable to accept an appeal without this.**

Where additional information is provided to support the applicant's request or there is a material change of circumstances, a different Officer will review the decision made taking into account any new supporting information provided by the applicant. The Reviewing Officer may consult with the Officer that made the original decision.

Where an applicant is appealing against how the policy and procedure have been applied a Senior Officer will investigate the case and respond.

There is no appeals procedure following the Portfolio Holder decision. If you have additional information that we have not looked at, or if you amend your application in some way, we may be able to look again at your application to take into account the new information.

Important points that you should be aware of;

- The policy covers small areas of housing land and is not intended to cover land which has potential for Social Housing Development. Land which could potentially develop one or more homes or land which would open up an additional area of land, i.e. a ransom strip will be referred to the appropriate Officer(s) for consideration.
- If you are thinking about using the land for something else or building on it you may need permission to do this. You are responsible for checking whether permission is required. Planning permission and change of use are completely separate processes from the sale of the land.
- Fees – once a sale has been agreed, you will need to pay the agreed price for the land and all costs associated with the sale including the Council's.

All this seems very complicated and to take a long time. Is there no easier way?

Unfortunately not; the Council has legal obligations in the sale of land.

Useful Contacts:

Customer Services
Tel: 01206 282222
Email: customerservices@colchester.gov.uk

Planning Services
Tel: 01206 282424
Email: planning.services@colchester.gov.uk

Land Registry
Tel: 0300 006 0411
Website: www.gov.uk/government/organisations/land-registry

Estates
Email: estates@colchesteramphora.com