

STANDARD PROCEDURES FOR LAND USE/PURCHASE APPLICATION - AREAS OF PUBLIC AMENITY OPEN SPACE

Protection for Amenity Open Spaces

Amenity open spaces are covered by the provisions of Policy EM5 – Green Infrastructure of the Local Plan. The relevant part relating to the public Amenity Open Spaces states:

“Development proposals will only be permitted where they do not:

- a) Prejudice the delivery of the council’s Green Infrastructure Strategy (and subsequent updates);*
- b) Result in the fragmentation of the green infrastructure network by severing important corridors/links; or*
- c) Result in the undue pressure on the network which cannot be fully mitigated.*

The council will support proposals which seek to improve links and remedy identified deficiencies in the green infrastructure network in accordance with the council’s Green infrastructure Strategy.

The council will seek to PROTECT AND ENHANCE THE QUALITY AND EXTENT OF PUBLIC OPEN SPACE AND PUBLIC RIGHTS OF WAY. PROPOSALS FOR THE REDEVELOPMENT OF PUBLIC AND PRIVATE OPEN SPACES WILL NOT BE PERMITTED UNLESS it is clearly demonstrated that:

- d) Replacement areas will be at least equivalent in terms of quality, quantity and accessibility, and there will be no overall negative impact on the provision of green infrastructure; or*
- e) A robust assessment clearly demonstrates that the space is surplus to local requirements and will not be needed in the long-term in accordance with the council’s local standards; or*
- f) The proposal is for alternative recreational provision which meets evidence of local need in such a way as to outweigh the loss”*

It can be seen from the above that the Local Planning Authority/Council is keen to retain and safeguard areas of open space wherever possible. However, there may be good reasons to allow occasional exceptions.

The procedure that prospective applicants should follow is:

1. Ascertain the ownership of the land.
2. Establish whether or not a formal planning application for change of use and for inclusion of the land within the curtilage of your property is likely to be recommended for approval. The council’s duty planning officer will be able to assist you, although as usual it is better to write to the Development Control Manager with a plan or sketch of the land in question. Please remember that there is also likely to be highway implications, if the land is required for access or for parking and further, the council is not obliged to allow the use or sell, even if planning consent is secured.
3. If it seems that there is some likelihood that planning permission might be obtained, the land owner should be approached to see if, in principle, the land is available to be used or disposed of.
4. If the possibility of obtaining planning permission for use and or of disposal of the land is established, a formal planning application should be made, together with

the necessary plans, to the Development Control Manager, Basingstoke and Deane Borough Council, Civic Offices, London Road, Basingstoke Hampshire RG21 4AH. A schedule of planning application fees can be found on our webpage; [Submit a planning application](#).

5. If planning permission for change of use is granted, then negotiation can be made with Property Services for the disposal or temporary use agreement

Council Land Use and Disposal Applications/Value or Price

If you are seeking to purchase council owned land or have a use of it for a temporary period, you should be aware that the land has to be sold or used under the provisions of the Open Spaces Act 1906 and the Local Government Act 1972 and likewise for other use agreements; and that the applicant shall be responsible for all of the Council's costs.

Apart from the planning application fee and any solicitors' fees you may incur, you will be responsible for the council's advertising expenses and for legal and surveyor's costs. These costs will depend on the size of the land and complexity of the transaction. More details on this can be obtained on application.

The council must transfer any interest (use arrangement/sale) in land for the best price obtainable, which is usually market value/price. The value/price of the land will therefore depend upon prices obtained for similar areas of land, taking into account the value of the use as to its addition to value of your property.

Council Procedure in Summary

Note that, the disposal or use of areas of open space is not quite as straightforward as thought.

First of all, to commence the sale or use arrangements the applicant may have to obtain planning permission for the intended use of the land, as mentioned above. If there are adjoining owners to the subject land, they have to be consulted, in case they may also have the wish to purchase/use part of the land. Negotiations then take place with the applicant (s) to agree a price for the sale or the use arrangement, subject to consultation and contract.

All stakeholders associated with the proposed land will be consulted by Property Services and reports then have to be prepared for consideration by the Council's designated authorities associated to the property – Executive Director Finance & Resources and the Portfolio Holder and Ward Members. If there are no objections to the proposal, the Legal team is then instructed to place an advertisement in the local press for two consecutive weeks announcing the Council's intention to allow the use or sell the land. A period of 28 days from the date of the second advertisement has to be allowed for any objections from the public.

Once the consultation exercises above have been completed satisfactorily, the Executive Director Finance & Resources has delegated powers to authorise the use/sale and the Property Services/Legal team are empowered to proceed with the arrangements for conveying the required rights in the land to the applicant.