

Request for Information

Ref: 00011 FOI

Freedom of Information (Scotland) Act 2002

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Question 1. *Communal land 'acquired' by home owners and renters by 'fencing in' areas.*

Question 2. *A) What is the percentage of home owners that have 'acquired' this land purely by building a fence on communal ground; and,*

B) What is the percentage of homeowners who have purchased the communal land?

Question 3. *Why would a housing association allow communal land to be purchased?*

Question 4. *What is the criteria for allowing a private home owner to erect a fence on communal land as opposed to a 'renter' not being allowed to do the exact same thing?*

Question 5. *Under current SBHA structure how many fences has SBHA put up for renters and what had been the criteria for this?*

Answers

Question 1 – SBHA hold records of land sales. If the land has not been sold by SBHA, the Association do not have records of "acquired" land by homeowners, or renters.

Question 2 – A) This information is not recorded by SBHA, if the land has not been sold by SBHA, the Association do not have records of "acquired" land by homeowners, or renters.

B) Legal purchases of land in line with SBHA's Land Sales Policy, relevant at the time would normally have been to a non-SBHA Tenant, 100%.

Question 3 – Housing Associations like SBHA may have a Land Sales Policy which under certain conditions allowed the sale of parcels of land which could reduce the overall maintenance burden to the Association. The Policy has changed over the years with initially the majority of requests to purchase land being in order to achieve one or more of the following:

- To extend an existing garden;
- To create a driveway or hardstanding;
- To provide space for a garage and access thereto;
- To "privatise" an area of open space which is either unsightly or the location for noise or other disturbance.

The Land Sales Policy has since been significantly amended. Land sales applications will only be considered under extreme circumstances and are the exception.

	<p>Examples of these rare land sale applications may include access for someone with a significant disability, or an Health and Safety issue which can only be resolved by the use and sale of SBHA land.</p> <p>Question 4 – An SBHA Tenant, or non-Tenant, must apply to SBHA seeking consent to erect a fence on SBHA land. SBHA will consider the request based on the relevant Policy, for example, Buy Back Property, Land Purchases and Sales Policy and Estate Management Policy and Standards. Sale of land to third parties is now by exception.</p> <p>Question 5 – SBHA do not collect this data in this format. In the Scottish Secure Tenancy Agreement sections 5.21 and 10.2 outline the requirement for consent to alterations.</p>
	<p>Please note that this response constitutes full release under the Freedom of Information (Scotland) Act 2002.</p>

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