



A GUIDE TO HOUSEHOLDERS ON APPLICATIONS TO PURCHASE GROUND (April 2019)

GENERAL

The procedures detailed below are intended to explain the processes the Council have adopted to process applications to purchase any Council owned amenity, open space or other ground adjoining or near to your property. In order to keep the procedure simple Estates Services will co-ordinate requests of this nature on behalf of all Departments of the Council so you need not approach Departments separately unless advised to do so. All applications will be processed as quickly as possible but you should appreciate that because more than one Department or Committee could be involved, it may take several months to process a request.

INITIAL CONSULTATION

The Council's Estates Services will act for the Council in its capacity as landowner. On receipt of an initial non-refundable fee of **£293**, the Council will confirm whether the ground is in the ownership of the Council and if owned, provide an estimate of value of the ground. If the applicant is in agreement with the estimated value of the ground, and wishes to proceed, Estates Services will consult with other Departments of the Council to establish whether there are any procedures, policies, title conditions or other obligations which might prevent the Council from selling the ground or which might require that conditions are attached to any sale.

It should be clearly noted that the determination of such would be at the Council's sole discretion.

PLANNING

The Council's Development Control Section will confirm, as part of the initial consultations, whether a planning application would be required for the proposed use, and give a non binding indication of how they would view such a planning application. If Development Control advise that a planning application is required you will be invited to make a planning application. The current fee for the submission of a planning application for a change of use of land is **£401**. This fee is non-returnable whether or not approval is granted. Please note that you must undertake your own investigations to assess whether the ground is suitable for your intended use. You may wish to seek appropriate professional advice for any proposed change of use or other development.

If you are required to obtain planning consent for a change of use or for any other reason, then you will require to obtain this consent prior to the relevant Council Committee considering your application to purchase. It should be noted that the Council's role as Planning Authority in processing planning applications is entirely separate from the Council's role as landowner. The fact that the Council may have issued a provisional offer to sell will be disregarded in considering a planning application.

If Development Control indicate that they are likely to recommend refusal of a planning application for your proposed use, then you may wish to discuss the matter further with Development Control before deciding whether to proceed to submit a planning application. In such circumstances you would not receive a formal offer to sell unless you subsequently apply for, and are granted planning permission.

ADVERTISING

Section 27 of the Town & Country Planning Act (Scotland) 1959 requires that a Local Authority, before disposing of any land which can be defined as “common or open space” to publish a Notice for at least two consecutive weeks in a newspaper circulation in that area. The approximate costs would be **£200 to £300**.

A REPORT TO COMMITTEE

If Estates Services are advised, following consultations, that there are no objections in principle to the disposal of the land in question, then they will contact you with a provisional offer to sell the ground from the Council which may be subject to you obtaining planning permission for your proposed use. If these terms are acceptable to you and you subsequently obtain planning permission, Estates Services will report your application to Committee with a recommendation that the ground should be sold to you. This however, will only be necessary when the value of the ground exceeds £20,000, for which there is an additional non-refundable fee of **£260** to be paid by the applicant prior to submitting a report to Committee.

If Estates Services are advised by Departments that a sale would not be supported you will be advised that officials can not recommend that the Council sells the ground to you. If you wish you may request that your application be referred to Committee for a final decision. If you decide you wish your application to be considered by Committee it will be necessary for you to have your planning application determined first so that the Committee have all the necessary information required to make a decision. The cost for submitting a report to Committee in these circumstances will be **£260** irrelevant of the cost of the ground.

LEGAL PROCEDURE

If Committee approve the sale, then you will receive a formal offer of sale from the Council's Principal Solicitor (Commercial & Conveyancing). The offer of sale will be conditional upon you meeting the Council's legal fee, which is currently **£579** for all straightforward transactions. This fee may be increased if there are any complications. You should note that this fee is in addition to the legal fees you may incur if you appoint a private solicitor to deal with the purchase on your behalf.

CONCLUSION

On conclusion of a sale, in addition to the cost of the ground, you will be required to make an additional payment of **£453** in respect of meeting the Council's costs of administering the application.

USEFUL CONTACTS

- Requests for the purchase of ground should be addressed to the Estates Manager.
- The Director of Environmental Services, Development Control Section will be responsible for giving preliminary advice on any planning applications which may be necessary and will deal with any planning application which is made. The Section's Duty Officer is available to deal with enquiries daily from 2 – 4pm at the Council's Access Point, High Street, Elgin.
- The legal completion of all sales of land will be dealt with by the Legal Services Manager (Property & Contracts).
- All the above officials are based at The Moray Council, Council Offices, High Street, Elgin, IV30 1BX. Tel (0300 1234566).

SUMMARY OF LIKELY COSTS YOU WILL INCUR

Initial application fee - £293

Committee report - £260

Purchase price of the land – (To be advised)

Completion fee - £453

Council's Legal fees and expenses for small transactions - £579

Planning Application – current minimum fee £401

Your own solicitor's legal fees.

Fees for other professional advisors you may appoint.

Cost of diverting all necessary services, footpath closures, accesses and walls/fences.

Cost of advertising proposals in local publications £200 to £300.