

Information provided by Karen Kenny January 2010

S. 23 (1) Small Holdings and Allotments Act 1908 (S H & A Act 1908) : two Statutory and hence mandatory obligations on a Municipal authority **(a)** to provide a sufficient number of allotments ; **(b)** to let these to folk who wish to take them. These duties are absolute – they admit of no challenge, argument or defence.

S.25 S H & A Act 1908, which confers powers of compulsory acquisition of land for allotments on Municipal authorities) **S. 39 (2) S H & A Act 1908** confers powers of compulsory **hiring** of land, the approach which Head Office prefers.

Planning permission

is not required for allotments – section 55 (2) (e) and section 336 Town and Country Planning Act 1990

Section 336 Town and Country Planning Act 1990 has it that ‘agriculture’ includes ‘horticulture’ and a lot of other activities within the compass of Allotment Gardening. Where agricultural land is put into allotments user, there is no change of use and hence no need for Planning Permission. More importantly : it will be land specifically appropriated to allotments user, and hence it would accede to Statutory status.

The Erection of huts other buildings on allotments by local authority does not amount to development for which planning permission has to be obtained(Town and Country Planning(general Permitted development) **Order 1995, Sch 1 Class XIII**

Section 26 (S H & A Act 1908)

-(1) The Council of a borough, urban district, or parish may improve any land acquired by them for allotments and adapt the same for letting in allotments, by draining, fencing, and dividing the same, acquiring approaches, making roads and otherwise, as they think fit, and may from time to time do such things as may be necessary for maintaining such drains, fences, approaches, and roads, or otherwise for maintaining the allotments in a proper condition.

(2) The council may also adapt the land for allotments by erecting buildings and making adaptations of existing buildings, but so that not more than one dwelling house shall be erected for occupation with any one allotment; and no dwelling house shall be erected for occupation with any allotment of less than one acre.

Rates are not payable – the user of allotments land is not a commercial user.

Livestock as permitted by **s. 12 Allotments Act 1950** – domestic chickens (but not cockerels) and/or rabbits can be kept and housed **as of right**. Dogs, provided leashed at all times on site.

The standard plot size in England & Wales is the 10 pole (rod ; perch ; lug ; pace) plot – 300 sq. yds ; usually but not invariably rectilinear. Properly husbanded this will feed a family of four for a twelvemonth.

Protection will depend on the status of the allotments land. If Statutory (Land specifically purchased for allotments ; or land specifically appropriated to allotments user) the land cannot be alienated

without consent of the Secretary of State, Department of Communities and Local Government, This, from **section 8 Allotments Act 1925**.

Otherwise the Council must be advised to enter into a **section 106 Town and Country Planning Act 1990** agreement with the developer to the effect that planning permission is contingent on the

developer providing land for allotments in the development. This should be a minimum of 20 ten-pole plots per 1,000 households. 10 poles = 300 square yards. 20 per 1K is NSALG irreducible

I