

Application Form – To Erect a Garage or Construct a Garage Base on a WDH Garage Plot or to a Shared Ownership Property

Leaseholder’s name(s):
All persons named on the lease must be listed

What type of lease agreement do you have? Please delete as applicable.

Shared Ownership

Right to Buy

Right to Acquire

Property type: Please delete as applicable

House

Flat

Multi Storey Flat

Maisonette

Address of property where the garage or base is to be constructed:

Daytime phone number:

Please read the following conditions, which apply to erecting a garage and/or laying a concrete base on a WDH garage plot, before signing the declaration.

If permission is granted you will still be required to sign a separate Garage Plot Licence Agreement, which includes details of your ground rental charges (not applicable to shared ownership houses).

I/we agree that I/we will:

- only use the garage plot for laying a concrete base and/or building a garage constructed of brick or pre-cast concrete sections for the sole purpose of storing a fully taxed and insured private vehicle;
- only construct a garage using the same or similar type brick to match the house brick and to use for the sole purpose of storing a fully taxed and insured private vehicle (applicable to shared ownership houses);
- obtain WDH’s permission for laying a garage base and/or erecting a garage before starting any work;
- obtain the necessary planning consent from Wakefield Council before starting any work;
- not lend, sell or rent the WDH garage plot to anyone else; and
- comply with the conditions laid down by WDH in the Garage Plot Licence Agreement (where applicable).

Leaseholder Home Improvements - Fee Structure

Preserved Right to Buy / Right to Buy / Right to Acquire and Shared Ownership

There is a standard administration charge of £25 + VAT which is payable in advance for processing all applications for home improvements.

This payment can be made by:

- cheque made payable to Wakefield and District Housing Limited and returned with your application form to the Area Programming Team; or
- using your credit or debit card, by phoning OneCALL on 0845 8 507 507, or over the counter at one of the service access points, identifying the payment as 'administration charge for home improvement application'.

The large majority of applications will only incur the cost of the standard administration charge. However, there are certain circumstances where additional costs may be incurred in order to cover the specialist services required to process your application. These will generally apply to leaseholders who have purchased a flat under the right to buy, preserved right to buy or right to acquire schemes. Examples of this would be:

- extensive work within the individual flat, which would affect the lease agreement; or
- improvements, which will reduce the current service charges (that is, replacing wood or metal windows to UPVC).

If your application does fall into one of these categories, WDH will tell you how much the costs will be, so you can make a decision as to whether you wish to go ahead with the application. The costs will need to be paid first before any legal work and adjustments are made or written permission granted to carry out the improvements you are proposing.

If unauthorised work has already been carried out permission will need to be applied for retrospectively, this will apply to all leasehold schemes including shared ownership.

Fee Structure	
Standard Administration Charge	£25 + VAT
Applications requiring the re-calculation of existing service charges	£60 + VAT
Applications for retrospective approval for unauthorised work already carried out	£60 + VAT
Applications affecting the Lease Agreement and Plans	
Legal - £150 + VAT Plans - £125 + VAT	£275 + VAT

The fees are subject to an annual review.

Statutory Instrument 2007 No. 1258

The Administration Charges (Summary of Tenants' Rights and Obligations) Regulations 2007

(1) This summary, which briefly sets out your rights and obligations in relation to administration charges, must by law accompany a demand for administration charges. Unless a summary is sent to you with a demand, you may withhold the administration charge. The summary does not give a full interpretation of the law and if you are in any doubt about your rights and obligations you should seek independent advice.

(2) An administration charge is an amount which may be payable by you as part of or in addition to the rent directly or indirectly—

- for or in connection with the grant of an approval under your lease, or an application for such approval;
- for or in connection with the provision of information or documents;
- in respect of your failure to make any payment due under your lease; or
- in connection with a breach of a covenant or condition of your lease.

If you are liable to pay an administration charge, it is payable only to the extent that the amount is reasonable.

(3) Any provision contained in a grant of a lease under the right to buy under the Housing Act 1985, which claims to allow the landlord to charge a sum for consent or approval, is void.

(4) You have the right to ask a leasehold valuation tribunal whether an administration charge is payable. You may make a request before or after you have paid the administration charge. If the tribunal determines the charge is payable, the tribunal may also determine—

- who should pay the administration charge and who it should be paid to;
- the amount;
- the date it should be paid by; and
- how it should be paid.

However, you do not have this right where—

- a matter has been agreed to or admitted by you;
- a matter has been, or is to be, referred to arbitration or has been determined by arbitration and you agreed to go to arbitration after the disagreement about the administration charge arose; or
- a matter has been decided by a court.

(5) You have the right to apply to a leasehold valuation tribunal for an order varying the lease on the grounds that any administration charge specified in the lease, or any formula specified in the lease for calculating an administration charge is unreasonable.

(6) Where you seek a determination or order from a leasehold valuation tribunal, you will have to pay an application fee and, where the matter proceeds to a hearing, a hearing fee, unless you qualify for a waiver or reduction. The total fees payable to the tribunal will not exceed £500, but making an application may incur additional costs, such as professional fees, which you may have to pay.

(7) A leasehold valuation tribunal has the power to award costs, not exceeding £500, against a party to any proceedings where—

it dismisses a matter because it is frivolous, vexatious or an abuse of process; or it considers that a party has acted frivolously, vexatiously, abusively, disruptively or unreasonably.

The Lands Tribunal has similar powers when hearing an appeal against a decision of a leasehold valuation tribunal.

(8) Your lease may give your landlord a right of re-entry or forfeiture where you have failed to pay charges which are properly due under the lease. However, to exercise this right, the landlord must meet all the legal requirements and obtain a court order. A court order will only be granted if you have admitted you are liable to pay the amount or it is finally determined by a court, a tribunal or by arbitration that the amount is due. The court has a wide discretion in granting such an order and it will take into account all the circumstances of the case.

Signed by authority of the Secretary of State for Communities and Local Government.

Kay Andrews

Parliamentary Under Secretary of State
Department for Communities and Local Government

16 April 2007