

Estate Management Schemes (EMS) was set up under the approval of the Leasehold Reform Housing and Urban Development Act 1993, in order to allow the Church Commissioners to regulate the redevelopment, use and appearance of the Hyde Park Estate once properties were enfranchised.

A panoramic photo of London terrace properties on the Hyde Park Estate.

The EMS is considered to be an effective tool with which to protect the Hyde Park Estate's future and desirability. The EMS is divided up into six geographic areas: Connaught Square; Gloucester Square; Hyde Park Square; 1-24 Hyde Park Gardens; Gloucester Square and; 25-31 Hyde Park Gardens & Sussex Square.

The schemes and their obligations become enforceable once a property (be it a house or a block of flats) has been enfranchised (Freehold). Obligations held within the Schemes include the regulations and restrictions which have regard to the upkeep and appearance of the property. They include provisions that allow the Church Commissioners to recover costs associated with the administration of running the schemes and the upkeep of the Hyde Park Estate's Gardens.

They include provisions that allow the Church Commissioners to recover costs. The owners of enfranchised properties must pay and contribute on demand a "reasonable share of the cost and expenses to repair, maintain, renew and cleanse all or any roadways, forecourts, courtyards, pathways and pavements, etc.

Costs are recoverable under two separate regimes; the "fixed" charge, and the variable charge which is known more commonly as the "garden charge". The garden charge is limited to costs incurred in carrying out works of maintenance, repair, renewal or replacement in relation to the Garden. An owner of the enfranchised freehold property shall pay in advance in respect of that property to the Church Commissioners for on the 25<sup>th</sup> March in each year a fixed charge although there is an RPI provision allowing for annual increases.

The garden charge varies per garden but covers the outgoings of maintaining, repairing, improving and keeping in good order and condition the Garden and the walks, lawns and shrubberies and the iron railings or other fencing and any other embellishments or improvements.

[Find out more about Hyde Park Estate's Gardens.](#)

## Frequently Asked Questions

### What is the Estate Management Scheme?

The Estate Management Scheme (EMS) was made under the Leasehold Reform, Housing and Urban Development Act 1993, in order to allow the Church Commissioners to regulate the redevelopment, use and appearance of the Hyde Park Estate once properties are enfranchised.

### Where have such Schemes been implemented?

These types of Schemes were first implemented successfully on the Grosvenor Estate.

### **Who do they apply to?**

There are six EMS: Connaught Square; Hyde Park Square; 1-24 Hyde Park Gardens; 25-31 Hyde Park Gardens and Sussex Square; Gloucester Square; and Sussex Gardens. The EMS only apply to the aforementioned areas and not the entire Hyde Park Estate. The EMS become enforceable against an individual freeholder once a property located within one of the scheme areas has been enfranchised (i.e. the occupier has bought the freehold).

### **What are the charges?**

The charges are split into two: a fixed charge and a variable charge (also known as the Garden Charge).

The fixed charge is noted to be Â£150 or Â£50 per unit if there are more than four units in a property, payable as a contribution towards the provision of services and amenities and the administration costs.Â There is an RPI provision allowing for annual increases.

The Garden Charges are set by the respective Garden Committees and collected by Knight Frank where appointed. The Garden Charges apply to each property within the EMS and vary dependent on the service charge for that garden.

### **Do some properties pay more than others?**

The variable charge varies per block and covers the costs of maintaining the gardens.Â The Garden Committees set a budget and Knight Frank, where appointed as managing agent, raise the charges and manage the maintenance.

### **What do I get for my money?**

Owners of enfranchised properties pay and contribute on demand a "reasonable share of the cost and expenses" to repair, maintain, renew and cleanse all or any roadways, forecourts, courtyards, pathways and pavements, etc. The Garden Charge covers the costs of maintaining the Gardens and associated areas.Â

**[Find out more about Hyde Park Estate's Gardens here.](#)**

### **What advantages do the Schemes bring?**

It ensures that the Hyde Park Estate remains safe, tidy and up to date. It allows for any properties that are rundown to be maintained at the same standard as the rest of the EMS properties. It also includes the upkeep of the Gardens.

### **What changes need consent from the Church Commissioners?**

Owners of enfranchised property within an EMS are obliged to obtain written consent from the Church Commissioners or their managing agents, prior to any alteration affecting the external appearance of the property. There are also provisions that regulate what may be fixed to or displayed from the property such as aerials, window boxes or advertisements. Other consents, for example from Westminster City Council, may also be required subject to the nature of the proposed changes.

### **How often will EMS properties be inspected?**

External inspections of the properties will be undertaken as often as necessary by Knight Frank. The freeholder will not necessarily be aware of such inspections. Internal inspections, other than in an emergency, will be carried out by prior appointment in accordance with EMS provisions.

### **Will there be a time limit on any works that need to be carried out?**

Generally conditions will apply to ensure that works are undertaken in a timely manner and to ensure the quiet enjoyment of the neighbours and upkeep of the Hyde Park Estate. This will also ensure that management of contractors is supervised and works are not delayed or extended unnecessarily.

### **Do I have to become a member of a Committee?**

It is not compulsory. However, there are two forums; a Consultative Committee and a Gardening Committee, available to all owners where you can voice any concerns you may have about the Schemes.

### **Do I get a say in where the money is spent?**

Everyone falling within the EMS has a right to be consulted in accordance with the EMS. Any queries should be voiced in one of the two Committees.

### **Are the EMS environmentally friendly?**

The management and upkeep of the Gardens is aimed at ensuring residents benefit from a leisure facility by maintaining green areas for improved air quality, and for the recreational enjoyment of residents.

### **Accounts and Expenditure Record Keeping**

Historically, accounting records have not been kept for the fixed charge. Going forward it is anticipated that Knight Frank will keep full accounting records in order to provide transparency.

### **Do the EMS appear on my property Title?**

The EMS are registered as Local Land Charges, so they bind properties even though they do not appear on the titles, nor are they referred to in the transfer documents. However, the Commissioners make sure that prospective buyers are made aware of the EMS.

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