

Allotment gardening

The **allotment gardening** is a term used in the German Federal Allotment Garden Act (BKleingG). The BKleingG also stipulates the type of use and management of allotment gardens, in return for fixed rents and in contrast to weekend residences.

The definition of allotment gardening can be found in Section 1 (Definitions) Paragraph 1 of the BKleingG. It reads:

"An allotment is a garden that

- 1. the user (allotment gardener) to
 - **non-commercial horticultural use,**
 - **in particular for the production of horticultural products for personal use,**
 - 'and
 - **for relaxation**
- serves (allotment gardening use)"

This results in the *horticultural use* as material use and simultaneous use *for relaxation* as an ideal use. The following classification into three categories has been developed for the material things of the allotment garden:

1. Garden produce:

Planting in particular from fruit trees, Vegetable plants, wild vegetable plants, medicinal plants and spice plants, wild fruit plants, field crop plants and the use of cold frames, small greenhouses, compost heaps, etc.

2. Ornamental plants and grasses:

Planting of summer flowers, bulbous and tuberous plants, perennials, ornamental trees (deciduous trees, bog plants, roses, climbing trees) if possible without conifers and yews, ... as well as lawns through growth of grasses.

3. Buildings and other facilities:

Arbor, trellis, seating, water basin, biotope, main path, fence, garden gate, sandpit, swing, beehive, design elements, ...

In its ruling III ZR 281/03 of June 17, 2004, the Federal Court of Justice (BGH) clarified the addition of land, particularly for the production of horticultural produce for personal use, and ruled that, as a rule, at least one-third of the area must be used for the cultivation of horticultural produce for personal use (Category 1). It goes without saying that fruit trees and vegetable plants are the largest groups for the production of horticultural produce. According to Section 3 of the Federal Allotment Garden Act (BKleingG), a simple shed with a maximum floor area of 24 m², including a covered outdoor seating area, is permitted in allotment gardens. Due to its nature, particularly its furnishings and fittings, it must not be suitable for permanent living. Recreation in allotment gardens takes many forms, particularly through gardening, relaxation, and rest. This is possible everywhere in allotment gardens and allotment garden complexes, regardless of specific types of use and area proportions. The additional designation of material objects for recreation is not necessary. The special restrictions imposed on the landowner with regard to the amount of the rent and the termination options are essentially justified by the purpose of garden cultivation beyond allotment gardening (Section 1 BKleingG). These include the



Flowering eggplant

Provisions of Section 3 of the Federal Allotment Law (BKleingG), according to which the interests of environmental protection, nature conservation, and landscape management must be taken into account in the use and management of allotment gardens. In Germany, the maximum rent charged may be four times the local standard rent for commercial fruit and vegetable growing (Section 5 of the BKleingG). According to a study by the Federal Ministry of Transport, Building and Urban Development (BMVBS), the average rent in 2007 was 17 cents/m², significantly lower than the rent for weekend homes and campsites. This creates the opportunity for people with lower incomes to find their own space in a natural environment in an allotment garden.

Weblinks

- BKleingG Federal Allotment Garden Act[1]
- BGH, Ref. III ZR 281/03, judgment of 17 June 2004[2](PDF file; 39 kB)

Source references

[1] <http://bundesrecht.juris.de/bkleingg/index.html>

[2] http://www.lbk.de/media/downloads/datei/25_urteil_drittelregelung_bgh.pdf

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