

Cycle Storage in Gardens

This factsheet provides information for householders in Edinburgh who need to store bikes in their garden. It mainly covers front gardens, as that is where most problems arise, but it also explains the position for other gardens.

Contents

1. Background
2. Do I need planning permission for a shed/container in a garden?
3. What additional permissions may be needed?
4. Can I be sure of getting planning permission?
5. What if I have problems with planning permission or if I am told to remove an existing bike shed/container?
6. Related issues and possible future developments

1. Background

This factsheet has been produced firstly, in an attempt to reconcile the Council's objectives and targets on increasing cycle use¹ with its conservation and amenity policies; secondly, to give greater clarity and assurance to householders needing bike storage facilities in their garden; and thirdly to minimise abortive costs and administration for householders and for the Council.

Most sheds or other storage containers in Edinburgh have been installed without the householder seeking planning permission, and we suspect this is the case in most or all councils. However, if you do this in a location where planning permission is needed, and a member of the public complains, even up to four years later, your local Council may take enforcement action against you. Unfortunately enforcement action can be a very stressful process possibly involving an enforcement notice and an appeal to the Scottish Government. After four years, if no enforcement action has been taken against you, then "deemed planning permission" applies and no action can be taken.²

1 The City Council has adopted bold targets that, by 2020, 10% of all trips and 15% of commuting trips should be by bike. See the *Active Travel Action Plan*, www.edinburgh.gov.uk/downloads/file/4409/active_travel_action_plan

2 See the Scottish Government paper *Planning Enforcement Charter - A guide to enforcing planning controls* at www.scotland.gov.uk/Publications/2009/12/17093151 and *Planning Circular 10/2009: Planning Enforcement* at www.scotland.gov.uk/Publications/2009/09/16092848/0.

Unfortunately, planning permission costs £192 [April 2013 figure] - more than the cost of many sheds/containers!

Planning rules do not differentiate between different uses of a shed - there are no specific rules which apply to "cycle sheds". The rules assume that a shed may be used for *any* non-commercial purpose. Storage of bikes, garden equipment and Council recycling boxes are common uses. There are no rules about the *type* of shed - it might for example be a proprietary metal storage box, or a softwood framed timber shed with hinged doors. See below for the criteria most likely to result in permission being granted.

2. Do I need planning permission for a shed/container in a garden?

- ◆ **In the garden of a flat** – YES
- ◆ **In the front garden of a house (or any side garden adjoining a public road)** – YES.
- ◆ **In the rear garden of an unlisted house not in a conservation area** – NO, except that under *Permitted Development Rights*³ buildings "*incidental to the enjoyment of the dwelling*" are restricted to a height of 4m overall, 3m at the eaves, and 2.5m at the eaves if within one metre of the boundary. Also, the total area covered by proposed and existing development must be less than half the relevant curtilage.⁴
- ◆ **In the rear garden of a house in a conservation area, or of a listed building** – as for rear gardens above, but with an additional limitation of a maximum floor area of 4 sq m.
- ◆ **Further restriction** – if the house is part of a development with open plan front gardens, there may also be title restrictions.

Further general advice on planning conditions and how to apply for planning consent is available from the City of Edinburgh Council.⁵

3. What additional permissions may be needed?

Building a shed or structure on your property may require a **building warrant** and/or need to meet **building standards** which are set within the Building Regulations. The requirements in place are predominately to prevent the spread of fire. The type of property where you intend to build your shed/structure and the size and position of the shed/structure will determine whether any requirements will be imposed.

If you are constructing a shed/structure for your bike *within the boundaries of a house* you will not need a building warrant, or to meet any building standards, provided your shed/structure is less than 8m², and is at least 1m from the boundary if it is within 1m of your home. *If you live in a flat* the shed/structure should again be no more than 8m² and should be at least 1m from your flat, 3m from any adjoining flat and at least 1m from the boundary.

3 See *Guidance on Householder Permitted Development Rights* www.scotland.gov.uk/Resource/0038/00388268.pdf

4 "Curtilage" is the garden area behind the principal elevation. The principal elevation is the front of the house but also including the side elevation where it adjoins a public road.

5 See *Guidance for Householders and Listed Buildings and Conservation Areas*, at www.edinburgh.gov.uk/planningguidelines

Interpreting these complex restrictions can be confusing and it is advisable to contact the Building Standards section of the City of Edinburgh Council before you build your shed/structure to ensure that the Building Regulations⁶ are being complied with and no permissions are required.

Listed Building Consent may be necessary if your property is listed as being of historic interest, but only if your shed/container is to be physically attached to the listed structure. Information on listed buildings is available from various government websites⁷.

4. Can I be sure of getting planning permission?

The Council has agreed that, where planning permission is required, applications where the guidelines below have been followed would normally expect to be granted permission. However, applications are always treated on their own merits. Applications which do not fully meet these guidelines might also succeed, but again would depend on the particular circumstances.

- ◆ Consider the best position in the garden not only for your ease of access but also to minimise intrusion into the views of neighbours and of the passing public.
- ◆ Discuss your ideas with your neighbours and try to meet any criticisms they may have about your choice.
- ◆ Keep the size of your shed/container within the most common maximum dimensions of 2.5m long x 1.2m deep x 1.5m high. A mono-pitched roof often has a lower profile than a ridged roof and this can make the structure less obtrusive.
- ◆ Select a colour for the shed/container which is not obtrusive and which fits in with its surroundings. Note that varnish or some coloured wood stains may look too conspicuous, even though a shed is constructed from 'natural' wood.
- ◆ Try to screen the shed/container to some degree with planting, a wall, or other discreet means.

5. What if I have problems with planning permission or if I am told to remove an existing bike shed/container?

If you have difficulty coming to an agreement with the Council as to what is reasonable and acceptable, or if you have been given an order to remove an existing shed, use the appeal system as below. However...

- ◆ Remember that if your shed has been in place more than four years, you should be allowed to leave it in place [section 1 above].
- ◆ Enforcement by the Council is discretionary and only if they judge it to be in the public interest.⁸ This opens up the line of argument/defence that encouraging cycling is not only in the public interest but is also Council and national policy. Of course, this argument has then to be balanced against amenity considerations.

6 Building Regulations are very complex. If you wish to check them, see *Scottish Building Regulations, Technical Handbook (Domestic)*, Regulation 3, para. 0.3.2, Schedule 1, www.scotland.gov.uk/Resource/0041/00412256.pdf

7 Information about listed buildings: www.environment.scotland.gov.uk or www.historicscotland.gov.uk/historicandlistedbuildings

8 See the Scottish Government paper *Planning Enforcement Charter - A guide to enforcing planning controls* at www.scotland.gov.uk/Publications/2009/12/17093151

Contact your councillors for advice, preferably before lodging an appeal. Each ward has 3 or 4 councillors, and you can find yours by typing in your postcode at www.writetothem.com.

Spokes may also be able to help. Please contact us, but remember that we are an organisation of volunteers, so may not always have the capacity to help.

There are several cases where householders have won appeals, often with help, advice and support from local councillors and/or Spokes.

If you are refused planning permission under delegated powers [i.e. by Council officers] then your appeal will be decided by a Council Local Review Body made up of councillors.

If you are refused planning permission by the Planning Committee, or if you are served with an enforcement notice to remove an existing shed, your appeal is decided by a government official (called a Reporter).

In both cases the documentation from the Council should give full details of how to lodge your appeal and any closing dates. Your councillors should also be able to advise.

6. Related Issues and Possible Future Developments

Other local authorities

The garden bike storage issue is not unique to Edinburgh or indeed to Scotland. For example both Ealing and Wandsworth Councils in Greater London are taking steps⁹ to reconcile amenity considerations with the need to encourage bike ownership and use.

National regulations

Like all councils, the City of Edinburgh is bound by planning law and regulations. Much of the difficulty for householders in Scotland who need garden bike storage could be removed if the Scottish Government changed the rules for permitted development, so as to allow front garden sheds/containers which meet certain criteria, such as those in section 4 of this factsheet. Spokes is lobbying MSPs for this change in regulations.

Spokes
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See other Spokes factsheets [including *Bike Storage in Flats and Tenements*] at...
www.spokes.org.uk/documents/advice

⁹ Garden bike storage in Ealing and Wandsworth Council areas – issues and council initiatives
www.spokes.org.uk/wordpress/wp-content/uploads/2013/03/Ealing-factsheet-Cycle-storage-in-front-gardens.pdf