



The Lothian Cycle Campaign

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Draft factsheet: Cycle Storage in Gardens

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This factsheet provides guidelines for householders 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?

1. Background

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 4 years later, your local Council may take enforcement action against you. Unfortunately enforcement action can be a very stressful process possibly involving a removal order and appeals to the Planning Committee or to a government Reporter. After 4 years, if no enforcement action has been taken against you, then “deemed planning consent” applies.¹

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

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*² buildings “*incidental to the enjoyment of the dwelling*” are restricted to a height of 4m overall, 3m at the eaves, and 2.5m 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.³
- ◆ **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 size 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 Edinburgh City Council.⁴

3. What additional permissions may be needed?

- ◆ **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: www.environment.scotland.gov.uk or www.historicscotland.gov.uk/historicandlistedbuildings.
- ◆ **Building regulations** permission may be needed [for example, to avoid fire hazard]. Generally a Building Warrant is not required for a shed/container whose floor area is less than 8 sq.m [this covers most garden sheds/ bike containers]. However, if it is within 1 metre of the house then it must also be at least 1 metre away from any boundary of the property. If you feel you need advice, contact your Council's Building Control section.

4. Can I be sure of getting planning permission?

Past experience suggests that your planning application will have the best chance of succeeding if you follow the 5 bullet points below. [***The following sentence probably to be edited after council consideration/decisions***] Spokes would like the Council to adopt these guidelines, so that any application satisfying them would normally be expected to be granted permission. Applications exceeding the guidelines might still succeed, depending on the particular circumstances.

- ◆ Consider the best position in the garden not only for your ease of access but also to minimise intrusion to both the neighbours' views and those 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.⁵ 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.

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, either at the Council's Planning Committee, or to a government Reporter, often with help, advice and support from local councillors and/or Spokes.

If you are refused planning permission your appeal is decided by a Council local appeals panel.

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.

¹ 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.

² See *Guidance on Householder Permitted Development Rights* www.scotland.gov.uk/Resource/0038/00388268.pdf

³ "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.

⁴ See *Guidance for Householders and Listed Buildings and Conservation Areas*, at www.edinburgh.gov.uk/planningguidelines

⁵ See the Scottish Government paper *Planning Enforcement Charter - A guide to enforcing planning controls* at www.scotland.gov.uk/Publications/2009/12/17093151