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Independent Review of Planning¹

Response from Spokes on the specific issue of garden sheds

Spokes has already responded to the Review in respect of general and major issues of planning policy, but this is an additional response regarding one very specific issue, and in relation to your question² below...

- Should we extend permitted development rights further? If so, what for?

Specifically, we recommend and urge that sheds in front gardens which meet specified criteria should be allowed as permitted development.

We note that this measure would support the following aim of the Programme for Government³ ...

- Streamline, simplify and improve current systems and remove unnecessary blockages in the decision-making process.

BACKGROUND AND JUSTIFICATION

The issue initially came to the attention of Spokes as a result of contacts over a year or two from householders who had suffered considerable distress due to enforcement orders to remove sheds used to store bicycles, or refusals of permission for such sheds. Householders felt that in providing bike storage for their family they were following the wishes and the targets of the Council and of the Government to promote sustainable travel and public health - and yet they were in effect being told by a Council department that they could not do this.

The level of distress can be appreciated from the many quotes in our original news item⁴ - for example...

- *It seems ludicrous that I have chosen to provide my own solution (at significant cost) to bike storage – a noted problem and disincentive to taking up or continuing cycling – and positioned discreetly beneath a mature high hedge – and I am being actively pursued to prevent this.*
- *This has been a really really horrible period for us – and it's not over yet.*
- *We have had a number of bikes stolen from our front garden and have tried a number of methods to keep our bikes safe and finally decided to put up a shed ... The council have now contacted us to and are insisting we take the shed down (with a the threat of a £1000 fine if we dont ... We have no car and feel that as a family trying to live without one we should be encouraged to cycle.*

1 <http://www.gov.scot/Topics/Built-Environment/planning/Review-of-Planning>

2 <http://www.gov.scot/Resource/0048/00487694.pdf>

3 <http://www.gov.scot/About/Performance/programme-for-government>

4 <http://www.spokes.org.uk/2012/09/bike-shed-bans/>

Many householders have no choice for bike storage except in the front garden – for example, in tenements, terraces with no back entries and other situations.

With help from ourselves and sympathetic councillors there were a number of successful appeals, but the time, effort and mental stress for the householders was very considerable and in our view a great deal of Council officer and Government Reporter time was in effect being wasted.

A further major problem for citizens was that there was no guidance from the Council as to what would be acceptable, and officers were unwilling to give advice in advance of a planning application. Householders wishing to follow the rules had to pay a £202 planning application fee just to find out whether or not a shed would be allowed.

After several of these cases Spokes drew up a factsheet for householders, attempting to provide a little clarity as to what might or might not be acceptable to the Council planners. Thanks to the involvement of councillors in some of the above mentioned distressing cases we were able to meet senior officials to discuss our factsheet, and the Committee subsequently agreed that it was "appropriate." It is now linked from the Council website as part of the official *Guidance to Householders*⁵ [page 12 of the Guidance].

The factsheet⁶ includes five criteria under which a shed is 'likely' to receive permission. But the Council would not agree to definitive criteria, and therefore a householder is still faced with paying £202 merely to find out whether or not a bike shed/container will be allowed.

The situation would be improved immeasurably if Government changed the regulations so that sheds/containers meeting specified criteria were deemed 'permitted development' and we urge the Review to recommend this. Obviously the criteria would need decided, but those in our factsheet would make a good starting point for consideration, especially given that Edinburgh Council considers them 'appropriate.' We would hope the criteria would not be loosened further, since obviously there would be a tendency for Councils automatically to reject any application exceeding them, even if only slightly.

We do of course accept that there are amenity/conservation considerations, and our criteria attempt a balance between that and the crucial need to not just allow but encourage households to travel by bike, especially in the type of built-up areas where these problems are most difficult.

Although our experience is in Edinburgh, this is likely to be a problem affecting people in many other parts of Scotland. Further afield, we understand that in London the Ealing Cycling Campaign, like ourselves, is seeking changes to relevant legislation, to allow appropriate sheds as permitted development.

Further background to the whole issue can be found on our website on the following page⁷ and pages linked from there.

In conclusion, official and personal time is being wasted, and considerable distress caused, by the current rules. Additionally, Council and Government targets and visions for greatly increased cycle use for everyday transport are being hindered when householders and their families who wish to get about by bike are in effect being refused permission to do so, or told they must expend over £200 just to find out whether or not permission will be granted.

This could be resolved by allowing sheds meeting specified criteria to be permitted development – a move which would also support the aforementioned aim of the Programme for Government.

Yours Sincerely

Dave du Feu
for Spokes

5 http://www.edinburgh.gov.uk/download/downloads/id/704/guidance_for_householders

6 <http://www.spokes.org.uk/wp-content/uploads/2013/03/Cycle-sheds-factsheet-Word97-v12-FINAL.pdf>

7 <http://www.spokes.org.uk/documents/advice/bike-storage-gardens/>