

To: LocalGovernmentandCommunities@parliament.scot

1 February 2018

Scottish Parliament Local Government and Communities Committee Planning (Scotland) Bill Additional submission from Spokes

Spokes has already submitted comments on the Bill as a whole. This additional submission concerns one very specific matter, which we have been raising for several years including throughout the process started by the Independent Planning Review (IPR). Our concern here is the need for **permitted development rights (PDR) to allow modest bicycle storage containers and small sheds in front gardens**.

This matter is not specifically addressed in the Bill, but we bring it to the attention of the Committee because, as the RTPI states in their response¹ to the Committee's **Question No.1**, it is impossible to know whether the Bill will produce a balanced planning system without knowing what will happen through secondary legislation, policy and guidance. Our experience since our 2015 submission to the IPR does not bring confidence that relatively simple and evidence-based proposals which can be handled through such means are in fact dealt with expeditiously or necessarily receive adequate scrutiny.

Following the IPR the Scottish Government in mid-2016 identified PDR as a “priority key action” and both the IPR and the Scottish Government have specifically and positively quoted bicycle storage as the sort of case where PDR rules could be considered for relaxation. Despite that, and despite the fact that this can easily be handled under existing powers, nothing has happened on this “priority key action” - and indeed what scrutiny has subsequently been afforded to our own modest proposal appears to have been very cursory.

The simplest way to present our evidence is to include, as an appendix below, a letter on this matter which we have recently sent to the Chief Planner, and which lays out our concerns in detail.

We trust that this will be of use to the Committee, and that its necessary concentration on the Bill itself will not prevent some concern over what happens at the level below.

Yours sincerely
Dave du Feu
for Spokes

APPENDIX – Letter to the Scottish Government Chief Planner

I am writing to express our frustration and disappointment at the bureaucratic morass into which our relatively simple proposal above appears to have sunk. We ask that the proposal is retrieved and is given the proper scrutiny which it deserves.

With Permitted Development Rights originally termed by the Scottish Government as one of ten “Priority Key Actions” back in July 2016, and with the issue we raised about PDR for bike sheds being specifically referenced by the Independent Review of Planningⁱⁱ (para 6.12) in May 2016, it remains unclear what if anything is happening. What has happened so far gives us little cause for optimism that this is indeed a “priority key action.”

We need not repeat the rationale for our proposal - the severe distress and incomprehension visited on families and their children who merely wish to live the type of healthy and environmentally-aware lifestyle which the government urges on us, the deterrent £200+ planning application fee which is often greater than the cost of the container or small shed the householder needs to install, or the waste of precious time for Council planning officers and government Reporters – this rationale is covered in our original **2015 submission**ⁱⁱⁱ to the Independent Planning Review.

In **August 2016** we wrote^{iv} to yourself and to the Heads of Planning Scotland, expressing our pleasure at the recommendations of the Independent Planning Review and at the Government's response to it. We also pointed out that in the government's online 'ideas' survey our proposal had proved the fifth most popular of all ideas submitted, with an average 'support' score of 4.7 out of 5.

In **Feb 2017** we wrote^v again to yourself on a related matter, the consultation on planning fees, and took the opportunity to say we hoped that work on the “priority key actions” would be expedited.

In **March 2017** we again raised this matter in our response^{vi} to the Scottish Government Planning Consultation, also expressing our concern that this priority key “action” was now being “consulted” again. We were, however, pleased to note that the government, in the consultation, stated...

“At this stage, the types of development where we think there is scope to remove certain applications from the system are cycle networks, parking and storage.”

We later discovered, and reported to you, that our above response to the March consultation did not appear to be on your website.

In **June 2017** you issued yet another consultation, *“People, Places and Planning – Position Statement.”*

At that stage we also discovered, though this was not easy to see on your website, that Heads of Planning Scotland (HOPS) had now discussed the issue and had issued a report^{vii} on the various PDR ideas submitted, including our proposal. We were concerned that this report did not appear to give adequate scrutiny to our proposal, and we laid out the reasoning in our response^{viii} to the above *PPP-PS* consultation.

HOPS PAPER ON PDR EXTENSION

In particular, the HOPS report (section 9, page 28) refers to a “leaflet” published by Spokes on this subject. In fact the 'leaflet' was a paper drawn up by Spokes in discussion with City of Edinburgh Planning. It then went to the Council Planning Committee where it was deemed^{ix} “appropriate” and the Committee decided it should be referenced in their online *Guidance to Householders*^x – which it now is (page 15 of the Guidance).

Secondly, and importantly, the HOPS response refers to the dimensions of sheds permitted in back gardens – which is way larger than the type of criteria which our above document (deemed appropriate by Edinburgh City Council) suggests – seemingly implying that our proposal was for very large sheds to be granted front garden PDR. As our paper makes clear, we certainly do not suggest large front garden sheds as we, and of course Edinburgh City Council, fully appreciate that government and council public health and environmental objectives have to be balanced with amenity considerations.

Perhaps in part due to the above misunderstanding of our paper, HOPS said it would like the current rules to remain. However, and even though they may have misunderstood the type of containers or small sheds to which we refer, they state that they *“have no strong view on this matter.”* We also are pleased to note that HOPS (recommendation 31) supports *“policy aspirations such as low carbon living”* - to which our proposal would make a very valuable contribution.

GOVERNMENT ACTION??

Since then there has been no further indication as to the government's intentions or actions. We very much hope it is still the case that, as in March 2017 above, *the types of development where we think there is scope to remove certain applications from the system are cycle networks, parking and storage.*"

Quite apart from the significant environmental and public health reasons, and the distress and costs caused to householders, one of the aims of the Planning Review was to reduce unnecessary bureaucracy and time-wasting. The present rules are a prime example of this. *Every case* in which we have been involved where the container or shed meets the criteria in our above document has been determined in favour of the applicant – but, prior to the document, the process often entailed inordinate amounts of officer time, involvement of councillors, appeals and in some cases government reporters - not to mention the time of the householders and those who have supported them, including ourselves and many neighbours who kindly submitted letters to the council supporting their neighbour.

In conclusion, a decision by the Scottish Government is needed. We urge the Government to act expeditiously to make this small change to PDR, thus contributing to public health and emissions goals, reducing unnecessary time-wasting for local authority planning departments and Scottish Government reporters, and avoiding a great deal of distress, frustration and avoidable cost for householders. The above Edinburgh experience shows this is perfectly feasible and reasonable.

We look forward to hearing from you.

Yours sincerely

Dave du Feu
for Spokes

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- i http://www.parliament.scot/S5_Local_Gov/Inquiries/20180131_PB_RTPIScotland.pdf
 - ii <http://www.gov.scot/Resource/0050/00500946.pdf>
 - iii <http://www.spokes.org.uk/wp-content/uploads/2015/04/Planning-Review-Spokes-sheds-response.pdf>
 - iv <http://www.spokes.org.uk/wp-content/uploads/2013/03/1608-To-Heads-of-Planning.pdf>
 - v <http://www.spokes.org.uk/wp-content/uploads/2013/03/1702-Planning-fees-consultn-spokes-response.pdf>
 - vi <http://www.spokes.org.uk/wp-content/uploads/2015/04/1703-Scot-Gov-Planning-PH-FINAL-Spokes-response.pdf>
 - vii <http://www.spokes.org.uk/wp-content/uploads/2013/03/1704-HOPS-Planning-Review-Extension-of-permitted-development-rights.pdf>
 - viii <http://www.spokes.org.uk/wp-content/uploads/2013/03/PPP-consultation-spokes-response.pdf>
 - ix <http://www.spokes.org.uk/2013/10/spokes-gardens-bike-storage-factsheet-now-in-use/>
 - x http://www.edinburgh.gov.uk/download/downloads/id/9758/guidance_for_householders.pdf