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Permitted Development Rights (PDR) for front garden bike sheds/containers

First, thanks again for [asking the First Minister](#) about the small but important step of granting PDR for front garden bike storage, and her response that such small steps are indeed important in the face of the climate emergency.

Thanks also for the subsequent reply to yourself from the Planning Minister, Kevin Stewart MSP. This note responds to the significant aspects of his letter. Feel free to use our response as you wish.

Mr Stewart refers to the current consultation on extending PDR¹ in a wide range of areas. The Spokes response to that consultation is here.² Sections 3 and 4 of our response are the main relevant sections.

The relevant consultation document is the very lengthy *Sustainability Appraisal*.³ Active travel issues come up in two sections of the Sustainability Appraisal, as follows...

A. *Active Travel Chapter* chap 13, pages 153-156

B. *Householder Chapter, Ancillary Buildings subsection* 17.8, pages 191-194.

The crucial and most worrying point in Mr Stewart's letter is that he focusses almost entirely on the latter, with the former only mentioned once, in passing. In other words, bike storage is being seen purely as a 'householder ancillary buildings' issue, not an active travel issue.

Many of our concerns flow from this, including the following ...

1. Basis for deciding whether to allow PDR for small sheds/containers

The proposed PDR relaxations in the Active Travel chapter (for example granting PDR for cycle route improvement or e-bike charging) are, rightly, justified largely on active travel considerations. The stated rationale (13.3) is “*to support Scottish Government policy objectives for increased walking and cycling for transport and leisure.*”

Small sheds/containers for bike storage, however, are assessed in 17.8, *where active travel objectives are not a consideration – indeed bike storage is not even mentioned!* - and where the primary concerns are issues such as visual impact, biodiversity, landscape, national heritage, soils, etc.

The government supposedly wishes to encourage active travel, but currently deters bike ownership through inappropriate regulation – and removing bike storage from the active travel category in this consultation means that it will continue to be assessed inappropriately.

1 <https://www.gov.scot/publications/scottish-governments-proposed-work-programme-reviewing-extending-permitted-development-rights-pdr-scotland/pages/1/>

2 <http://www.spokes.org.uk/wp-content/uploads/2019/12/1912-ScotGov-PDR-review-Spokes-response.pdf>

3 https://consult.gov.scot/local-government-and-communities/reviewing-and-extending-pdr/supporting_documents/Sustainability%20Appraisal%20full%20report.pdf

2. Timescale

Mr Stewart ends his letter by saying he will be reviewing cycle storage PDR “*in the near future.*” It is quite disingenuous to suggest any early outcome, given the following...

- **First**, active travel issues are to be tackled “*from Spring 2020*” whereas householder issues (including bike storage) are to be tackled “*from Autumn 2020*” [the full program is in footnote 1 above].
- **Second**, it is clear from comparing chapters 17 and 13 of the Sustainability Appraisal that householder issues (occupying 27 pages) are far, far more complex and open to dispute than are active travel issues (occupying 3 pages) and therefore can be expected to take much longer to resolve. Why should small sheds and containers have to be mixed up in this debate which, as Mr Stewart points out, ranges from national heritage to flood risks and soils?
- **Third**, Mr Stewart himself says that once the householder proposals are (eventually) drawn up there will then be wide engagement with local authorities and others, followed by wide public consultation.

It is therefore quite impossible to imagine an outcome in anything like “the near future” which Mr Stewart suggests.

Back in July 2016 one of Mr Stewart's predecessors, responding to the Independent Planning Review in which we had commented on the sheds issue, said PDR relaxation was a “*priority key issue*” - yet here we are in 2020 when this so simple issue of allowing PDR for small sheds or containers seems no closer to resolution and is set to (eventually) go to yet another “full public consultation!”

In the third para of his letter, Mr Stewart claims that “*early priorities ... include measures to address the global climate emergency.*” Allowing PDR for small bike stores, as an active travel policy, would be a quick, easy and very real step change in reducing motor use, making a small but valuable contribution to climate emergency measures. The process outlined in Mr Stewart's letter would ensure this is neither early nor a priority, for the reasons above.

3. Why are small sheds and containers being treated as an “ancillary buildings” issue rather than under active travel?

This appears to originate from a HOPS (Heads of Planning, Scotland) submission⁴ to the Scottish Government in April 2017, commenting on PDR issues. The submission suggests that small bike sheds or containers should be considered under the same rules as sheds or 'ancillary buildings' of any size, and pays no attention whatsoever to active travel considerations. The HOPS paper informs the above *Sustainability Appraisal* document and is used explicitly to justify treating bike storage as a householder rather than an active travel issue.

We contend that a small shed or container of bike-storage size is no more an ancillary building than is a large dog-kennel or enclosed compost heap. The potential negative effects mentioned in Mr Stewart's letter, such as “*negative effects on people's living environment, sustainable economic growth, biodiversity, flood risk, soils and landscapes*” represent a ludicrously unbalanced form of assessment for a small bike storage unit, and even more so given that the positives of active travel are not even included in the householder-section assessment.

4 <http://www.spokes.org.uk/wp-content/uploads/2013/03/1704-HOPS-Planning-Review-Extension-of-permitted-development-rights.pdf>

4. Could sheds/containers suitable for bike storage be considered separately from ancillary buildings etc, and instead as an active travel issue, despite the HOPS paper?

Yes – and our experience working with City of Edinburgh Council demonstrates this clearly.

The current rules mean that householders whose only storage option is a front garden container have to apply for planning permission, at a cost of over £200 whether or not permission is granted. Until around 2013 in Edinburgh this led to a series of often very distressing cases (see footnote 2 above for a few quotes) where householders did not know how to be sure permission would be granted or, even worse, were ordered to remove bike storage. Much time was wasted for individuals, councillors and officers in appeals, etc, even a government reporter in a few cases.

In conjunction with the Council, Spokes therefore prepared a factsheet⁵ indicating the type of shed which would almost certainly gain permission – most importantly, with dimensions no greater than 2.5m long x 1.2m deep x 1.5m high.

The factsheet was considered by the Council's Planning Committee⁶ on 3.10.13, who deemed it “appropriate” and it is now referenced in the Council Planning Guidance. Members of the public now know what is likely acceptable to the Council, and Council decisions on such sheds are taken on a consistent basis. As a result, we do not recall a single recent case of the kind which previously, due to lack of clarity, caused so much distress. *Furthermore, to the best of our knowledge every application over the subsequent 6 years which met the criteria in the factsheet has been approved,.*

Of course many householders are still horrified that they are expected to seek planning permission (at a cost of over £200) for a small bike storage unit, but that is the PDR issue.

Our above factsheet had been submitted to HOPS and is referred to in their above April 2017 submission, which then informed the approach of the *Sustainability Appraisal* document. Unfortunately HOPS can only have given the most cursory attention to our material, referring to the factsheet only as a Spokes 'leaflet' and *not mentioning* that it is part of Council householder guidance in Edinburgh. Equally seriously, HOPS gave the false impression that Spokes was suggesting very large sheds or other ancillary buildings should be granted front garden PDR.

Mr Stewart's letter to an extent does the same, raising the topic of ancillary buildings up to 4 metres in height, etc, etc, which is of no relevance whatsoever to the issue raised with the First Minister about small sheds for bike storage.

Conclusion and Recommendation

On the basis of the above Edinburgh 6-year experience, it makes eminent sense to grant PDR for sheds/containers which are within the above dimensions - and for this to be done speedily, under the active travel heading, and with active travel and climate emergency justifications.

Finally, Mr Stewart refers to other welcome but unrelated Scottish Government measures to encourage cycling as transport, such as £73m for cycling infrastructure and a review of the TRO process to speed up such provision. **We are forced to ask – what is the point of building these routes if government rules at the same time discourage householders from owning bikes?**

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

6 http://www.spokes.org.uk/wordpress/wp-content/uploads/2013/03/1309-Cttee-report-item_6.2_Cycle_Storage_in_Gardens.pdf