

quick guide to

Sheds and incidental buildings

This 'quick guide' will help you work out whether you need permission for a shed, bicycle store or other freestanding buildings on your property and how you can apply.



What is a shed or incidental building?

Several types of buildings and structures can be built in your garden or in land around your house or flat without the need for planning permission. These might be sheds, garages, summerhouses and greenhouses for example. These types of structures are known in planning terms as structures which are 'incidental' to the enjoyment of the premises.

These buildings are freestanding rather than an extension to your house or flat, and their use must be incidental to the house rather than a separate building use.

Do I need to apply for planning permission?

The following sections outline whether you need to apply for planning permission based on whether you live in a house, a flat with your own garden, or a tenement flat with a shared garden.

What is the curtilage? – The phrase 'curtilage' appears throughout this document and is an important part of permitted development legislation:

- 'curtilage' means an area of land attached to a house or flat.
- 'front curtilage' means any part of the curtilage which is located forward of the principal elevation of a building i.e. front garden.
- 'rear curtilage' means any other part of the curtilage which is located to the rear of the principal elevation of a building i.e. side and rear gardens.

If you live in a house

In most cases a shed or ancillary building within the rear curtilage of a house will be permitted development and does not normally require planning permission provided it falls within the criteria set out below:

Where development is located in the rear curtilage of the property

- At least half the curtilage remains undeveloped
- The height of the building is not higher than 4 metres and sections within 1 metre of the boundary are not higher than 2.5 metres
- The height of the eaves is not higher than 3 metres
- In conservation areas the footprint of the freestanding building does not exceed 8 square metres
- If the structure is within the curtilage of a listed building, the footprint does not exceed 4 square metres (note: Listed Building Consent may be required if you need to alter your listed building e.g. removing a section of listed wall for access to the new freestanding building.)

Planning permission will be required if:

- It is intended to be used as a separate dwelling
- Any part of the development would be forward of the principal elevation, or side elevation where it fronts a road
- The height of the eaves would exceed 3 metres
- Any part of the development would exceed 4 metres in height
- Any part of the development within 1 metre of the boundary of the curtilage of the house would exceed 2.5 metres in height

- As a result of the development, the area of ground covered by development within the front or rear curtilage of the house (excluding the original house and any hard surface or deck) would exceed 50% of the area of the front or rear curtilage respectively
- The footprint of the building exceeds 4 square metres in the grounds of a listed building or 8 square metres in a conservation area.

Where the development is located in the front or rear curtilage of the property

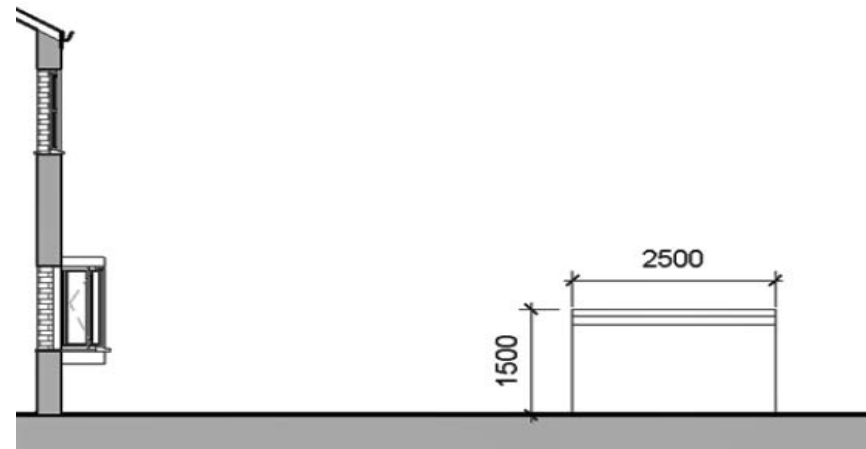
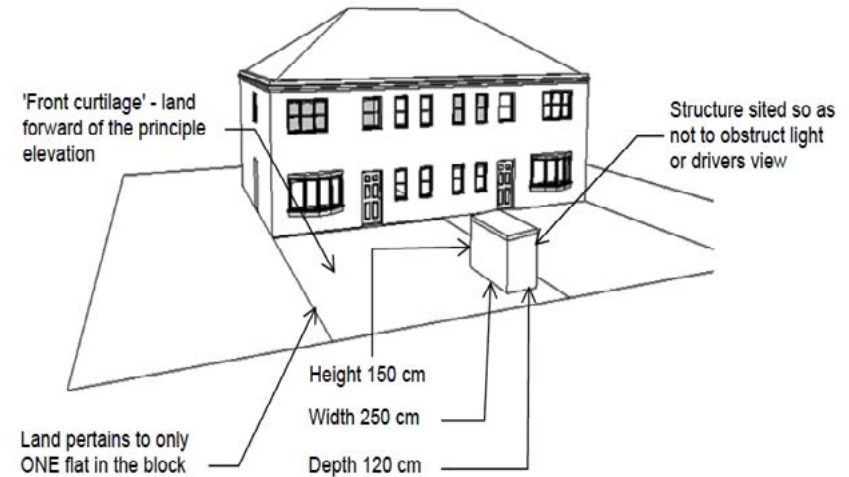
Separate permitted development rights are in place to build **one** incidental building in either the front or rear curtilage provided it complies with the following criteria:

- The building does not exceed 1.5 metres in height, 1.2 metres in depth or 2.5 metres in width
- It does not obstruct clear sight of a road or footpath by the driver of a vehicle entering or leaving the curtilage of the house (a driver's view of pedestrians on the pavement or vehicles on the road should not be worsened as a result of the development)
- It does not create an obstruction to light to another building (any structure should not be placed directly in front of the windows of another building)
- The site is not a listed building or located within the boundaries of the World Heritage Site.

If you live in a flat with your own private garden

If you live in a flat with your own private garden, you are able to erect one building within the front or rear curtilage of that flat, provided that it complies with the following criteria. These criteria are most likely to apply to individuals who live in 'four in a block' type flatted buildings:

- The building does not exceed 1.5 metres in height, 1.2 metres in depth or 2.5 metres in width
- It does not obstruct clear sight of a road or footpath by the driver of a vehicle entering or leaving the curtilage of the flat (a driver's view of pedestrians on the pavement or vehicles on the road should not be worsened as a result of the development)
- It does not create an obstruction to light to another building (any structure should not be placed directly in front of the windows of another building if possible)
- The site is not a listed building or located within the boundaries of the World Heritage Site.
- Only one building can be erected within the curtilage of a flat. A building can only be erected if it will be located on land which is in the sole ownership of the flat undertaking the development. If the land on which the structure will be sited is in multiple or communal ownership, **the building may require planning permission.**



If you live in a tenement flat with a rear communal garden

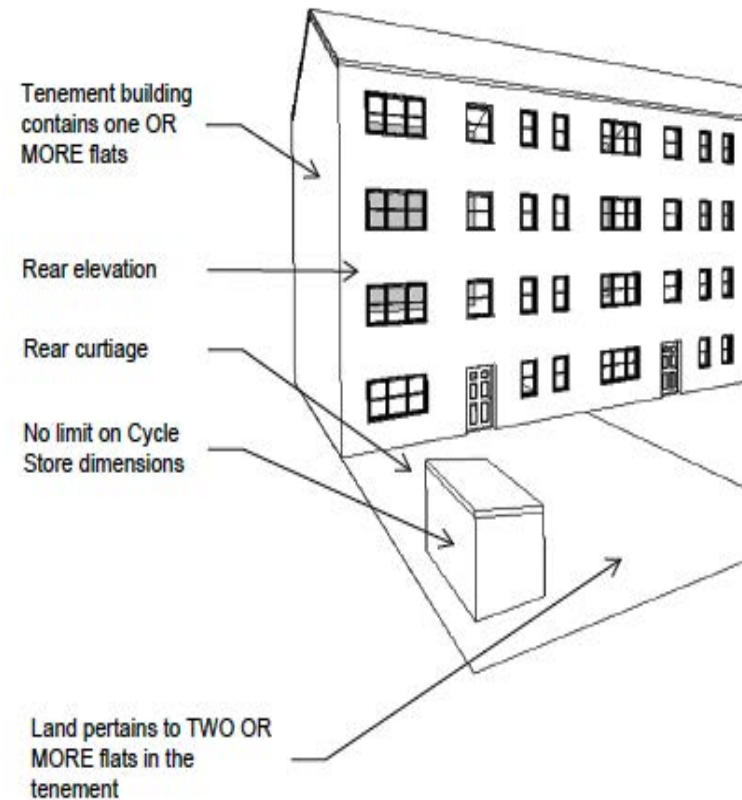
Bike Stores

Permitted development rights are in place to allow a structure within the rear curtilage of a **tenement** for the specific use of storing bicycles. There is no limit on the dimensions of any bike store. However, only one such bike store can be erected, and these rights do not apply to listed buildings or sites within the boundary of the World Heritage Site. The resulting bike also cannot create an obstruction to light to another building.

Tenements are classified as buildings with **one OR more flats**, and these rights only apply on land which is owned by **two OR more flats** located in within the tenement. If the land on which the bike store will be sited is in sole ownership, **the bike store may require planning permission.**

Check if your building is a listed building www.edinburgh.gov.uk/conservation

Check if your location is in the World Heritage Site <https://ewh.org.uk/maps/>



How can I confirm that the development does not require planning permission?

To get written confirmation that you do not require planning permission you can apply for a Certificate of Lawfulness.

You can do this online and you will get a decision from us on whether permission is required. This certificate can be used to confirm you do not need permission. It can also be useful should you decide to sell your property or if you are asked if you have permission for any sheds or ancillary buildings.

Note: The planning authority will not provide informal opinions as to whether a building will obstruct either the clear sight of a driver, or light to another building. If you wish to seek clarification as to whether your proposal complies with these requirements in order to be considered permitted development, a certificate of lawfulness must be applied for.

How do I apply for permission?

Planning permission, listed building consent and certificates of lawfulness can be applied for online - <https://www.eplanning.scot>

Do I need a building warrant?

A building warrant is not normally required for sheds, summerhouses or greenhouses. Our website has a link to the Technical Standards where you can read more detail.

If you require any further clarification, please contact planning@edinburgh.gov.uk