# INTERPRETING THE GUIDANCE AND PLANNING RULES RE PERMITTED BUILDING OF SHEDS AND OTHER STRUCTURES – PROPOSAL

## Context

The Committee has been asked by several plot holders to clarify the rules and our Association’s interpretation of them regarding the nature, size and height of sheds and buildings that it is permissible to build on a plot. We need to take a view on this before we recommence plot inspections this month following the lifting of lockdown restrictions that have meant there has been no real oversight of what is being built on plots for over a year.

A copy of the relevant section of the Birmingham City Council rules is attached together with additional comments on some of those rules which are – in the view of the committee – unenforceable because they are so widely ignored not only here but on other sites in the city.

Management of the site is devolved to the Association via its elected committee under the management oversight of Birmingham and District Allotments Council (BDAC). It is they, in the end, who will decide the limits of our interpretation of the rules; BDAC has the authority to overturn our interpretation of the rules and to hold the committee to account if in their view we are not applying the rules adequately.

On 24th May we had a very constructive discussion with our Zone Representatives on the approach we should adopt. The Proposal below was agreed at that meeting. The Committee is asked to endorse this proposal.

## Proposal

We propose to be guided by **three** key principles:

1. Allotment plots are principally for cultivation and most of any plot should be under cultivation.
2. Nothing should be built on a plot that is detrimental to the wider community both on site or adjacent and in particular neighbouring plot holders
3. The Committee would be reluctant to intervene if a plot holder:

* Has an otherwise well maintained and cultivated plot; and
* The shed can readily be removed should they leave

We propose to build the rules on sheds and structures into this year's plot inspections. We will use a simple YES/NO tick box system:

* Yes - Complies fully with the BCC rules with the Committee interpreted amendments proposed in the attached table.
* No - Does not comply.

In the case of non-compliance, we will discuss and agree appropriate action with the plot holder, which will be taken into account as part of the annual plot rent renewal process. The proposed options would be:

1. **No action** if the structure meets the three principles
   * Most of any plot should be used for cultivation rather than sheds. Polytunnels and greenhouses would both count as areas of cultivation (if used for cultivation).
   * Nothing should be built on a plot that is detrimental to neighbouring plot holders or the wider community.
   * The plot is otherwise well maintained and cultivated and the structure can be easily removed.
2. **A moratorium** on sheds and structures built prior to the 2019 plot inspections unless there is a relevant existing notice to improve dating from that inspection.
3. **Action** to an agreed timetable for tackling non-compliance if the principles are not met.
4. **Immediate removal** of the structure if it is not permitted under planning law or without the written permission of the landlord - Birmingham City Council.

In the event of the timetable under 3 not being adhered to, the usual processes (letter to plot holder, second letter, withdrawal of plot rental contract) would be followed, with all the usual plot holder rights in terms of appeal. In some cases, plot holders may already have received notices to improve at the last inspection.

Zone reps have a critical role in testing the views of neighbouring plot holders on meeting the above two principles e.g. Issues such as sheds blocking light, access or affecting drainage.

Finally please note that most sheds and structures already comply so in reality we would expect few examples of non-compliance at inspection. Even where there is non-compliance, we would expect most sheds and structures to require no action because they meet the above principles.

| **Council Rules on Sheds and Structures**  **Construction and materials**  Your shed can be made from a kit, in metal or timber.  Alternatively, you can build your own shed from clean sawn wood. Your shed must be clad in planed soft wood, cedar wood, shiplap or weather boarding. You should not use felt covering on shed sides.  Your shed roof should be laid on purlins. Rigid corrugated plastic may be used for the roof.  **Finish**  Sheds must be painted mid-green or treated with a suitable wood preservative at least every three years.  **Greenhouses and Sheds size**  10.3 A tenant may have one shed, one greenhouse and one polytunnel.  The maximum dimensions of a shed (or greenhouse) are 10' x 8' (3m x 2.4m) and a height of 8'6" (2.6m).  . | **Committee Position**  Unenforceable. Too many plotholders, while principally using wood, have recycled a whole range of materials to construct and clad their shed.  Current rules on construction are unenforceable – here and elsewhere in the city. However some degree of regulation regarding materials and finish may be necessary to mitigate any repercussions for adjoining plots or in presenting a hazard.  We suggest the size rule is relaxed slightly based on square meterage of the shed or greenhouse rather than uniform length and width = allowing differing lengths and widths for sheds if the ground area does not exceed 7.2 sq. metres.  The height rule to remain unaltered  Tenants are requested to notify their zone rep before beginning construction of a shed, greenhouse or polytunnel to consider any impact on neighbouring plots. |
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