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Council**

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Chlach Mhanann

Clackmannanshire Council
Housing Service
Garden Structure Permissions Policy
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1. Scope of the policy

Clackmannanshire Council is committed to supporting its tenants in enjoying and making full use of their homes, including their gardens where applicable. This Policy provides a framework for how the Council's Housing Service will deal with garden structure permission requests made by tenants.

The Policy outlines the rules that tenants must follow when planning to erect any garden structures. This includes situations where planning permission and/or building warrants may be required under existing legislation.

The Policy applies only to freestanding garden structures such as sheds, summerhouses, greenhouses, and garages. It does not apply to house extensions, any applications for extensions should be pursued through the Council's Planning Department in the first instance.

This Policy supports the aims of Clackmannanshire's Local Development Plan and should be read in conjunction with Clackmannanshire Council's Scottish Secure and Short Scottish Secure Tenancy agreements.

2. Aims of the policy

The policy aims to:

- Ensure safety of Council homes and reduce hazards by obtaining and adhering to the relevant consents under planning and building standards legislation;
- Provide clear guidance to tenants on permissions for garden structures, allowing them to enjoy their homes fully and responsibly;
- Set standards for size, location and quality of garden structures to protect the rights and amenities of all tenants and residents.

3. Legal Framework

Information in relation to Planning and Building Standards and any consents required can be located on the Council's website: [Planning & Building Standards | Clackmannanshire Council](#).

4. Tenant's Responsibilities

In accordance with Clackmannanshire Council's Tenancy Agreements, tenants must obtain written permission from the Housing Service before making alterations to their home or garden, including decorating the exterior of the property as well as installing new fixtures or fittings, erecting garages, sheds, pigeon lofts, greenhouses, fences, walls, or any other permanent or semi-permanent structure.

Tenants are responsible for applying and obtaining any planning permissions and/or building warrants when planning to erect a structure before proceeding with the works (if such consent is required).



Tenants are responsible, at their sole cost, for the upkeep and safety of any structures that are installed with the permission of the Housing Service. The Housing Service will not be responsible for any repair and/or maintenance of anything installed by the tenant or belonging to the tenant which the tenant would be entitled to remove from the house or garden.

Tenants must restore and make good the garden to its original condition when the tenancy ends, making good all damage to the garden area as a result of the structure installed at the property. Where the Tenant fails to restore and make good any damage then the Housing Service may recharge for any work it requires to be carried out in order to implement the above in accordance with the Council's Rechargeable Repairs Policy.

If tenants carry out any alternations or improvements without the consent of the Housing Service, the Service will be entitled to remove the structure (without the consent of the Tenant) and restore the house/garden to its previous condition during or at the end of the tenancy, and recharge the tenant for this work.

5. Requesting for Permission

Tenants wishing to erect a garden structure must submit a request to the Tenancy Management Team in writing. The request must include a detailed plan for the proposed structure, including its size and intended use.

5.1. Criteria for Permissible Structures

Any garden structure erected by the tenants must adhere to specific standards set out by Clackmannanshire Council's Housing Service and as noted below. As confirmed, above all, necessary planning and building standards approval, if required, should be obtained by the tenants. Any works in the erection of the structure must cause minimal disruption to other tenants and neighbours.

To gain approval, the proposed structure must satisfy the following requirements:

- The structure must not exceed 8 feet by 12 feet in size; or must not occupy more than 30% of the total garden area. Where the erection of a new garden structure combined with an existing one would cumulatively occupy more than 30% of the total garden area and where the erection of a new structure would serve to hinder access to the garden area, the new garden structure may be refused;
- The structure must not block daylight to neighbouring properties, including windows and gardens;
- Where structures are located near the property, adequate space must be left to allow property maintenance to foundations, walls, and ladder access for roof or gutter maintenance;
- The structure must be made of materials approved by Clackmannanshire Council;
- The structure must not be used for the housing of any livestock (including cats and dogs) or the storing of inflammable material;



- If the tenant intends to provide light or power to the structure, any connection to the domestic power supply must be installed by a qualified electrician;
- The tenants must comply with all Fire Safety Regulations, Planning Permission and Building Warrant (if required). The Housing Service may ask for evidence to be provided by the tenants to confirm compliance.

Only tenants with access to a rear private garden may apply for the permission to erect a structure. Requests for structures in communal areas or gardens at the front of the property will not be permitted, unless the structure is required to accommodate the needs of tenants with disabilities and is intended for the storage of mobility devices.

Structures must not be used for commercial purposes.

6. Responding to Request

6.1. Assessing the Request

Once the tenant submits a written request to erect a garden structure, a Council Officer will arrange a visit to the property to assess and verify the details of the request. During this visit, the Officer will review the proposed location of the structure and consider its proximity to boundaries, neighbouring properties, communal walls, and any access paths that may be affected.

6.2. Making a Decision

Following the assessment, the Housing Service will issue a decision. When considering granting permission, the Service will take into account:

- The impact of the structure on surrounding properties;
- The reasonableness and practicality of the request;
- Whether the proposed structure falls within the scope of ‘permitted development’;
- Whether the structure requires planning permission and/or a building warrant.
- The footprint and height of the proposed structure and its intended use.

The Housing Service may also decide to approve the request subject to additional conditions such as, the quality and nature of the work. In doing so, the Housing Service will have regard to the cost of complying with the condition.

In line with planning legislation, certain types of buildings and structures can be built in the garden or land around a dwellinghouse or flat (known as front or rear curtilage) without the need for planning permissions. These types of structures are known as permitted developments. For



further information on permitted developments, please visit Clackmannanshire Council's [Planning & Building Standards webpage](#).

Where the proposed structure requires planning permission and/or a building warrant, the Housing Service will grant permission to erect the structure in principle and will direct the tenant to submit an application to Clackmannanshire Council's Planning and Building Standards Services for the relevant consents before any works can commence.

Where planning permission and/or a building warrant is required for the proposed structure, the tenants will provide copies of the relevant consents to the Housing Service as soon as reasonably practical but in any event no later than 1 month from the date of granting the same.

Where a tenant is aggrieved by a refusal to grant the application or any condition imposed, they may appeal to the Sheriff Court.

7. Carrying out the Works

The tenant must not begin any works until they have received all necessary consents from the Housing Service, and where necessary, the Planning Authority and Building Standards Services.

The Housing Service will advise the tenant of its decision within one month of receipt of the application.

Following approval and upon completion of the works, the tenant must notify the Housing Service. Upon completion of the works the tenants will provide the Housing Service with a copy of the Certificate of Completion (if necessary under Building Standards). The Housing Service may also carry out an inspection to ensure that the works have been completed in compliance with any conditions contained in the Housing Service's letter of consent. satisfactorily and in compliance with all relevant requirements. It is the responsibility of the tenant to ensure compliance with Planning and or Building Standards consents.

The ongoing use of the structure must not cause a nuisance or annoyance to neighbouring residents. Where this occurs, the Council reserves the right to instruct the immediate removal of the structure either by the tenant (in the first instance) or by council officers or appointed persons acting on the Council's behalf, this may be rechargeable to the tenants.

8. Retrospective Permission

In cases where unauthorised structures have been reported or identified, the tenants will be required to contact the Housing Service on notification.

The Housing Service may grant retrospective consent to the unauthorised structure provided such structure is in compliance with the terms and conditions of this policy. Where planning permission and/or building warrant is required and not obtained, the Housing Service will notify the Planning Authority and Building Standards where enforcement action may be taken against the tenants. In addition, the Housing Service may look to remove the structure and recharge all costs associated with such removal from the tenants.



9. Equal Opportunities and Diversity

Clackmannanshire Council is committed to the elimination of unlawful discrimination, advancing equality of opportunity and fostering good relations between people.

The Council believes that equality of opportunity should be a guiding principle in all of its activities. The Council aims to ensure that its commitment to equality is embedded in all council services and in the organisations that it funds.

In accordance with the Equality Act 2010, the Council is actively working towards the elimination of policies and practices that discriminate unfairly on grounds including age; disability; gender reassignment; marriage and civil partnership; pregnancy and maternity; race including colour, nationality, ethnic or national origin; religion or belief; sex; and sexual orientation.

10. Privacy Statement

Clackmannanshire Council must adhere with its legal obligations under Data Protection Legislation as set out in the Data Protection Act 2018 and UK General Protection Regulation (GDPR).

In order to provide the required and/or requested services, the Council will collect, store and process relevant personal information or data.

Personal information may also be shared with other partner agencies and organisations.

Personal information will be kept securely, as long as required by law and/or by specific service requirements. Once the data is no longer required, it will be securely disposed of. The Council has a Record Retention Schedule which sets out the period of time and reasons for keeping particular records. The Retention Schedule is available on request.

Under the Data Protection Act 2018 and the Freedom of Information(Scotland) Act 2002, individuals have the right to access personal information and data held about them by Clackmannanshire Council as well as the right to access information from records held by the Council.

To submit a Subject Access or Freedom of Information request, please follow [the link](#).

To make a complaint in relation to the Council's handling and processing of personal data and information, please contact the [Information Commissioner's Office](#).

For further information on Clackmannanshire Council's data protection practices, please visit the Council's [Data Protection Statement](#). For the Council's Data Protection Policy, please follow the [link](#). For further information on freedom of information laws, please visit the [Scottish Information Commissioner webpage](#).

11. Complaints



If the tenant is dissatisfied with the provided services and/or the standards of service, please follow the Council's Complaints Procedure. Complaints can be made in person, in writing, by email or online. For further information on the Complaints Procedure and how to make a complaint, please visit the [Council's Complaints Procedure webpage](#).

If the tenant remains dissatisfied with the final decision or the way the complaint has been handled following the Council's Complaints Handling Procedure, they can make a complaint to the Scottish Public Services Ombudsman (SPSO) by completing a [complaints form found online](#) or calling on 0800 377 7330.

For further information on how to make a complaint to SPSO, please visit the [SPSO website](#).

12. Appeals

Where a tenant has submitted an application for permission to erect a garden structure to Clackmannanshire Council's Planning and Building Standards Services and is dissatisfied with the outcome, they have the right to appeal.

For further information on how to make an appeal, please visit Clackmannanshire Council's [Planning & Building Standards webpage](#).

13. Monitoring and Reviewing

The policy will be continuously monitored to ensure that it is performing efficiently against the aims set out in the policy.

The Council will review and evaluate this policy every 3 years to ensure the adherence to the relevant legislation and statutory guidance as well as changes in organisational practices and policies.