

Citizen Participation and Public Petitions Committee

18th Meeting, 2023 (Session 6), 6 December
2023

PE1985: Evaluate Garage to Home Developments

Lodged on	1 December 2022
Petitioner	Darren Loftus
Petition summary	Calling on the Scottish Parliament to urge the Scottish Government to commission an independent evaluation and provide national guidance on garages to homes developments.
Webpage	https://petitions.parliament.scot/petitions/PE1985

Introduction

1. The Committee last considered this petition at its meeting on [22 February 2023](#). At that meeting, the Committee agreed to write to the Scottish Government and COSLA.
2. The petition summary is included in **Annexe A** and the Official Report of the Committee's last consideration of this petition is at **Annexe B**.
3. The Committee has received new responses from the Scottish Government and the Petitioner which are set out in **Annexe C**.
4. Every petition collects signatures while it remains under consideration. At the time of writing, 207 signatures have been received.

Action

The Committee is invited to consider what action it wishes to take on this petition.

Clerk to the Committee

Annexe A

PE1985: Evaluate Garage to Home Developments

Petitioner

Darren Loftus

Date Lodged:

03/11/22

Petition summary

Calling on the Scottish Parliament to urge the Scottish Government to commission an independent evaluation and provide national guidance on garages to homes developments.

Previous action

I have contacted my local MP, six local Councillor's, eight MSPs, Scottish Borders Council, Scottish Borders Housing Association and the Scottish Government. I have submitted various Freedom of Information requests. I have contacted Citizens Advice Bureau. I am supporting a campaign group in relation to this issue. I have researched other such projects in England, and I am analysing various documents relating to this issue.

Background information

These developments are built in a way that means they are not classed as new builds, meaning that they are viewed as conversions and not subject to many planning regulations.

An independent investigation and evaluation of the conversion of garages to homes involving communities and taking all factors into account, including demand, rental income, social factors alongside cost and practicality is needed.

The Scottish Borders Housing Association (SBHA) in partnership with Berwickshire Housing Association and supported by Scottish Borders Council are planning to convert around 500 garages to 100 homes. I believe plans have been progressed without any community engagement and driven purely by financial considerations, offering cheap means of addressing the affordable housing crisis within Scotland.

Based on their UK Community Renewal Fund Bid, SBHA also view their plan as a potential pre-cursor to a Scotland wide roll out.

Annexe B

Extract from Official Report of last consideration of PE1985 on 22 February 2023

The Deputy Convener: PE1985 is on evaluating garage to home developments and has been lodged by Darren Loftus. The petition calls on the Scottish Parliament to urge the Scottish Government to commission an independent evaluation and provide national guidance on garages to homes developments.

The Scottish Government's response to the petition notes that the proposed garages to homes project meets the Scottish Borders Council's local housing strategy objectives and is supported by both the Scottish Borders Council and South of Scotland Enterprise. It states that the buildings will be permanent, high-quality homes, designed for wheelchair users and/or people with limited mobility.

On the issue of community engagement, it highlights a public consultation that was held in November 2022 and plans for consultation events in the future. The submission concludes by stating that the

“Scottish Government does not prescribe, nor enforce, particular housing solutions, but rather it provides the planning framework against which developments are tested.”

The petitioner's recent submission asks:

“Is the aspiration of the Scottish Parliament to move their citizens, specifically older adults and people with a disability, into housing units converted from garages?”

His submission questions the quality of the feasibility study for the project, stating that no social factors or identifiable local housing needs were factored into the study.

Do members have any comments or suggestions???

Alexander Stewart: We need to write to the Scottish Government to seek some more clarity on what consideration is given to the national impact of garages to homes developments in the Scottish Borders, whether it believes that a broader evaluation of such developments is required, and whether it recognises the value in assessing factors such as social impact as part of any evaluation of such developments. It is perhaps an opportunity to get COSLA's view on the petition from a planning and local authority perspective. That would give us a flavour of how it sees the process.

The Deputy Convener: Does the committee agree to those suggestions?

Members *indicated agreement.*

Annexe C

Scottish Government submission of 29 March 2023

PE1985/C: Evaluate Garages to Homes Developments

Thank you for your letter of 1 March 2023 noting that the Citizen Participation and Public Petitions Committee considered the above petition at its meeting on 22 February 2023 and agreed to write to the Scottish Government. It is noted in your letter that following consideration of the petitioner's recent written submission, the Committee is keen to understand:

- what consideration the Scottish Government has given to the national implications of “garages to homes” developments in the Scottish Borders;
- whether the Scottish Government believes that a broader, independent evaluation of such developments is required; and
- whether the Scottish Government recognises the value in assessing factors such as social impact as part of any evaluation of such developments.

Based on our understanding and knowledge of the proposal that has been developed to date and taking each point in turn we would comment as follows:

1. What consideration the Scottish Government has given to the national implications of “garages to homes” developments in the Scottish Borders

This proposal, similar to some other brownfield developments, will involve partial demolition to construct new homes on some housing association owned sites. Planning applications are determined in accordance with the development plan for the area unless material considerations indicate otherwise. The current statutory development plan for the Scottish Borders area comprises National Planning Framework 4 (NPF4) (February 2023) and the Scottish Borders Council

Local Development Plan (2016). These cover a range of policy areas which deal with new homes and brownfield land.

We understand that planning applications from Scottish Borders Housing Association were received and validated by the Scottish Borders Council planning department on 24 March 2023 for sites in Hawick & Jedburgh. Therefore, it would not be appropriate for the Scottish Government to comment on any proposals that have come forward as planning applications to the Council, or may or may not come forward in future, as this may prejudice the outcome of the decision making process, should the case be notified to Ministers.

Planning and building standards, whilst separate regulatory regimes, involve robust processes for assessing and adjudicating on such considerations and the proposed developments, whether in the Scottish Borders or elsewhere, will require planning permission. In respect of building standards, we understand that these proposed new homes will be permanent, high-quality homes which will meet current Building Regulations, Housing for Varying Needs and Scottish Government “Greener” standards.

Given the robust and longstanding nature of the planning and building standards regulatory regimes in assessing different types of proposals, and that this proposal has similarities to other brownfield developments, we do not consider that there are any national implications to this proposal in the Scottish Borders.

2. Whether the Scottish Government believes that a broader, independent evaluation of such developments is required

We do not believe that a broader, independent evaluation of such developments is required, because, as noted in point 1 above, the planning and building standards regulatory regimes involve longstanding processes for assessing and adjudicating on such considerations.

3. Whether the Scottish Government recognises the value in assessing factors such as social impact as part of any evaluation of such developments

In respect of the potential social impact of this proposed development, the Scottish Borders Council Local Housing Strategy confirms a requirement for homes for older people and also has a target that 10% of new affordable homes should be wheelchair accessible.

We understand that these proposed new social rented homes will be designed for older people/people with limited mobility and/or wheelchair users. This will expand housing options to enable people to age well and live in their chosen community. The homes will also meet the Silver standard for energy for space heating and be net zero at point of use with solar panels to provide on-site energy generation.

The proposal has been examined by a variety of stakeholder bodies who are supportive of the social impact of the proposed developments. A broad feasibility study was undertaken initially and the proposal developed by partners in Scottish Borders Council and South of Scotland Enterprise with input from colleagues in the NHS and Social Care based on their understanding of need and design priorities.

This recognised the social impact of such developments in providing much needed net zero affordable housing for wheelchair users and/or older people that would enable them to live independently in their community.

Whilst we understand that there may be disappointment that selected garage sites may not have their leases extended by the Housing Associations, the Housing Associations have indicated that there is a broader portfolio of garages available and they will work with individuals to find solutions where possible. In any event, the leasing or otherwise of selected garage sites owned by the Housing Associations is not a matter for the Scottish Government.

I hope the above is helpful in answering the follow up questions of the Citizen Participation and Public Petitions Committee.

Petitioner submission of 3 May 2023

PE1985/D: Evaluate Garages to Homes Developments

I write, as I am incredibly disappointed in the Scottish Government Response received 29 March 2023.

The response states “we do not consider that there are any national implications to this proposal”.

This must be strongly refuted. I have documents which evidence the Registered Social Landlord (RSL), Scottish Borders Housing Association (SBHA), stating: “they hope that their feasibility and pilot could be rolled out nationally across Scotland”.

If full Scottish Government Funding is provided as sought, it is rational for every council and RSL with housing responsibilities to implement Garages to Homes as a lucrative means to meet affordable social housing demand.

I also refute the response relating to NHS and Social Care involvement, evidenced from the previously submitted Feasibility Study below.

Page 9, SBHA & BHA feasibility study states:

3.7 The assessment does not include other factors such as rental income, social factors, or demand for bungalows within the area. The assessment is based on whether the garages can be converted into Husk units and maximising the number of units to ensure that the average cost per unit is kept as competitive as possible. (Elvet, Husk, 2022)

These units do not appear competitive when you consider they cost around a staggering £160,000 to build and adapt to meet environmental requirements. Within current area housing prices, this is the equivalent of a 4 bed roomed house with garden. However, if Scottish Government funding becomes available, the unit cost is secondary.

We believe that our documents show SBHA tried to match demand for these units after selection, making what in my view is a false claim that they are ideal locations for older adults and wheelchair users and that garage areas were unwanted or associated with anti-social behaviour.

The local Community Council have expressed concerns to planning, and like the First Minister below, propose that empty housing stock be reconfigured into good quality affordable housing with these benefits:

- Reduces empty housing stock
- Employment for local builders
- Maintain character of existing neighbourhoods
- Secure amenable locations for future tenants.

The Scottish Government Response also contradicts previous information from the Team of the now First Minister which stated:

“Humza is acutely aware of the challenges you have raised in your email regarding housing. As well as improving the provision of affordable homes, Humza stated that the policy will create work and jobs for small, local building firms and contractors who will be brought in to bring the properties back to a liveable standard.

Humza believes that part of this SNP Government’s investment in affordable housing should first be used to bring empty properties back to life so we can get more people into good quality, affordable housing. Regarding his position on Garages to Homes, Humza does not have any current plans to adopt such an approach as he is keen to ensure all new and converted properties are of not just tolerable but a high standard of quality and are capable of continued use well in the future.”
(Humza Yousaf, 2023)

As stated in the government’s response, “proposed new homes will be permanent, high-quality homes which will meet current Building Regulations, Housing for Varying Needs.”

There is no evidence of:

- Government verification of 60-year life span criteria of these recent prefabrications in England.
- Proposed or existing residential units in England meeting Housing for Varying Needs, 1998 Wheelchair Accessible Housing.

Wheelchair Accessible Housing

The access and design statement within SBHA planning application claims that the basis for their feasibility study and Pilot was there are over 2000 Wheelchair Users in the Scottish Borders.

The Scottish Government defines the minimum design criteria for Wheelchair Accessible Housing and this is not apparent in any existing or proposed conversions.

The Scottish Borders Council (SBC) **Strategic Housing Investment Plan (SHIP) 2023-2028** page 10

It was agreed that Registered Social Landlords (RSL) would provide 15 of the 20 wheelchair accessible houses that would be required annually.

Again, SBC state the standard required is that of Housing For Varying Needs (HFVN) wheelchair standard.

This proposal does not meet the basic criteria for Wheelchair Accessible Housing.

The proposal claims to also be suitable for both ambulant disabled people and older adults. Although the criteria are less than the wheelchair user category, these criteria are not met.

Areas of non-compliance for all groups include. This list is not exhaustive.

5.4 The appearance of the dwelling. Though people may have, particular needs in the design of their home, they want as far as possible to appear the same as the other housing. This helps the occupants to feel integrated in the community and in security terms does not advertise that a more vulnerable person lives there. In general housing specifically for older or disabled people should be intermixed housing.

Location and Access to Amenities or Facilities

3.3.3. For the location to be considered “convenient” for people who do not walk easily and who do not have use of public transport or a car, the distance from the dwelling to the facility should be no more than 600 metres.

Layout and Design

Many aspects of the design do not meet recognised criteria within many relevant Housing and Disability Strategies e.g. 14.9 of HFVN provides clear guidance on space and doorways.

(Housing for Varying Needs, 1998)

There is no independent oversight to ensure HFVN is adhered to.

Point 2 of the response states: “a broader, independent evaluation is not required.”

This is refuted as planning and building standards, and regulatory regimes do not relate to Social Policy and the public have no real means to object on behalf of future tenants of the proposed development. You cannot object on grounds of: social inclusion, disability rights, proximity of amenities or diminishing of persons and the space they are afforded.

Essentially only material planning considerations are given merit during planning. E.g. conversions can overlook each other with no consideration of privacy or light for future tenants. This shows the limitations of planning, meeting building standards, but wholly unacceptable in real terms.

The final paragraph of the government's response detailing the garages must also be refuted.

As an ex-Roxburgh and Berwickshire Citizen's Advice Bureau, Housing Specialist, this is an issue of social importance and garage tenants losing leases is secondary.

A complaint to Scottish Public Services Ombudsman, pertaining to South of Scotland Enterprise (SoSE) funding is due for consideration.

Representations of potential breaches of the Equality Act 2010 in progression of feasibility study, pilot and planning application are currently being formulated as are possible Representations to SBC and its adherence to Equalities legislation.

I thank you and would appreciate your continued investigation.