



A report by Susan Hall AM

# Secret Sleepers

London's problem with 'Beds in sheds'

Unauthorised buildings on existing property causes financial loss for councils. Additionally, these structures are often rented out by unscrupulous landlords as a substandard form of accommodation, with safety and fire risks. However, the Mayor's new draft London Plan introduces a new policy that effectively promotes new dwellings in back gardens. Unless this is reviewed, it could lead to new beds in sheds being established. This report lays out the problems and solutions of unauthorised building in the Capital.

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# Secret Sleepers: London’s problem with ‘Beds in sheds’

## Executive Summary

‘Beds in sheds’ – unauthorised dwellings in back gardens and garages of existing residential properties – is a problem that blights many areas of London, at considerable cost to local councils and communities.

These structures are often rented out by unscrupulous landlords as a substandard form of accommodation, with associated safety and fire risks – indeed, the London Fire Brigade has dealt with 499 incidents involving beds in sheds in the past five years<sup>1</sup>. They can also lead to increased levels of fly-tipping, antisocial behaviour and other environmental issues.

Evidence in this report suggests that there are at least 9,000 unauthorised beds in sheds across the London, with councils potentially missing out on £9 million in unpaid council tax.

The experience of tackling beds in sheds varies widely across London, and there are some good examples of successful approaches. This includes heat mapping, as undertaken successfully by boroughs such as Harrow, as well as excellent cross-borough approaches, as used effectively in areas such as Hillingdon. Councils can also use financial measures such as the Proceeds of Crime Act to recoup costs on behalf of their communities.

However, the Mayor’s new draft London Plan presents a new challenge, as it has a

<sup>1</sup> Freedom of Information response by London Fire Brigade, October 2017

new policy that effectively promotes new dwellings in back gardens. Unless this is reviewed, it could lead to new beds in sheds being established, and make it more difficult to tackle existing structures.

**Taking action on beds in sheds has the potential to dramatically improve the lives of tenants and other local residents in London.**

**This report therefore makes the following recommendations:**

1. London boroughs should consider establishing taskforces to address the problem of beds in sheds, involving multiple departments such as planning, housing, environment and finance, and including police, fire brigade and other services where possible. These should plan the detection, identification and enforcement of beds in sheds, as well as identifying and promoting the financial and other benefits of such an approach to the council and to residents.
2. The Mayor and London Councils should encourage the sharing of best practice amongst boroughs in tackling beds in sheds.
3. London boroughs should regularly monitor and report on detection and enforcement of beds in sheds, as well as the impacts on council finances, the local environment, and any other benefits.
4. The Mayor should undertake and publish a comprehensive audit of beds in sheds across London, on a regular basis. This should include the commissioning of a heat map for the

whole of London, to share with London boroughs for further investigation.

5. The Mayor should review his new draft London Plan, especially policy H2, to ensure that it does not encourage the development of beds in sheds in London, and instead ensure that the London Plan actively discourages such an approach.
6. The government should review planning law to consider an extension of the four-year limit on enforcement of beds in sheds.

## Introduction

'Beds in sheds' is the term for unauthorised dwellings, often in outhouses and back gardens, and is a problem in many parts of London. As well as typically providing a substandard form of accommodation, with associated safety and fire risks, they can have a significant impact on issues such as fly-tipping, crime and antisocial behaviour. They can also impose significant costs on local authorities, for example through lost council tax, and pressure on local services such as education and health. As this issue can affect many different council departments, the problem can often fall through the cracks as no one department will take responsibility.

This report will look at the wide variety of approaches and experiences in detection and enforcement of beds in sheds across London, and how best practice can be shared. London boroughs have many tools at their disposal to tackle this problem, but

will be most successful if they undertake this in a comprehensive way, in partnership with other services. Each borough will want to take its own view of the issue, according to its own local needs and autonomy. There are also potential new challenges to overcome, such as the Mayor's new draft London Plan policies that are likely to promote new dwellings in back gardens.

## What is the problem?

'Beds in sheds' are unauthorised dwellings, typically located in back gardens and garages of other residential properties.

Within planning law, homeowners can usually build outbuildings and other structures in their own back gardens without needing planning permission. Crucially, the use of these outbuildings must remain 'incidental' to the main dwelling. In other words, they can only support the existing use of the house, such as for storage or leisure use. Therefore, any use of an outbuilding as a separate dwelling, or as a bedroom or another type of habitable room, would require separate planning permission.<sup>2</sup>

Often, however, such outbuildings and other structures are rented out as living accommodation, without planning permission being obtained. This gives rise to the issue of beds in sheds.

When a structure is built and rented out without planning permission, it is effectively operating illicitly and unofficially. This has a number of implications. First, the structures are unlikely to meet building regulation standards. This means they are potentially unhealthy and unsafe – perhaps dangerously so. Critically, this also increases the risk of fire, with issues such as poor-quality materials, lack of means of escape, smoke alarms or other key safety features, and "far riskier ways of cooking, heating and lighting"<sup>3</sup>. In the last five years, the London Fire Brigade has dealt with 449 incidents directly related to beds in sheds, at a notional cost of almost £1.8 million<sup>4</sup>.

The structural qualities of beds in sheds can certainly vary, ranging from relatively well-built units to "informal shelters that often verge on rough sleeping."<sup>5</sup> However, the point is that without formal controls it is impossible to ensure that the structures are safe places to live.

Secondly, the informal nature of beds in sheds means that the occupants are at greater risk of overcrowding and exploitation by unscrupulous landlords. They will not benefit from protections such as space standards or maximum occupancy limits, and tenants will have no powers to ensure landlords provide repairs or even basic services such as electricity,

<sup>2</sup> <https://www.gov.uk/government/publications/permitted-development-rights-for-householders-technical-guidance>

<sup>3</sup> [http://www.london-fire.gov.uk/news/LatestNewsReleases\\_BedsinshedsonBBCONE.asp#.WlMakpl\\_IU](http://www.london-fire.gov.uk/news/LatestNewsReleases_BedsinshedsonBBCONE.asp#.WlMakpl_IU)

<sup>4</sup> Freedom of Information response by London Fire Brigade, October 2017. Notional cost calculated at cost recovery charge rate of £326.00 per hour, per fire engine.

<sup>5</sup> <http://londonfund.org.uk/sites/default/files/images/MRN-briefing-Beds-and-sheds-Oct-2013.pdf>

running water or even proper toilet or kitchen facilities.

Thirdly, as these dwellings do not officially exist, they cannot be charged council tax, with potentially significant implications for council revenues. In addition, the occupants cannot be included within population statistics, affecting grant funding as well as the ability to plan for school places, health services, and other local facilities.

By extension, the dwellings also cannot be included within council services such as waste collections. This leads to increased levels of fly-tipping, which blights local areas. Indeed, frequent fly-tipping in an area can be an indication of local beds in sheds. Fly-tipping on public land in London increased by 30 per cent between 2010/11 and 2015/16<sup>6</sup>, which should be reason alone to tackle beds in sheds. Beds in sheds can also cause other environmental problems for neighbouring residents and local communities. As well as being unsightly, they can cause noise issues and often lead to increased levels of antisocial behaviour.<sup>7</sup>

Finally, the lack of a formal address makes it much easier to hide people for many different purposes, such as to conceal illegal migration, trafficking or benefit fraud. It is much harder for authorities to know who is actually living in such properties, and

for police to investigate any suspected issues.

## What can be done?

### Cross-department approach

One of the potential issues for councils in dealing with beds in sheds is that they cover so many policy areas. When no one department has responsibility for an issue, it can often fall through the cracks.

The beds in sheds issue can typically involve teams from planning, housing, finance, licensing and other areas, as well as the fire brigade, police and other agencies. The necessary information and powers can often be spread across different departments and services. Therefore, a good approach is to bring together officers from all these departments to plan an effective strategy for tackling beds in sheds.

Hillingdon Council, for example, took such an approach in 2012, establishing a task force that included officers from planning enforcement, private sector housing and legal services, as well as working with “partner agencies including Her Majesty’s Revenue and Customs and the UK Border and Immigration Authority”<sup>8</sup>. In the past five years, Hillingdon has identified 843 potential beds in sheds, of which 546 cases have now been resolved<sup>9</sup>. Harrow Council took a similar approach when

<sup>6</sup> Total number of fly-tipping incidents in London was 327,484 in 2015/16, compared with 246,326 in 2010/11. Figures available at: <https://data.london.gov.uk/dataset/fly-tipping-incidents>

<sup>7</sup> <https://www.hillingdon.gov.uk/article/25237/Council-sets-up-task-force-to-tackle-beds-in-sheds>

<sup>8</sup> <https://www.hillingdon.gov.uk/article/25237/Council-sets-up-task-force-to-tackle-beds-in-sheds>

<sup>9</sup> Freedom of Information response by Hillingdon Council, October 2017

establishing its beds in sheds enforcement programme in 2013.

**Recommendation 1:**

**London boroughs should consider establishing taskforces to address the problem of beds in sheds, involving multiple departments such as planning, housing, environment and finance, and including police, fire brigade and other services where possible. These should plan the detection, identification and enforcement of beds in sheds, as well as identifying and promoting the financial and other benefits of such an approach to the council and to residents.**

Detection and enforcement

Heat mapping can be a useful tool to identify suspected beds in sheds. A thermal imaging survey is produced, typically during cold winter evenings, which can help to reveal outbuildings that are generating high levels of heat, indicating increased levels of activity. These can then be investigated to determine whether the building is in use as a dwelling. In addition to this, the heat map can provide other useful functions such as identifying homes with poor insulation, which can then be followed up with appropriate assistance, as well as criminal activity such as cannabis production.

For example, a heat mapping exercise was successfully undertaken by Harrow Council in the Winter of 2014. This revealed 329 potential beds in sheds, which could then

be followed up by planning enforcement and other agencies<sup>10</sup>. At the same time, the planning enforcement team was strengthened with additional resources so that the cases could be investigated. A similar exercise in Slough found 6,350 potential beds in sheds.<sup>11</sup>

Successful enforcement strategies will involve cross-checking data across departments, benefiting from a cross-departmental approach as mentioned above. For example, data from council tax, housing benefit and the electoral register can be cross-referenced with planning, housing and licensing reports to build up a comprehensive picture. Roads or areas with significant levels of fly-tipping could also be strong indicators of local beds in sheds in the area, and this could help with targeting of enforcement activity.

In addition, local residents themselves will often be most likely to hold useful information on potential beds in sheds, given their locations within back gardens. However, many neighbours will understandably be reluctant to get involved, perhaps due to fears of a potential backlash, difficulties with reporting, or a scepticism that action will be taken as a result of their complaints. Therefore, everything possible should be done to encourage residents to come forward with useful information and to allay any concerns they may have wherever possible. This could include anonymous phone lines, quick and easy reporting tools such as

<sup>10</sup> <https://www.localgov.co.uk/Call-for-beds-in-sheds-help/35770>

<sup>11</sup> <https://www.express.co.uk/news/uk/418706/The-town-where-landlords-rent-out-6-350-beds-in-sheds-to-migrants>

dedicated websites, feedback as to the result of such complaints, and promotional campaigns that include the publicising of successful cases. The Mayor could assist with such an approach by providing or supporting a London-wide reporting service, possibly including a London 'Beds in Sheds' campaign and website.

Given the variety of activity and effectiveness across London in tackling beds in sheds, it would be helpful to share best practice from successful approaches. This should be encouraged by the Mayor and London Councils, perhaps through a dedicated best practice guide.

#### **Recommendation 2:**

**The Mayor and London Councils should encourage the sharing of best practice amongst boroughs in tackling beds in sheds.**

#### Data collection

As part of this investigation, Freedom of Information requests were sent to all London boroughs requesting details on beds in sheds, including the numbers that had been identified and removed in the past five years. This revealed that information regarding beds in sheds varies significantly between different areas of London. In some places over 2,000 possible beds in sheds have been identified and investigated. In other areas the figures were several hundred. However, many boroughs do not seem to collect information on the numbers

of beds in sheds that have either been identified, reported or removed.

Across twenty boroughs, 5,689 beds in sheds have been identified, following investigation, in the past five years. These are as follows.<sup>12</sup>

| Borough                         | Number identified |
|---------------------------------|-------------------|
| <b>Barking &amp; Dagenham</b>   | 73                |
| <b>Barnet</b>                   | 375               |
| <b>Brent</b>                    | 141               |
| <b>Camden</b>                   | 2                 |
| <b>Croydon</b>                  | 7                 |
| <b>Ealing</b>                   | 2313              |
| <b>Hackney</b>                  | 7                 |
| <b>Harrow</b>                   | 47                |
| <b>Hillingdon</b>               | 843               |
| <b>Hounslow</b>                 | 289               |
| <b>Islington</b>                | 1                 |
| <b>Kensington &amp; Chelsea</b> | 0                 |
| <b>Kingston upon Thames</b>     | 1                 |
| <b>Lambeth</b>                  | 13                |
| <b>Newham</b>                   | 1482              |
| <b>Redbridge</b>                | 86                |
| <b>Sutton</b>                   | 3                 |
| <b>Tower Hamlets</b>            | 3                 |
| <b>Wandsworth</b>               | 3                 |
| <b>Westminster</b>              | 0                 |
| <b>Total</b>                    | <b>5689</b>       |

If all data was recorded in a comprehensive way, a much better picture could be obtained of the scale of beds in sheds across London. If the figure for these twenty boroughs was projected across London,

<sup>12</sup> Figures provided by Freedom of Information responses from London boroughs between September and December 2017

this would indicate the existence of at least 9,000 beds in sheds in London.

Therefore, a key measure in any attempt to tackle beds in sheds is to ensure that information on suspected beds in sheds is recorded, and that data on enforcement cases can be easily searched to identify those that refer to beds in sheds. Ideally, this could also be monitored as part of regular enforcement reports and the borough's annual monitoring report.

**Recommendation 3:**  
**London boroughs should regularly monitor and report on detection and enforcement of beds in sheds, as well as the impacts on council finances, the local environment, and any other benefits.**

A London-wide survey was undertaken by London Councils in 2012, which found that 40% of London boroughs, mostly in outer London, felt that 'beds in sheds' was a "significant and growing issue".<sup>13</sup> It would therefore be useful to have an update of the London-wide picture since that time, and to gain accurate data of the total numbers of beds in sheds across London. The Mayor could help with this by undertaking a comprehensive audit of beds in sheds across London, ideally on a regular basis. In particular, consideration could be given to producing a thermal imaging map for the whole of London, which could then be shared with boroughs. Such work would

also be invaluable in assessing the level of housing need across London.

**Recommendation 4:**  
**The Mayor should undertake and publish a comprehensive audit of beds in sheds across London, on a regular basis. This should include the commissioning of a heat map for the whole of London, to share with London boroughs for further investigation.**

#### Identifying the benefits of enforcement

Given the significant problems caused by beds in sheds, tackling them could lead to considerable gains for local councils and communities.

In terms of finances, landlords could be liable for unpaid council tax, stretching back to several years. Redbridge Council, for example, has raised £33,351.35 in unpaid council tax in the past five years<sup>14</sup>. Indeed, given the average level of council tax in London, which is currently £1,070 for 2017/18<sup>15</sup>, and the projection of at least 9,000 beds in sheds in London, boroughs could potentially be missing out on over £9 million per year.

In some circumstances, boroughs can also make use of the Proceeds of Crime Act to recover money from landlords who breach planning, licensing and other rules. This is can be particularly appropriate for unauthorised beds in sheds, where landlords have been profiting from rent. For

<sup>13</sup> <http://www.londoncouncils.gov.uk/node/1380>

<sup>14</sup> Freedom of Information response by Redbridge Council, October 2017

<sup>15</sup>

[https://www.gov.uk/government/uploads/system/uploads/attachment\\_data](https://www.gov.uk/government/uploads/system/uploads/attachment_data)

[a/file/603781/Council\\_tax\\_levels\\_set\\_by\\_local\\_authorities\\_in\\_England\\_2017-18.pdf](a/file/603781/Council_tax_levels_set_by_local_authorities_in_England_2017-18.pdf)

example, a recent case in Brent raised over £173,000 from a single landlord<sup>16</sup> and a case in Hillingdon in 2014 also raised £170,000<sup>17</sup>, whilst Barking and Dagenham has raised £235,000 from landlords in the past five years<sup>18</sup> There are also other financial measures available, such as Rent Recovery Orders, to recover rent from landlords where they have failed to license a property.<sup>19</sup>

Often such financial gains will more than cover the costs of enforcing beds in sheds, and will help to offset the wider costs to the councils and communities as a result of beds in sheds. Financial penalties can also act as a deterrent to landlords, especially where individual cases lead to significant payments.

Tackling beds in sheds could also lead to a reduction in environmental issues such as fly-tipping and antisocial behaviour. It will also help to reinforce a sense of fairness in local communities, where local residents who play by the rules, such as council tax and planning, do not see such rules being openly flouted by unscrupulous landlords.

Currently, when asked as part of this investigation, very few boroughs were able to provide any information as to the financial or environmental gains made from enforcement of beds in sheds. Bringing together and quantifying these benefits could help to increase support for tackling

beds in sheds, allow for regular monitoring of performance, and improve transparency.

### London Plan and national legislation

The Mayor's new draft London Plan, published in November 2017, includes a concerning new policy that could potentially increase the development of beds in sheds. Policy H2, regarding the development of small sites, directs London boroughs to apply a presumption in favour of small housing development (between one and 25 homes) on a number of different types of sites, but included with these is "infill development within the curtilage of a house"<sup>20</sup>. Given that beds in sheds would be highly likely to fall into this category, this could make it very difficult for boroughs to resist this type of development. It is therefore important that this provision reviewed by the Mayor, and ideally removed, to ensure that we do not see a proliferation of beds in sheds in London once the new London Plan is finalised.

### **Recommendation 5:**

**The Mayor should review his new draft London Plan, especially policy H2, to ensure that it does not encourage the development of beds in sheds in London, and instead ensure that the London Plan actively discourages such an approach.**

In addition, national planning law imposes a four-year limit on planning enforcement for

<sup>16</sup> <https://www.lettingagenttoday.co.uk/breaking-news/2017/7/huge-173-000-bill-for-illegal-sheds-in-beds-operator>

<sup>17</sup> <http://www.getreading.co.uk/news/local-news/bed-sheds-landlord-ordered-pay-7321237>

<sup>18</sup> Freedom of Information response from Barking and Dagenham Council, October 2017

<sup>19</sup> <http://www.londoncouncils.gov.uk/node/1380>

<sup>20</sup> <https://www.london.gov.uk/what-we-do/planning/london-plan/new-london-plan/download-draft-london-plan>

unauthorised beds in sheds. Any enforcement action against the unauthorised use of a building must be undertaken within four years, otherwise the activity then becomes legal in terms of planning and no longer requires planning permission. This means that if a suspected bed in shed property remains undetected for over four years, planning enforcement action can no longer be undertaken, and the landlord can apply to regularise the use of the property through a 'certificate of lawful existing use'.

Changes to legislation under the Localism Act did improve the situation, providing an exception to the four-year limit where the illegal structure has been deliberately concealed. This has been put to good use by some boroughs in tackling beds in sheds, including a notable case in Brent in 2014<sup>21</sup>.

However, given the nature of beds in sheds, and the harm that they can potentially cause to their occupants, neighbours and the wider community, strong consideration should be given to extending this four-year limit, to perhaps as high as ten years, as is the case for many other types of planning breaches. Doing so would increase the available options to boroughs in tackling beds in sheds.

#### **Recommendation 6:**

**The government should review planning law to consider an extension of the four-year limit on enforcement of beds in sheds.**

## Conclusion and Recommendations

This report has set out the many problems that beds in sheds cause to local communities, as well as a number of ways in which they can be tackled, with the following recommendations.

London boroughs should consider establishing taskforces to address the problem of beds in sheds, involving multiple departments such as planning, housing, environment and finance, and including police, fire brigade and other services where possible. These should plan the detection, identification and enforcement of beds in sheds, as well as identifying and promoting the financial and other benefits of such an approach to the council and to residents.

The Mayor and London Councils should encourage the sharing of best practice amongst boroughs in tackling beds in sheds.

London boroughs should regularly monitor and report on detection and enforcement of beds in sheds, as well as the impacts on council finances, the local environment, and any other benefits.

The Mayor should undertake and publish a comprehensive audit of beds in sheds across London, on a regular basis. This should include the commissioning of a heat map for the whole of London, to share with London boroughs for further investigation.

<sup>21</sup> <http://www.getwestlondon.co.uk/news/local-news/landlord-told-tear-down-beds-6555089>

The Mayor should review his new draft London Plan, especially policy H2, to ensure that it does not encourage the development of beds in sheds in London, and instead ensure that the London Plan actively discourages such an approach. The government should review planning law to consider an extension of the four-year limit on enforcement of beds in sheds.

Action must now be taken at a local, regional and national level to comprehensively address the issue of beds in sheds. If this can be achieved, it has the potential to dramatically improve the lives of tenants and other local residents in London.