

# New hutting developments

Good practice guidance on the planning, development and management of huts and hut sites.



Produced by Reforesting Scotland's  
Thousand Huts campaign with support  
from the Planning Exchange Foundation.

## Acknowledgements

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## Disclaimer

Reforesting Scotland's Thousand Huts campaign has compiled this document as guidance on good practice only. It is not an authoritative statement of the law or of the policy and practice of the planning system at the local, national or case level. It simply sets out what Reforesting Scotland believes to be the best way forward in embodying the intention in the Scottish Planning Policy definition of a hut, and working towards a hutting movement that benefits people and the environment. Anyone considering undertaking a hut development should seek their own legal, planning and building regulations advice. We do not give legal advice.

## About Reforesting Scotland

Reforesting Scotland has campaigned for 25 years for a sustainable forest culture in Scotland. As well as running a range of projects, Reforesting Scotland produces a well-loved journal and hosts a very popular Annual Gathering. The Thousand Huts campaign is a thriving part of Reforesting Scotland's work.

## Cover

From top left: Cormac Seekings' woodland hut; A new hut designed by Jack Hughes and Lucy Eccles; Interior of Sweeney's Bothy, Eigg; Interior of Inshriach Bothy, Aviemore; Sweeney's Bothy; Typical traditional hut at Carbeth; Inshriach Bothy; An off-grid hut designed by North Woods Design, used for meditation, piano playing and relaxation. The concept was a 'timber tent' with reference to boats and wheelhouses, reflecting the owners' interests. Photos: Andy Wightman, Jack Hughes, The Bothy Project, Karen Grant, Graeme Purves and Donald McPhillimy.

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# New hutting developments

Good practice guidance on the planning, development and management of huts and hut sites

## Foreword

by Professor Peter Roberts

Chair of the Planning Exchange Foundation

Informal buildings are important. This report demonstrates what can be delivered through the provision of space – intellectually and physically – for hut development in a system of land use planning.

Why are huts important? The report offers many strands of argument: huts provide a base for outdoor activity; they enable the development of a better understanding of the carrying capacity of the environment; they encourage the development of new skills; they provide a platform for the creation of cohesive communities, and they contribute to sustainable rural development.

Huts have a long history of providing informal space for many uses; just think back to the pioneering Plotlanders in inter-war Southern England, the historic role of the *caban* as a place for debate and learning in Welsh quarries and mines, or the longstanding Dutch love of their 'cottages' set alongside canals and in allotments.

Reforestation Scotland is to be congratulated for their vision and energy in producing this report. Practical research of this type adds considerably to our collective awareness and knowledge. It also demonstrates what is possible.

The Planning Exchange Foundation is delighted to have been able to fund this research.

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Above: Exterior and interior views of a hut at Falkland designed by Alasdair Baird of Studio Baird Architects. It won an award from Cupar and North Fife Preservation Society who described it as 'brilliant, pure poetry in wood'; Participants at the 2014 Hutter's Rally at Maryhill in Glasgow. Photos: Alasdair Baird and Lesley Riddoch.

## 1. Introduction

*A hut: A simple building used intermittently as recreational accommodation (i.e. not a principal residence); having an internal floor area of no more than 30m<sup>2</sup>; constructed from low impact materials; generally not connected to mains water, electricity or sewerage; and built in such a way that it is removable with little or no trace at the end of its life. Huts may be built singly or in groups.*

From the glossary of Scottish Planning Policy (SPP) 2014<sup>1</sup>

Often, people's happiest memories of childhood are times spent in simple rustic surroundings close to nature. Huts can strengthen family bonds, build community resilience and create memories which last a lifetime. Affordable, accessible huts within reach of urban centres can make this possible for people of all income brackets.

Like many Northern European countries, Scotland once had a strong hutting culture, however this has been eroded in the last 60 years. Until recently, huts had no place in Scottish planning policy. Now the tide is beginning to turn in favour of hutting again. In 2014 Scottish Planning Policy defined huts, and encouraged local authorities to consider them in development plans. This change is thanks to an upsurge of enthusiasm for huts, and the work of the campaign for A Thousand Huts,<sup>2</sup> launched by Reforesting Scotland<sup>3</sup> in 2011 with the aim of reviving Scotland's hutting culture.

## 2. The role of this document

This document is a good practice guide produced by Reforesting Scotland to help support the sustainable development of new hutting in Scotland. It draws on the expertise of an advisory group comprising planners, architects, building standards professionals and hutters. This document has a sister publication, *'The Good Practice Guide to Hut Construction'*, due to be launched later in 2016. That document covers the technical issues of building an individual hut and how Scottish building regulations may impact on the design and specifications involved.

### Terminology

The words 'hut', 'chalet', 'bothy', 'pod' or 'cabin' are often used interchangeably, although they can mean different things. For the purpose of clarity, this document is about buildings within the SPP definition of a **hut**. Whether a building is defined as a hut within Scottish Planning Policy can be determined by its size, construction and use.

Sections 4-9 of this document deal with planning considerations including: what is, and is not, a hut; where might huts be built; the density of development; the land immediately surrounding a hut; special considerations for planning hut sites. Sections 10-12 go beyond this, setting the wider context and covering issues including: the management of hut sites; tenure; and land ownership. The intention in doing this is to help lay the groundwork for a new hutting culture beneficial to the wellbeing of people and the environment.

### Who is it for?

This paper provides good practice guidance for planners and prospective hut builders or hut site developers. It may complement the existing or proposed Supplementary Guidance produced by planning authorities.

1 [www.scotland.gov.uk/Resource/0045/00453827.pdf](http://www.scotland.gov.uk/Resource/0045/00453827.pdf)

2 [www.thousandhuts.org](http://www.thousandhuts.org)

3 [www.reforestingscotland.org](http://www.reforestingscotland.org)

Readers with little prior experience of the Scottish planning system may find it useful to refer to the Scottish Government's website explaining how it works at a local and national level.<sup>4</sup> Your own local authority website will also have useful information.

### The hallmarks of good practice in hut developments

All new hut developments should remain in keeping with the low impact, ecologically sustainable and affordable tradition of Scotland's hutting communities. This ethos is reflected in the definition of a hut in Scottish Planning Policy 2014.

It is therefore important that hutting developments are established on the basis of:

- Adherence to the principles of ecologically sustainable development in terms of design, materials, construction, waste management and access;
- Careful selection of suitable locations for hut development, recognising that some areas may not be suitable for such developments;
- Participatory decision-making to maximise community cohesion and resilience. This applies to both the community of hutters and the surrounding community within which they are embedded;
- Robust and equitable tenancy agreements giving clarity and security to tenant hutters and landowners;
- Safeguards to prevent hut developments paving the way for higher impact developments at a later date.



Located within the Cairngorms National Park, Inshriach Bothy was designed by architect Iain MacLeod and artist Bobby Niven. Photo: The Bothy Project.

### Experiences in other European countries

While many European countries have thriving hutting cultures, in some countries, such as Austria and Germany, these are based on historical huts and there is no tailor-made policy for new hut developments. Norway does have a hutting policy, and a famously thriving huts culture. Roughly half the population of Norway has access to a *hytte*. However, Norwegian research<sup>5</sup> has found that the *hytte* tradition has begun to stray from its low-impact roots. A recent report<sup>6</sup> found that *hytter* had increased in average size in the last 30 years, as well as being much more luxurious. The research recommended several ways to lessen the environmental impact and reduce climate concerns about this trend in the use pattern of *hytter*. They say hut sites should have limited parking spaces associated with them, and sites should be near public transport routes. They also strongly recommend limiting the size of *hytter*, which in Norway are much bigger than those defined by Scottish Planning Policy.

In order to avoid the same problem arising in Scotland, a number of measures are already embodied in policy. The Scottish Planning Policy definition of a hut states that a hut must have "*an internal floor area of no more than 30m<sup>2</sup>.*" It also states that a hut is, "*constructed from low impact materials; generally not connected to mains water, electricity or sewerage; and built in such a way that it is removable with little or no trace at the end of its life.*" This emphasis on the low impact nature of hutting will be crucial in all decisions on new hut developments.

<sup>4</sup> [www.gov.scot/Topics/Built-Environment/planning](http://www.gov.scot/Topics/Built-Environment/planning)

<sup>5</sup> [www.newsenglish.no/2011/10/04/hytte-life-not-what-it-used-to-be/](http://www.newsenglish.no/2011/10/04/hytte-life-not-what-it-used-to-be/)

<sup>6</sup> This report was from research firm Vestlandsforskning, carried out in cooperation with the Norwegian University of Science and Technology (NTNU) in Trondheim and state consumer research agency SIFO.



## Scotland's opportunity

Scotland can learn from experience elsewhere and lead the way to create a robust and clearly defined vision of what hutting should be, in order to maximise its benefits for communities and the environment and minimise the potential for adverse impacts.

### 3. Scotland's hutting heritage: A new era begins

Simple, rustic buildings have always been an important part of Scotland's culture. From shielings to mountain bothies and shepherds' huts, they have played a crucial role as temporary bases for people to spend time in the hills, forests and countryside. Uses have included: tending livestock; fishing; seasonal work; rest, retreat and recreation; family time; enjoying nature and cultural activities such as writing, painting and making music.

A century ago, a new wave of hutting provided industrial workers with a chance to have weekends and holidays a few miles outside the city, where they could connect with family and live simply in the natural environment. Scotland's largest remaining hutting community is at Carbeth, near Glasgow, where 140 huts and a thriving population of hutters remain. The origins of Carbeth hut site were based on providing access to green space for returning soldiers from the First World War. Carbeth has always had strong links to the ship-building communities of the Clyde. Its population peaked in 1941 after the Clydebanks blitz. In 2013, Carbeth hutters rallied together to buy the land their huts sit on. The community continues to go from strength to strength.

Examples of traditional hut sites found around Scotland. Clockwise from top left: Community spirit - the sack race at Carbeth hut site; An example of an older restored hut at Carbeth; Huts at Soonhope near Peebles. Photos: Carbeth Hutters Community Company; Graeme Purves; Brunton and Angela Hunter.

The hutting movement has been eroded in the last 60 years for various reasons, including societal changes, shifts in attitudes in landownership, and a lack of a supportive planning framework for new huts. Many huts occupied for generations by the same families have now been lost.





However, as many people become increasingly disconnected from nature, huts are needed more than ever. The last few years have seen a resurgence of interest in hutting. Reforesting Scotland's Thousand Huts campaign has a list of over 800 people who would like a hut of their own, and an online community of well over 3700 members - and support is growing every day. In 2013, more people responded to the consultation on the Scottish Planning Policy on the issue of huts than any other planning issue. As a result, Scottish Planning Policy 2014 included huts for the first time.

### Traditional use pattern of huts in Scotland

The pattern of use of huts in Scotland established during the inter-war expansion of hutting is based on the following characteristics:

- Hutterers tended to be people with a low-income from towns and cities
- Huts were used for weekends and holidays on a regular basis as they were located relatively near where the hutterers lived
- The traditional concept was that the hutter owned their hut but not the land it sat on (see box on the law of accession on page 26) – the hutter paid ground rent to a landowner. In the past this often happened with no formal lease. We strongly recommend that new hutterers seek a robust formal agreement with the owner of the land. See the section on the Voluntary Code of Good Practice (page 25) for detail of what could be contained in this agreement.

Although the hut provides recreational accommodation, in many ways the pattern of use is more comparable with an allotment than with tourist accommodation, as the hutting family returns to the same hut, which is commonly less than 20 miles from their permanent residence.

### Existing surveys of Scottish huts

A report published in 2000 by the then Scottish Executive, on *'Huts' and 'Hutterers' in Scotland*,<sup>7</sup> estimated that there were around 630 huts on sites developed since the 1920s around Scotland. About half of the remaining huts were in Stirling, the Scottish Borders and Angus. The report notes that:

*"Received wisdom was that hut sites had been deliberately established in the 1920s, probably by landowners making land available on which ex-servicemen and families from deprived inner city areas could erect dwellings at their own cost. By so doing they could enjoy the benefits of the countryside and fresh air for holidays and at weekends. They were not intended for permanent residence, generally being of modest construction with few, if any, services available."*<sup>8</sup>

Reforesting Scotland's Thousand Huts campaign has carried out a survey of a sample of the existing remaining huts, including data about their structure, location and use. We also have data from a survey of over 800 people who would like to have a hut of their own. The data from both surveys is currently under analysis and provides an interesting insight into the structure, use and economics of hutting.



Traditional huts on the remaining hut sites dating back to the heyday of hutting in Scotland. From top: Stirling Council granted Carbeth Hut Site Conservation Status in recognition of its heritage value; A newly restored traditional hut at Eddleston near Peebles. Note the distribution of other huts on the hillside. Photos: Morven Gregor and Chris Cunningham.

7 [www.scotland.gov.uk/Resource/Doc/156526/0042031.pdf](http://www.scotland.gov.uk/Resource/Doc/156526/0042031.pdf)

8 [www.scotland.gov.uk/Resource/Doc/156526/0042031.pdf](http://www.scotland.gov.uk/Resource/Doc/156526/0042031.pdf)

## The benefits of hutting



Carbeth hutters.  
Photo: Morven Gregor

### Health and wellbeing

Hutting creates new ways for people to be active outdoors. It gives people a purpose and a connection with nature and a community of interest, which promotes wellbeing. There are strong links between time spent in peaceful rural environments and improved mental health.

### Building understanding of the natural environment

Well-planned hutting sites can form an important part of green infrastructure. Huts are a bridge between nature and culture, and, as such, form a healthy access point into the outdoors and the natural heritage. As people have a deeper connection with place and the natural environment, they become better stewards of it.

### Creating strong and resilient communities

We have seen in existing hutting communities, such as Carbeth, that hutting builds community, empowers people to take responsibility, and affords a wide range of opportunities for creativity – from building huts to establishing a community woodland. It encourages the development of practical skills and initiative. The additional benefits for mental health and wellbeing mean the whole community becomes more resilient. Research shows that one of the main benefits of hutting is the strengthening of family bonds. Making it easier for families to have access to hutting could have long-lasting benefits for children and young people.

### Developing skills in low carbon living

Spending time in a simple, rustic hut can be a highly effective way of learning how to reduce our impact locally and globally. Hutters experience the natural environment at close quarters and learn how human behaviour impacts upon it. Hutting life teaches economy with resources, the need to minimise waste, and ways of re-using materials, both in the fabric of the building and in daily life. Hutting locally has much lower impact on the environment than holidays abroad (flying is a major contributor to individual carbon footprints). Hutting also offers people opportunities to gain a range of skills which society has tended to lose over the generations – such as practical skills in using resources creatively, countryside crafts and green woodwork. In short, it can help to equip us with the life skills for genuinely low carbon living.

### Sustainable rural development

A responsible expansion of hutting can help to stimulate innovation in low impact rural development, creating opportunities for local foresters, craftspeople and tradespeople. The demand for locally produced materials for hut building could help to support local sawmills. Hutting communities can stimulate local economic activity by increasing the demand for goods and services. Hutting is an affordable way to create places that enrich people's lives, without the need for highly processed materials, which have high embodied energy and a large carbon footprint.

### Capitalising on Scotland's existing innovation and expertise

While huts are simple buildings, a range of materials and building techniques can be used in their construction. Scotland already has a rich resource of good practice in innovative building design. There is a wealth of expertise and inspiration for Scotland's hutters to draw upon, including the experience of the architects and builders of the Scottish Ecological Design Association, and new interest from academics from Napier University's Centre for Offsite Construction and Innovative Structures, and Glasgow School of Art.

# PLANNING CONSIDERATIONS

*A hut: a simple building used intermittently as recreational accommodation (i.e. not a principal residence); having an internal floor area of no more than 30m<sup>2</sup>; constructed from low impact materials; generally not connected to mains water, electricity or sewerage; and built in such a way that it is removable with little or no trace at the end of its life. Huts may be built singly or in groups.*

## 4. Huts and the Scottish planning system

Until recently, the lack of any formal recognition of hutting in policy or legislation has been an impediment to the building of new huts. The recent inclusion of supportive policy on huts in the 2014 Scottish Planning Policy (SPP) is a first step in recognising hutting as a distinctive type of development with its own characteristics and requirements.

Section 79 of the SPP states that '[Local Development] Plans should set out a spatial strategy which, [...] where appropriate, sets out policies and proposals for leisure accommodation, such as holiday units, caravans, and huts'

This paragraph contains a link to the glossary of the SPP where a hut is defined as follows:

*A simple building used intermittently as recreational accommodation (i.e. not a principal residence); having an internal floor area of no more than 30m<sup>2</sup>; constructed from low impact materials; generally not connected to mains water, electricity or sewerage; and built in such a way that it is removable with little or no trace at the end of its life. Huts may be built singly or in groups.*

In support of this policy, we have produced this guidance on planning hut sites, however it would be advisable for planning authorities to draw up their own guidance and criteria, which would be applied to local proposals for hutting sites. As we go to press, the future framework for building regulations in relation to huts as defined in the SPP is under consultation. In relation to the technical aspects of hut building, Reforesting Scotland will publish *The Good Practice Guide to Hut Construction* later this year.

### The role of Development Plans

Scottish Planning Policy identifies the demand for huts for recreational use as one of the matters that should be addressed in the preparation of development plans. Policy on the location and siting of huts should be set out in development plans or supplementary guidance, should a need for such policy be identified.

All planning decisions are made in accordance with development plans unless material considerations indicate otherwise (in accordance with Section 25 of the Town and Country Planning (Scotland) Act 1997). Hutterers should make themselves aware of relevant planning policy and the



A vision of a contemporary hut by North Woods Design. Image: Bernard Planterose.





Hut designs by Bernard Planterose of North Woods Design. The larger hut pictured here integrates a 10m<sup>2</sup> deck with a 23m<sup>2</sup> space under one roof.

range of policy relevant to hutting development. We would also encourage hutters to get involved in shaping development plans in their local authority area to ensure there is appropriate policy and provision made for hutting.

### Policy areas relevant to hut developments

The following policy areas will be relevant in the decision-making process about whether a hut development gets planning permission. They may also affect the conditions that might be applied. It will be important to look at development plans in detail to consider the range of policy that may be relevant to hut proposals.

The following policy areas may have implications for hut developments:

- Biodiversity
- Landscape
- Access rights and recreation
- Agricultural land
- Development in the countryside/rural development
- Green belt
- Promoting sustainable transport and active travel
- Place-making and design
- Promoting green infrastructure
- Flood risk and drainage
- Sustainability
- Reducing waste
- Low carbon economy
- Health and exercise

### Note to hut builders

There are no permitted development rights for huts. A planning application will be required for all hut developments and the application will provide details of what is proposed - including any decking, canopies or external toilets. If the planning authority has concerns, they may ask for changes or may refuse the application. However, the 2014 SPP does encourage local authorities to consider huts for recreational use, and it may be worth referring to this in your application. Unapproved changes to the design and construction may be subject to enforcement action or retrospective planning permission.



Above: The verandah of the Woodsman's Hut at Nethybridge. Photo: David Dean

On the basis that planning authorities will use the SPP definition of a hut, hut builders would be well advised to base their designs and planning applications for huts on that definition, otherwise they may be less likely to get permission. They may also risk being subject to additional obligations in terms of building regulations.

In applying for planning permission, particularly for larger hut schemes and where they are located in proximity to houses and settlements, those proposing new hut developments would be wise to engage with neighbours and local communities to help them understand the nature of hutting. This can help facilitate the planning process and ensure community support for the project.

## 5. What is a hut?

### Definition

Scottish Planning Policy defines a hut as a simple building used intermittently as recreational accommodation (i.e. not a principal residence); having an internal floor area of no more than 30m<sup>2</sup>; constructed from low impact materials; generally not connected to mains water, electricity or sewerage; and built in such a way that it is removable with little or no trace at the end of its life. Huts should be designed in accordance with this definition.

### What size is a hut?

The maximum internal floor area of 30m<sup>2</sup> included in the SPP definition has been set to minimise the risks of structural instability, to maximise energy efficiency and to help ensure that huts remain simple, low impact buildings which can be removed with little or no trace.

Huts may also have decking and an external toilet. Decking has an important role for access and the practicalities of hutting. In two of the examples pictured here, the decks are covered to increase functionality and prevent entrance ways from becoming slippery. Excessive decking would not be in keeping with the SPP definition of a simple, low impact building, removable at end of its life and would be unlikely to get planning permission on that basis. While the SPP definition refers to 30m<sup>2</sup> internal floor area the expectation is that decking would not extend the area of a hut much beyond that.

It should be noted that existing hutting sites may have established conventions for hut sizes, which would be expected to be reflected in any new or replacement huts, as long as the size is equal to, or less than, the SPP definition. For example, at Carbeth the typical historical rectangular hut has a maximum floor area of 23m<sup>2</sup>.

### How many huts?

Scottish Planning Policy states that huts may be built singly or in groups. Developments of groups of huts should reflect the principles of place-making set out in Scottish Planning Policy.

Scotland's largest hut site is Carbeth, with around 140 huts. However, this is exceptional. From our experience, many traditional remaining hut sites



We expect the new generation of huts to inspire an explosion of creativity. Above are examples of some of the newest designs to emerge: Peter's Hut, designed by Peter Caunt of Quercus Rural Building Design, was exhibited at the Scottish Storytelling Centre during the Edinburgh Festival 2015; A hut in Falkland by Studio Baird Architects; A new hut designed by architects Jack Hughes and Lucy Eccles. Photos: Peter Caunt, Alastair Baird and Jack Hughes.





Above: David Blair and team working on a prototype hut design at the Big Tent Festival, Fife; David Dean and Django at the Woodsman's Hut near Nethybridge. Photos: David Blair and David Dean.

have anything up to 12 huts, and many have far fewer. To maximise the community benefits of hutting, larger sites may be appropriate in some places.

### Construction: What is a hut made of, and how is it made?

Huts should be simple buildings built from natural or reclaimed materials rather than highly-processed components. The reason for this is twofold: firstly, the use of natural materials, particularly for cladding, helps the building to integrate well with its natural surroundings; secondly, the use of natural, less-processed materials reduces the energy embodied in construction, thereby minimising the carbon footprint of the building. There may, of course, be parts of the hut that cannot readily be constructed from natural or reclaimed materials.<sup>9</sup> Consideration of energy efficiency (both in building and use), appropriateness to the surroundings and cost will all play a part in a balanced decision on building materials.

While timber is the traditional material for hut construction, hutters are sympathetic to the use of most low impact, minimally processed materials (whether natural or reclaimed), and to the use of metals for roofing or cladding (which is in keeping with traditional rural use of corrugated metal).

The most appropriate approaches to hut building (i.e. those that are in keeping with its low impact philosophy) rely as much as possible on the use of sustainably grown and processed local materials, and the skills of locally-based craftspeople and tradespeople. There are already good examples of this happening in Scotland, and it has been demonstrated that it is possible to produce well-designed, simple, low-technology buildings in this way. A good example of this is the Woodsman's Hut at Nethybridge, which was built on a relatively small budget, using local timber and skills, and won the Cairngorm National Park Design Award in 2012.<sup>10</sup> However, there are many different ways of building a hut. The budget for hut building can vary widely. It is possible to build relatively cheaply if there is a lot of voluntary labour and time available. Costs of building materials also vary widely depending the specification and quality, or on accessibility of reclaimed or recycled materials.

## 6. What is **not** a hut?

### Structures which fall outwith the scope of this guidance

This guidance is about huts as defined in SPP 2014. The Scottish Executive's report on '*Huts' and 'Hutters' in Scotland*,<sup>11</sup> published in 1999, excluded 'fishing huts, climbing huts, bothies etc. since they seem to fall into a different category of use.' At the 2014 Hutters' Gathering there was general consensus that other buildings and structures which should **not** be considered as huts include shipping containers, caravans, portacabins, and buildings made of materials with high ecological and

<sup>9</sup> Reforesting Scotland is due to publish "The Good Practice Guide to Building a Hut" in 2016.

<sup>10</sup> [cairngorms.co.uk/uploads/documents/Park%20Authority/Planning/Good\\_design\\_in\\_the\\_Park/Design\\_Awards\\_case\\_study\\_Woodmans\\_Hut.pdf](http://cairngorms.co.uk/uploads/documents/Park%20Authority/Planning/Good_design_in_the_Park/Design_Awards_case_study_Woodmans_Hut.pdf)

<sup>11</sup> [www.scotland.gov.uk/Resource/Doc/156526/0042031.pdf](http://www.scotland.gov.uk/Resource/Doc/156526/0042031.pdf)



visual impact, such as breeze blocks. Huts (within the SPP definition) should also not be confused with holiday chalets (like those often seen on caravan parks), which share some physical similarities with huts but tend to be used as holiday lets and are normally fully serviced.

## 7. Use patterns of huts

The SPP definition of a hut clearly states that a hut is not a principal residence and that it is for intermittent use. To protect the natural environment of rural Scotland it is important that low impact huts do not turn into higher impact developments. Local authorities will take enforcement action where they see huts being used in a way that does not comply with the definition.

### Traditional use patterns

Traditionally hutting was an affordable way for low waged urban people to have regular access to their own low impact space in natural surroundings near the town or city where they lived. This use pattern still exists in remaining hut sites such as Carbeth.

Huts are primarily about spending time in nature, peace and quiet, companionship or perhaps solitude, away from busy lives. They are about creating a space to restore mind, body and spirit. This is part of what distinguishes huts from bothies, fishing huts and similar structures with a purpose primarily to do with sleeping and eating accommodation to help support specific activities.

Nowadays, hut sites are often managed by a community trust or club, and we recommend this approach to those planning new hut sites. This representative body can ensure that the use of the huts is in accordance with the lease agreements and the SPP definition of a hut. As a campaign, we are particularly interested in the benefits to health, wellbeing, community and understanding of the natural environment that this can bring. Any use patterns and management arrangements proposed by developers of new huts under the SPP definition should be consistent with a genuinely low impact approach.

### What constitutes 'intermittent use'?

The SPP states that huts are for intermittent use and must not be principal residences. Hut sites tend to be self policing in this regard. However, planners will need to be satisfied that the site is not to be used for permanent residences. Planners may wish to consider using planning conditions, or possibly a Section 75 Planning Obligation, to safeguard this and prevent a site from changing to other, higher impact, uses.<sup>12</sup>



Some people want a hut so they can spend quality time with family and friends, others long for peace and solitude. Photos: Fran Higson and Morven Gregor

<sup>12</sup> Circular 4/1998 *The Use of Conditions in Planning Permissions*  
[www.gov.scot/Publications/1998/02/circular-4-1998/circular-4-1998-develop](http://www.gov.scot/Publications/1998/02/circular-4-1998/circular-4-1998-develop)

## 8. Where might huts be built?

### Suitable locations

Huts could be an appropriate form of development in a variety of accessible rural locations around Scotland. Decisions on location will be based on local and national planning policy. Access to public transport and walking and cycling routes is an important consideration for hut location.



Above: A single hut in the woods; The distance between neighbouring huts at Carbeth varies widely. Photos: Karen Grant and Graeme Purves.

The 20<sup>th</sup> century model of Scottish hutting was such that huts were built near towns and cities, to be easily accessed by hutters from their homes a few miles away. The huts were not intended as permanent dwellings, but as an extension of home life – an affordable getaway or retreat that people could easily access on a regular basis. Our recent research suggests that a significant number of hut owners in Scotland live within 10 miles of their hut, and over half of those we surveyed live within 25 miles of their hut.<sup>13</sup> We support the continued development of huts in such accessible rural locations.

### Siting

In terms of siting, each application will be assessed on its own merits. The Scottish Government promotes principles of good place making<sup>14</sup> including issues applicable to hut sites. For a group of huts, accessibility to users may be an important consideration. For single huts, accessibility may not have the same salience. For a hut that serves as a retreat or hermitage, a remote or inaccessible location may be appropriate. The acceptability of such a development will depend on its impact on the environment.

In all cases, careful consideration must be given to potential impacts on the environment and existing communities. Planners should consider whether the building of huts will have a material impact upon the current use of the land. For example, will it have a negative effect on the current pattern of the wider community's enjoyment of the site?

In ecologically sensitive areas the impact of a hutting development must be considered carefully. The ethos of hutting is that it should be in balance with the natural environment and should be a way for people to increase their understanding of, and connectedness to, the natural environment. Particular care will be required where there is potential for effects on a site designated for its natural heritage or landscape value, or for potential impacts on the setting of built heritage.

*Care should be taken that huts do not become a 'foot in the door' for higher impact development. Hutting developments should have a low impact upon their site. The huts should be easily removable and there will be limited infrastructure. As a result, sites where the hutting use comes to an end should **not** be considered brown field land.*

### Access and sustainable transport

Hutting has the potential to increase low carbon living and to provide affordable access to nature for low income groups. In keeping with this, effort should be made towards locating sites in areas accessible by sustainable transport modes: walking, cycling and public transport.

13 As yet unpublished research by Reforesting Scotland using surveys at [www.thousandhuts.org](http://www.thousandhuts.org)  
14 [www.gov.scot/Topics/Built-Environment/planning/Policy/Principal-Policies/Place-Making](http://www.gov.scot/Topics/Built-Environment/planning/Policy/Principal-Policies/Place-Making)

## Access within the site

Historically, Scotland's hutting sites have had very limited paved access within the main area of the site. Sites tend to be served by a series of unmade tracks, or similar lower-impact alternatives to paved roads.<sup>15</sup> In new hutting developments metalled roads should be kept to a minimum to preserve the rural character of sites. They should provide access to the site, rather than to individual huts.

Ideally, the road should stop at the entrance of the site, where parking should be provided. Where tracks are proposed, it must be demonstrated that they are absolutely necessary for the practical functioning of the site. Wherever they are included within hut sites, they should be as low impact as possible, both visually and environmentally.

The most appropriate access arrangements will depend very much on the scale of the hutting site and that proposals should meet the requirements of the appropriate Roads Authority.



This woodland hut near Fort William, built by Cormac Seekings, was a finalist in the 2015 Shed of the Year.

## Considerations relating to the immediate surroundings of the hut

Consideration of flood risk may be relevant. SEPA recommends the use of their flood risk maps<sup>16</sup> but detailed investigation of risk may be appropriate in some cases. Areas at medium to high risk of flooding (1:200) in undeveloped or sparsely developed areas would generally not be suitable for hutting.

Woodland sites are ideal for hutting but they must be carefully managed to minimise the risk of windblow of trees in the immediate vicinity of huts. Overhanging branches should be removed from the site of a hut, and planners may request a basic woodland management plan as part of planning conditions. Consideration should be made of the Scottish Government's policy on Control of Woodland Removal.<sup>17</sup>

We recommend that huts in woodland are built with a strong structure to minimise risks from windblow and that hutters and hut site owners undertake regular inspections of any trees that may cause damage, using an experienced forester or tree surgeon where appropriate. They may also wish, or be required, to insure against damage and injury from falling trees.

## Environmental Impact Assessments

Environmental Impact Assessments will only be required on rare occasions where a hut site development may have significant impact. EIA requirements are set out in the Scottish Government Circular 1/2013,<sup>18</sup> which states that:

15 The Scottish Executive (2000) in their report 'Huts' and 'Hutters' in Scotland, stated that: "Another important feature of hut sites, and even more the individual huts, is how you get access to them. Most sites are in rural areas, often fairly remote. The nature of the access to sites and to individual huts within them depends partly on location and on topography and partly on the extent to which a site owner provides at least partially made-up tracks. Only a few sites are directly adjacent to a road and even then these are generally fairly minor roads. Most have to be approached via farm or estate tracks of varying length and condition and one or two are fairly inaccessible."

16 [www.sepa.org.uk/flooding/flood\\_maps.aspx](http://www.sepa.org.uk/flooding/flood_maps.aspx)

17 [www.forestry.gov.uk/PDF/fcfc125.pdf/\\$FILE/fcfc125.pdf](http://www.forestry.gov.uk/PDF/fcfc125.pdf/$FILE/fcfc125.pdf)

18 [www.gov.scot/Resource/0043/00432581.pdf](http://www.gov.scot/Resource/0043/00432581.pdf)





Huts should have a very low impact on the natural environment. Photo: Jack Hughes and Lucy Eccles.

*Developments falling within a description in Schedule 1 to the Town and Country Planning (Environmental Impact Assessment) (Scotland) Regulations 2011<sup>19</sup> always require environmental impact assessment. Development of a type listed in Schedule 2<sup>20</sup> to the Regulations will require environmental impact assessment if it is likely to have a significant effect on the environment, by virtue of factors such as its size, nature or location.*

It will be for the planning authority to decide which type of development (and therefore which size threshold for the purposes of EIA) is applied to prospective hut sites on a case-by-case basis.<sup>21</sup> As hutting does not fall within any of the descriptions in Schedule 1 of the Regulations, formal environmental impact assessment will not be mandatory. Where a proposal exceeds the threshold for a type of development listed in Schedule 2 of the Regulations, or the development is located in a 'sensitive area'<sup>22</sup> where the thresholds do not apply, EIA will only be required where it is concluded that it is likely to have a significant effect on the environment. Schedule 2 development requires case by case screening to determine whether an EIA is required.

An EIA may also be required as a result of changes or extensions to existing or approved developments. This is covered in the Scottish Government Circular 1/2013.<sup>23</sup>

## 9. Density of development

### Historic variations

There is great variation in the density of huts at existing sites. In 2000 the Scottish Executive reported that:

*"The space occupied by hut sites is also very variable. Some are compact and tucked away, others much more spread out. Often the huts themselves occupy indeterminate patches of land with no clear boundaries and it is unlikely that the landowners ever thought about a specific area for their 'sites'. Natural boundaries of an available field or other piece of land were the normal determinants and as there were more requests to be allowed to put up huts the available area was filled."*

Hugh Gentleman's survey of hut sites in Scotland in 1999 gives some indication of the average density of historic hut sites.<sup>24</sup>

### Key considerations for appropriate density

At new hutting sites a more planned approach will need to be taken. A wide variety of densities may be appropriate in different places, depending on the type of development that is planned and the specific characteristics of the site. In determining hutting density, the primary considerations should

19 [www.legislation.gov.uk/ssi/2011/139/contents/made](http://www.legislation.gov.uk/ssi/2011/139/contents/made)

20 [www.legislation.gov.uk/ssi/2011/139/schedule/2/made](http://www.legislation.gov.uk/ssi/2011/139/schedule/2/made)

21 Schedule 2 of the EIA regulations does not specifically categorise hutting developments. However, impacts may be no more significant than permanent camp sites and caravan sites (12.e Tourism and Leisure).

22 'Sensitive areas' are; Sites of Special Scientific Interest, Land subject to Nature Conservation Orders, International Conservation Sites, National Scenic Areas, World Heritage Sites, Scheduled monuments and National Parks.

23 [www.gov.scot/Resource/0043/00432581.pdf](http://www.gov.scot/Resource/0043/00432581.pdf)

24 Research Consultancy Services. 1999. Huts and Hutterers in Scotland 1999 draft research report material retained by Research Consultancy Services. Released by Research Consultancy Services via Scottish Government in response to a Freedom of Information request in May 2012 by Lesley Riddoch.

be: ensuring good landscape fit; enhancing the unique qualities of the site; ensuring there is minimal impact on the natural environment and landscape; privacy, and the risk of fire.

Within existing sites, the historic pattern of development will be an important factor.

Innovation in hut site design will create developments that can genuinely deliver better quality of life for the hut users. The Scottish Government's policy on creative place making states that, *"The purpose of architecture and urban design is not only to meet our practical needs in housing, our activities, but also to improve the quality of life for the people of Scotland."* This is fleshed out in detail on their Creative Places micro site.<sup>25</sup>

## 10. Services

### Off grid solutions

Historically, service provision to individual huts has been minimal.<sup>26</sup> Off-grid solutions are generally the most desirable option for huts, and the use of mains services should be avoided. The SPP states that generally huts are not connected to mains water, electricity or sewerage. This is part of what sets huts apart as different from houses or holiday accommodation. The simplicity of huts helps to minimise the carbon footprints of hutting developments, increase low carbon skills, avoid adverse impacts on the natural environment, and foster a healthy sense of getting away from the pressure and pace of modern life.

### Heat and light

Huts are usually heated by wood burning stoves. Appropriate off-grid solutions are very much in keeping with the low impact ethos of hutting and micro-renewables will be an attractive solution for many hutters. Depending on their scale and siting there may be a need for some caution around creating additional visual impacts in sensitive rural locations. The installation of such technologies may be subject to planning permission. Some hutters generate their own electricity using solar panels or micro wind turbines.

### Waste management, storage and collection

Domestic refuse can be an issue on hutting sites. Problems can arise where neither the hut occupier nor the site owner takes full responsibility for the management and removal of domestic waste. That is why Reforesting Scotland recommends that the hutters set up a Hutters Trust (or similar body) to take responsibility for such issues. It is important that there is a clear formal agreement on responsibility for waste management between the landowner and the Hutters' Trust or the landowner and the individual hutter, depending on the circumstances.

At Carbeth the local authority collects waste from centralised collection points. However, council collections may not be feasible from small sites. Solutions will require to be tailored to suit individual sites. A workable solution must be found which minimises environmental impact. Any centralised collection areas should be screened to minimise the visibility of bins or refuse awaiting collection.



This example of a simple, off grid hut was designed by Alastair Baird. Compost toilet visible in the background. Photo: Falkland Centre for Stewardship.

<sup>25</sup> [www.creatingplacesscotland.org](http://www.creatingplacesscotland.org)

<sup>26</sup> 'Huts' and 'Hutters' in Scotland. Scottish Exec. (2000) [www.scotland.gov.uk/Resource/Doc/156526/0042031.pdf](http://www.scotland.gov.uk/Resource/Doc/156526/0042031.pdf)



Interior of Inshriach Bothy - off grid for all services. Note the lack of taps! Photo: The Bothy Project

## Water supply

Scottish Planning Policy states that generally huts are not connected to mains water, electricity or sewerage. In Scotland's historic hutting sites, mains water tends to be supplied to the site through a central standpipe serving several huts.

As new hutting sites emerge, following the change in planning policy, the approaches to water supply may vary, and will depend on the agreement on service provision between the landowner and hutter. Some sites may follow the traditional path of installing a standpipe – a route which has many advantages, retaining the low-impact aspect of the site, while supplying good quality water. Scottish Water should be contacted where a new connection for this is sought. In some cases, hutters may be required to carry in their own drinking water and collect water for other uses.

## Greywater, rainwater and foul waste disposal

In the case of new build huts and hut developments, appropriate solutions for the safe and sustainable disposal and treatment of 'greywater', rainwater and foul waste will depend greatly on the number of huts, their separation and level of occupancy as well as environmental factors such as soil type and hydrology of the site. Whilst local authorities will want to see that hut site owners have considered all these types of waste at planning application stage, the technical details of the chosen solution(s) will be

assessed by Building Standards and SEPA as all waste water systems will be subject to Building Warrant irrespective of whether the hut itself is exempt (from Building Warrant).

Single or very small and/or isolated hut groups will often be able to readily dispose of greywater by simple and inexpensive infiltration systems (e.g. soakaways) and likewise rainwater by attenuation trenches and ponds. By contrast, the most cost effective and environmentally sound solution for larger developments and/or those closer to existing services may be simply to connect to mains sewers in which case Scottish Water protocols will apply.

Many huts and hut developments will wish to use composting toilets as these may be seen to fit well with the low impact definition of hutting. Compost toilets are the most common solution in existing sites, based on the most recent official survey of Scotland's huts, and on Reforesting Scotland's 2014 sample survey.<sup>27</sup> Compost toilet technology has greatly improved in recent years and a wide range of 'off the shelf' solutions is available - from large, powered tank systems to individual separating units. In the final analysis, however, all produce solid waste that either requires to be (1) stored and composted further for a period of time in a separate container or (2) used safely on site, eg for fertilisation of soils and non-food plants (3) removed from site by bulk transport. As this is a complex subject it will be best to refer to existing literature at an early planning stage.<sup>28</sup>

Reforesting Scotland's forthcoming *Good Practice Guide to Hut Construction* will give detailed advice on this subject and steer hutters through the regulatory framework for responsible waste disposal.

27 'Huts' and 'Hutters' in Scotland. Scottish Executive (2000) [www.scotland.gov.uk/Resource/Doc/156526/0042031.pdf](http://www.scotland.gov.uk/Resource/Doc/156526/0042031.pdf)

28 A good place to start is the Low Impact Living Initiative (LILI) [www.lowimpact.org/lowimpact-topic/compost-toilets](http://www.lowimpact.org/lowimpact-topic/compost-toilets)



## 11. Guidance on matters affecting the land immediately surrounding the huts

### Paved areas, paths and hardstandings

To conserve the rural character of hutting sites, paved areas, paths and hardstandings within sites and in and around hut plots should be kept to a minimum. This may also help to ensure that the intended use of the huts as low-impact recreational accommodation is maintained. Appropriate tracks may be required within hutting sites to ensure that rubbish can be removed efficiently, and that fuel and other necessities can be transported to the huts. However, these should be minimal.

### Gardens, fences and hedges

Hut sites tend to preserve the natural character of the landscape much more than, for example, caravan sites. Often huts are almost invisible in the landscape, tending to be surrounded by natural vegetation rather than lawns and fences. This is a desirable feature of future hut site developments.

At Carbeth, Scotland's largest hut site, the huts are dispersed over a relatively large area, sometimes close together in groups and sometimes spread out. There is an informal, natural character to the place. Some of the huts do have a small garden around them, which often has a simple fence or hedge, however the overall natural character of the site is retained.



Hut sites work best with natural character retained as much as possible. Photo: Karen Grant

If people do have a small garden associated with their hut, caution should be taken with the planting of any non-native species in these natural settings.

### Communal green spaces

To maximise community cohesion and wellbeing, it may be desirable for the hutting group to share some communal green space and possibly a community hut. Depending on the agreement with the landowner, this may be managed by the site Hutterers' Trust.

## 12. Special considerations for planning hut sites

### Retaining the natural character and low impact ethos of hut sites

Huts must be designed in accordance with the definition outlined in the Scottish Planning Policy. Since huts may be allowable in areas that are not appropriate for other types of development, care must be taken that they do not become a 'foot in the door' for a higher impact development. One example of this, raised by members of Reforesting Scotland, is a historic coastal hutting site made up of 8 small traditional huts, bounded on all sides by a Site of Special Scientific Interest (SSSI). The hutterers were evicted and the landowner was given planning permission to build 8 luxury lodges and fence off the site. It is unlikely that this higher impact development would have been given permission if there had not already been low impact huts there. This must be avoided. A low impact development should **not** pave the way for a higher impact development. One option would be to put a bond in place at particular sites to provide for restoration of the site to its natural state in the event that hutting ceases. That would prevent it becoming brownfield land.

We also note that local authorities may wish to take action to protect the unique character of hutting sites. For example, Stirling Council granted the Carbeth hut site Conservation Area status in recognition of its heritage, natural and cultural value, and has adopted its Conservation Area Character Appraisal as Supplementary Guidance to the Stirling Local Development Plan. This document contains a very useful assessment of the qualities that make a hut site unique and important to a community. In addition to this appraisal, a Management Statement also exists containing specific and detailed hut design guidelines for new and replacement huts.



Ninian Stuart at his hut near Falkland. This design has a 6m<sup>2</sup> deck under a lean-to roof integrated with a 16m<sup>2</sup> hut. Photo: Alastair Stephen.

### Local authorities with particular experience of hut sites

Stirling Council has particular experience in hut developments as it is home to Carbeth hut site. Indeed as this document goes to press, Stirling Council has proposed the inclusion of huts in their reviewed Local Development Plan and has produced a Topic Paper on Huts and Hutting.<sup>29</sup> Over a decade since it was first written, Stirling Council republished the Carbeth Conservation Area Character Appraisal<sup>30</sup> in 2014 as Supplementary Guidance to the Local Plan.

Fife Council may be one of the first authorities to receive a planning application for a new hut site following the 2014 SPP, as the proposed Forestry Commission Pilot Hut Site falls within the Fife Council area. This pilot looks set to provide useful learning and guidance on new hut developments. We are also aware of several other emerging hut sites at the planning application stage around Scotland.

## 13. Planning Obligations

### Measures to safeguard the character of hutting developments

Planning obligations<sup>31</sup> may be sought by planning authorities in relation to applications for larger hut developments, or those with particular issues around location or design, if they consider that some potential impacts cannot be adequately addressed by planning conditions.<sup>32</sup> Planning obligations are legal agreements between the developer and the planning authority under Section 75 of the Town and Country Planning (Scotland) Act 1997 as amended by the Planning etc. (Scotland) Act 2006. They place a burden on the title, and might be used, for example to secure any necessary upgrades to off site infrastructure such as paths, or address other impacts arising from the development.

29 [www.stirling.gov.uk/\\_\\_documents/temporary-uploads/economy,-planning-\\_and\\_-regulation/approved-ldp/mir-topic-papers/huts-topic-paper-june-2015.pdf](http://www.stirling.gov.uk/__documents/temporary-uploads/economy,-planning-_and_-regulation/approved-ldp/mir-topic-papers/huts-topic-paper-june-2015.pdf)

30 [www.stirling.gov.uk/\\_\\_documents/temporary-uploads/economy,-planning-\\_and\\_-regulation/ldp-final/con-apps-aug-2014/carbeth-con-area-app.pdf](http://www.stirling.gov.uk/__documents/temporary-uploads/economy,-planning-_and_-regulation/ldp-final/con-apps-aug-2014/carbeth-con-area-app.pdf)

31 Information on planning obligations is set out in *Circular 3/2012: Planning Obligations and Good Neighbour Agreements* which states that they “have a limited, but useful, role to play in the development management process where they can be used to overcome obstacles to the grant of planning permission”.

32 See the Scottish Government’s guidance on *Planning Obligations and Good Neighbour Agreement – Circular 3/2012*. [www.scotland.gov.uk/Resource/0041/00410382.pdf](http://www.scotland.gov.uk/Resource/0041/00410382.pdf) Also see *Circular 4/98: The Use of Conditions in Planning Permissions*.

## 14. Risks

With any new development comes the risk of unintended consequences. We hope that hutting can thrive in a community spirited and ecologically sustainable way. However when things go wrong, some of the risks below may be subject to the use of planning enforcement powers.

### Unauthorised sprawl and inappropriate use of huts

Care must be taken that low impact hut sites do not become unacceptably higher impact developments through incremental unauthorised sprawl or inappropriate uses. Such matters should be regulated under planning conditions, lease agreements and codes of practice. We are working on a voluntary code setting out good practice in site care and the rights and responsibilities of hutters and hut site managers or owners. A mediation or dispute resolution process should be in place to assist in situations where a problem arises. The planning authority will have the option of using enforcement powers should activities on the site contravene planning conditions.

Inappropriate use of huts may include use for some business purposes (particularly if high impact), use as permanent residences, and anything that creates pollution or nuisances such as noise. Under normal circumstances, it would be the responsibility of the site owner, manager or management body to regulate this, with clear provision made within the lease agreement.

## SITE MANAGEMENT, TENURE AND OWNERSHIP

## 15. Management of hut sites

### Participatory decision-making and management

Where there are a number of huts, there are aspects of hutting life that require oversight and management on behalf of the hutting community as a whole. This is best achieved through the establishment of a Hutterers Co-operative, Trust or other appropriate structure, with a representative committee which can make decisions and take action on matters such as: hut allocation; site management; ensuring that the character of huts stays within agreed definitions; and waste management and removal. A variety of management structures could be applied successfully to a hut site.

While there have been huts at Carbeth since the 1920s, the current management body, Carbeth Hutterers Community Company, was set up in 2008<sup>33</sup> in the run-up to the hutters' buy-out of the land. The Company is run by its nominated directors who are elected democratically by the company's ordinary members to carry out work as required on their behalf. All directors are hutters and volunteers, and are elected at each AGM.

Work that Reforesting Scotland is undertaking with the Forestry Commission Scotland in scoping out the possibility of hutting pilot schemes on public forest land has already delivered some guidance on the governance of sites<sup>34</sup> where there are a number of huts.



Participants on a timber frame building course with architect Duncan Roberts. Photo: Falkland Centre for Stewardship.

33 [www.carbethhuts.co.uk/#!/about/c15v1](http://www.carbethhuts.co.uk/#!/about/c15v1)

34 FCS Huts Pilot Study Report is downloadable from [www.thousandhuts.org/?p=294](http://www.thousandhuts.org/?p=294)



## Land and woodland management

Particularly on sites where there are a number of huts, there will be a need for the hutters or the landowner to manage the surrounding land or woodland to a good ecological standard to retain the quality of the natural environment. Good management of the woodland is also important to maintain the stability of trees near huts and to reduce the risk of windblow. Responsibility for this will again depend on the agreement between hutter and landowner, but, as stated above, in sites with more than a few huts, it may be advantageous to set up a Hutters' Trust to share responsibility for this.



Hut building can be a great community-building activity. Photo: Karen Grant.

### Maintaining affordability

A key challenge of new hutting developments will be to help ensure that huts can be affordable for people of all income brackets, as they were traditionally. Hutting will happen in a variety of ways, but it is important not to lose sight of the particular benefits for society that can come when everyone has the possibility of affordable access to nature for recreation. Hutters' Trusts will have a key role in this, through their allocation policy and lease conditions. It will be important to consider the scope for increasing access to affordable huts through hutting on public land or community-owned land.

## 16. Tenure

Although tenure is not a planning consideration, it is included here as it raises some interesting issues affecting new hut developments.

Since it is difficult and expensive for most people to buy a piece of land to build a hut, many new hutters will need to follow the traditional model of hutting, whereby they build a hut on someone else's land and pay ground rent to the landowner.

### The challenge

Tenure is an issue of concern for many new and established hutters.<sup>35</sup> The traditional model where hutters build a hut on someone else's land and pay ground rent to a landowner, poses a challenge in terms of tenancy agreements as the hutter has made a large financial and emotional investment in a structure that may be difficult or expensive to move. This affects both the hutter's and the landowner's flexibility to make changes. Failure to establish a clear and fair agreement can have damaging consequences for both the hutter and the landowner.

### The importance of a formal contract

In the past agreements were often informal, and then as time went by, landowners were succeeded by their heirs or sold the land, and hutters found that they had no legal rights to the hut that may have been in their family for generations.

35 The Scottish Executive report 'Huts' and 'Hutters' in Scotland (2000) states that in many of Scotland's historical hutting sites, " 'Hutters' occupy their plots as 'tenants' or 'licensees', generally paying an annual rental for their plot, though they may own the actual dwellings on the land. The nature of tenancy or licence arrangements is often uncertain." (page 5) [www.scotland.gov.uk/Resource/Doc/156526/0042031.pdf](http://www.scotland.gov.uk/Resource/Doc/156526/0042031.pdf)

In new hutting, there are a variety of ways that an agreement may be made between hutter and landowner, but Reforesting Scotland strongly recommends that this is formalised in a contract agreed by both parties. Sometimes this will be between the landowner and an individual hutter, but in larger hut sites it may be between the landowner and a constituted hutters group. An additional agreement will then be needed between the hutter and the hutters group.

It should be expected that a hutting lease would contain some or all of the following, as well as addressing additional issues specific to the situation:

- The initial lease period, and the process for possible extension of the lease, with the agreement of both parties;
- Clear terms of lease, with agreements on service provision, responsibilities for site and hut maintenance, access, acceptable rent increases etc;
- Clear, fair notice periods and the processes for termination of lease and notice to quit;
- A clear, formal agreement on who holds rights to the hut during the lease period, and what happens to it when the lease is terminated. Will it be removed by the hut builder/owner? Can it be sold (and the lease reassigned)? Will it accede to the ownership of the landowner, and if so, will the landowner pay compensation to the hutter for this? Hutters and landowners should seek their own independent advice on how the law of accession affects this issue. See the box on the law of accession on page 26. It is essential for both parties that this issue is clarified in the lease.
- The process to be followed if the hutter decides to sell the hut: Does the tenancy continue with the new owner? Does the landowner get first refusal on the purchase of the hut? If the hutter has the right to sell the hut before the lease ends, does the landowner have a say in who purchases the hut (and takes up the lease)?

## A Voluntary Code of Good Practice

A Voluntary Code of Good Practice is being developed which will help hutters and landowners shape their formal contract. It is not a replacement for a legal agreement, but rather a supportive document for shaping an agreement that is fair to both hutter and landowner. Depending on how this works in the coming years it may be necessary to pursue legislation setting out the rights of hutters and landowners. However, ideally the voluntary code plus a robust formal contract should protect the rights of everyone involved.

The Voluntary Code contains guidance on:

- What the hutter has a right to expect from the agreement;
- What the landowner has a right to expect from the agreement;
- Responsibility to seek planning permission;
- Lease conditions; and
- Other issues such as waste removal.

## 17. Land ownership and new hutting developments

Whatever form of land ownership a hut site is under, it should embody the principles of good practice in hutting, including:

- Preserving affordability so that hutting is available to people from every income bracket, and can still be accessible from urban centres, as it was in the past;
- Demonstrating the qualities of well-planned site and hut design sympathetically situated in the natural environment, designed to the best low-impact standards of building – simple, affordable and ecologically sustainable; and
- Setting the standard of good practice for hut allocation and lease terms.

## The law of accession

The issue of who owns a hut, when the hutter and the landowner are not the same person is very complex in legal terms. The law of accession states that a building accedes to the owner of the land it is built on. This law does not apply to certain non-permanent buildings, but case law is unclear on the conditions of this. Historically, the law of accession has not been a great problem to hutters in Scotland. However, case law on whether you can make an agreement that a building built on land will not accede to the landowner at the end of the lease period is very complex. All hutters and landowners should seek their own independent advice on this matter.

In theory, as long as the lease is intact, the agreed hutters rights should be intact. However hutters should be aware that once the lease ends, their legal rights to the hut are immediately compromised. So it is extremely important that the hutter and landowner have a clear formal agreement over who has rights to the hut for the duration of the lease, and the timeframe and process for the removal of the hut by the hutter or the accession of the hut to the landowner. If the lease agreement is that the hut would accede to the landowner at the end of the lease, they may wish to include a clause in the lease which would oblige the landowner to pay compensation to them for the hut. The hutter should also be sure to make a clear agreement about whether they are allowed to sell the hut before the lease ends and what is the procedure for this. If the agreement is that the hutter may remove the hut at the end of the lease period, the hutter may wish to design the hut with this in mind.

## Privately owned land

There could be very good opportunities for hutting on appropriate private land, both in terms of community benefit and sustainable rural development. We have found that many landowners and representative bodies like Scottish Land and Estates welcome the idea of new hutting. Prospective hutters may well find it worthwhile to approach landowners or their representative organisations about renting ground for hutting. See the section on Tenure on page 24 for further information. As long as there are fair and robust legal contracts between hutter and landowner, both parties can benefit from this arrangement.


## Opportunities for hut developments on public land

Public land lends itself particularly well to hutting developments because huts create opportunities for people to make lasting connections with the land, and with each other in a shared project. It would be hoped that hut sites under public ownership would make a particular priority of ensuring affordability and access to huts for people of all income brackets.

It may be that hutting could also be an appropriate development on Common Good land, as it not only gives the community benefit, it also brings in an income. Care should be taken to make sure any development is as inclusive as possible, to avoid use by a limited number of private interests conflicting with the wider public use of an area of common good land. However, since many areas of Common Good land currently have little or no community involvement, hutting use could represent an improvement.

Reforestation Scotland's Thousand Huts campaign has been working together with Forestry Commission Scotland to develop a pilot hut site on public forested land. A potential site has been identified, community consultation is progressing well, and issues of design, allocation and services are being developed. A pre-application has been submitted to Fife Council about the possible development. Much has already been gained through the process, in thinking about hut design, hut leases and issues around community consultation and engagement for new hut sites. This pilot





hut development can contribute greatly to the development of local authority policy on hut site development.

### **Community owned or managed land**

The growth in community ownership or management of land creates excellent opportunities for new hutting. Huts can be a very appropriate development on community-owned land for much the same reasons as those enjoyed by hut developments on public land, but with the added benefits of community empowerment through the ownership and management of community assets. They are an excellent way of creating long-term connections between the community and the land and stimulating community co-operation and cohesion. They can help keep hutting affordable for the disadvantaged in the community, and can also bring in a sustainable income from the community asset.

### **Other models of ownership**

We often hear from groups of friends or other communities of interest who wish to pool their resources and buy land co-operatively with the idea of developing a hut site. There is great scope for this approach. The Thousand Huts Facebook page is frequently the site of energetic debate and networking on that subject. We hope in future to be able to produce a fact sheet for groups wishing to explore this approach.



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