

Briefing for the Public Petitions Committee

Petition Number: [PE1818](#)

Main Petitioner: Stacey Clarke

Subject: Calls on the Parliament to urge the Scottish Government to implement regulations on the ownership and use of residential trampolines.

Background

The petitioner is concerned about the use of trampolines in people's gardens because of noise and privacy issues for neighbours. She proposes a licensing system, with conditions of use and consent of neighbours as requirements.

Licensing

A number of licensing schemes exist in Scotland. The Civic Government (Scotland) Act 1982 forms the legislative basis for a number of them – for example taxi licensing and street trader licensing.

The 1982 Act provides for conditions to be attached to licences – including standard national and local authority level conditions. Individual conditions can also be attached, to reflect circumstances specific to the particular application.

Licence applications under the 1982 Act require to be publicised. Those with an interest can object. Some licence applications must be notified to direct neighbours. While the licencing authority (local authority) can consider objections – licences can be granted despite them.

The 1982 Act places a duty on licensing authorities to charge fees which cover the costs of administering the licence (see Schedule 1, paragraph 15). Thus, introducing a licensing regime should, in the longer term, be cost neutral to a local authority. However, users of the system will have to meet those costs via a licence fee.

Planning

The statutory purpose of the planning system is to “manage the development and use of land in the long-term public interest”. This includes contributing to sustainable development and the achievement of national outcomes.

The planning system exists to regulate “development” or the making of a material change of use to land or a building. Technically, anything falling within the definition of “development” requires planning permission.

However, certain forms of development benefit from a general planning permission known as “permitted development”. Typically, this is because the scale and nature of the development is considered to be of a minor and non-contentious nature, or essential for the functioning of key infrastructure.

For development in a domestic garden this can include sheds, walls, fences and so on. Typically, the installation and use of a trampoline or other play equipment in a garden does not constitute development, meaning it does not require planning permission.

When an application for planning permission is received by a planning authority, immediate neighbours will be notified and be given 21 days to submit comments or objections on the proposed development. These comments will be considered as part of the decision-making process.

However, if the proposed development is in accordance with the policies set out in the development plan, and there are no significant other reasons why it should be refused permission, then there is a presumption in favour of approval. [In 2019/20](#) 94.2% of applications for planning permission were approved.

Scottish Government Action

The Scottish Government last reformed licensing law in the Air Weapons and Licensing (Scotland) Act 2015. Planning law was last reformed with the Planning (Scotland) Act 2019.

The Civic Government (Scotland) Act 1982 has been used as the legal basis for introducing a number of ad hoc licensing systems as needs arose. For example, schemes under the 1982 Act licence taxi booking offices and tattooing and skin piercing activities.

Scottish Parliament Action

SPICe is not aware of any Scottish Parliament activity in relation to the licensing of residential trampolines.

Abigail Bremner
Senior Researcher
7 September 2020

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