



Permissions Policy

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Version History

Version	Date	Author	Changes Made	Approved By
1.0	18.6.26	Housing Policy	Initial draft policy	Housing and Community Safety Committee
1.1	10.9.26	Housing Policy	Revised draft policy post consultation.	Housing and Community Safety Committee

Index

Section 1	Scope of the policy
Section 2	Strategic context
Section 3	Objectives and principles of the policy
Section 4	Legislation and good practice
Section 5	Equality and diversity
Section 6	Confidentiality and data protection
Section 7	When permission is required
Section 8	Application process
Section 9	Assessment of applications
Section 10	Refusal of permission
Section 11	Consent and conditions
Section 12	Retrospective permissions
Section 13	Reviews and appeals
Section 14	Review of the policy
APPENDIX A	Compensation for improvements

1. Scope of the policy

- 1.1 This policy provides the framework for Moray Council tenants who want to make changes to their property or how it is used under a Scottish secure tenancy (SST) or short Scottish secure tenancy (SSST). It reflects statutory requirements and the rights and responsibilities contained within the SST.
- 1.2 Moray Council recognises that tenants may want to improve or adapt their homes beyond basic internal decoration or change how they use it. The Council supports tenants in making reasonable improvements that enhance the quality, safety and usability of their homes. However, written permission must always be obtained before any work starts or any change in use takes place.
- 1.3 Depending on the type of permission requested, Moray Council may attach reasonable conditions, including requirements relating to:
- standards of workmanship;
 - use of qualified contractors;
 - statutory approvals (e.g. planning or building warrants); or
 - operating a business from the property.
- 1.4 This policy applies to all Moray Council tenants with an SST or SSST.
- 1.5 The Council has separate policies and procedures where permission is required for:
- assignments and successions;
 - subletting or taking in a lodger;
 - joint tenancies and mutual exchanges; and
 - pets.

2. Strategic context

- 2.1 This policy will assist the Council to meet the aims and priorities as set out in the [2024-2029 Moray Corporate Plan](#) and the [Moray 10 Year Local Outcomes Improvement Plan](#).

3. Objectives and principles of the policy

- 3.1 The policy aims to set out how the Housing Service considers requests by Moray Council tenants who request permission to alter their house or change its use.
- 3.2 The objectives of this policy are to:
- provide a clear understanding of the obligations and rights of both tenants and the Council as landlord;
 - ensure a fair, transparent and consistent approach to permission requests;
 - provide clear criteria for refusing or granting permission, along with any associated conditions;
 - ensure any work is carried out safely, legally, and to an acceptable standard;
 - prevent nuisance or harm to neighbours or the wider community; and
 - protect the Council's housing stock and future allocation of properties.

- 3.3 The principles of this policy are:
- it will comply with the legal framework and adopt good practice;
 - detailed procedures and agreed practices will be implemented uniformly across the service; and
 - supporting information resources and communication with tenants will use “plain language.”

4. Legislation and good practice

- 4.1 Moray Council will ensure that the Permissions Policy complies with the following current legislation and promotes good practice.

- Housing (Scotland) Act 2001
- Housing (Scotland) Act 2025
- The Data Protection Act 2018
- UK General Data Protection Regulations (UK GDPR)
- The Equality Act 2010
- The Human Rights Act 1998

- 4.2 The policy is aligned to the terms and conditions of the Scottish Secure Tenancy (SST) / short Scottish Secure Tenancy (SSST) agreement and aims to ensure that there is a clear understanding of the obligations of both tenants and the Council as the landlord.

- 4.3 The Scottish Housing Regulator (SHR) uses the outcomes and standards in the Scottish Social Housing Charter to assess the performance of social landlords. The key outcomes that have been considered in the development of this policy are:

Outcome 1: Social landlords perform all aspects of their housing services so that:

- they support the right to adequate housing.
- every tenant and other customer has their individual needs and rights recognised, is treated fairly and with respect, and receives fair access to housing and housing services.

Outcome 6: Social landlords, working in partnership with other agencies, help to ensure as far as reasonably possible that:

- tenants and other customers live in well-maintained neighbourhoods where they feel safe.

5. Equalities, rights and socio-economic requirements

- 5.1 Moray Council will comply with the Equality Act 2010, Human Rights Act 1998, Fairer Scotland Duty (socio-economic inequality) and the United Nations Convention on the Rights of the Child (UNCRC) by:

- making reasonable adjustments for disabled tenants;
- understanding and addressing barriers faced by marginalised groups;
- assessing requests in a non-discriminatory and inclusive way;
- considering disability-related needs and accessibility requirements when determining permission requests; and

- monitoring outcomes to avoid disproportionate impacts.
- 5.2 The Council is committed to preventing discrimination and promoting equality of opportunity for every person. In accordance with the [Equality Act 2010](#), the Council seeks to ensure that the Permissions Policy does not discriminate between individuals with one or more of the following protected characteristics: age, disability, gender reassignment, marital status/civil partnership, pregnancy and maternity, race, religion or belief and sexual orientation.
- 5.3 In delivering the Permissions Policy, full consideration will be given to the Council's Public Sector Equality Duty (PSED). This requires public authorities to eliminate discrimination, harassment and victimisation, advance equality of opportunity and to foster good relations between those who share a relevant protected characteristic and those who do not.
- 5.4 Disability-related needs and requests for reasonable adjustments will be considered in accordance with the Council's duties under the Equality Act 2010 and relevant corporate policies, procedures and guidance.
- 5.5 Detailed arrangements relating to the assessment of disability-related needs, consideration of reasonable adjustment requests, recording of Equality Act considerations and decisions, communication methods, reviews and complaints will be managed through corporate procedures and staff guidance.
- 5.6 The Housing Service commits to:
- communicating with tenants and service users in clear and concise plain language to help with the understanding of important information;
 - developing and providing information and advice in alternative formats where necessary; and
 - providing interpretation and translation services free of charge, where required.
- 6. Confidentiality and data protection**
- 6.1 The Council will treat all tenants with courtesy, sensitivity and complete confidence and ensure that any information given to it as part of the permissions process will be used in accordance with the [UK General Data Protection Regulations \(UK GDPR\)](#) and the [Data Protection Act 2018](#). Relevant privacy notices will advise applicants how personal information may be collected, used, stored, shared and securely disposed of and the legal basis for doing so and what their Data Subject Rights are.
- 7. When permission is required**
- 7.1 The Scottish secure tenancy regime sets out the types of alterations and/or improvements that need permission. Tenants with a SST or SSST must obtain written consent before making changes to their tenancy or property, including:
- altering, improving or enlarging the house, or its fixtures;

- installing fittings or fixtures (e.g. kitchen or bathroom installations, heating, double glazing, or any kind of external aerial or satellite dish);
- installing laminate or hardwood flooring;
- erecting a garage, shed or other structure (this can include fence, wall, summerhouse, greenhouse, cold frame);
- decorating the exterior of the house;
- installing CCTV or video doorbells; or
- running a business from the home (e.g. childminding).

This list is not exhaustive.

7.2 Permission is not required for internal decoration such as painting, wallpapering or laying carpets.

7.3 Certain requests would not normally be approved because of health and safety considerations, property suitability, legislative requirements, asset management considerations or the potential impact on neighbouring residents. Examples may include:

- installing a cat flap (which may affect property security, insulation, future repair liabilities and the longer term management of the Council's housing stock);
- installing laminate or hardwood flooring in upstairs flats; and
- other alterations identified by the Housing Service as unsuitable for particular property types.

The Housing Service will publish guidance on instances where permission requests will not normally be approved on its website. Each application will be considered on its individual merit. The Council retains discretion to consider exceptional circumstances, including disability-related needs, requests for reasonable adjustments and its obligations under the Equality Act 2010.

8. Application process

8.1 Tenants must apply via the [online application form](#) for permission to carry out any works to the property or change in its use. Work must not begin until they obtain written consent.

8.2 Tenants are responsible for:

- obtaining any necessary planning permission, building warrants or licences and submitting valid paperwork with their application;
- using suitably qualified contractors where required;
- applying for and providing evidence of statutory approvals and certification needed; and
- notifying the Housing Service when works are completed.

8.3 In line with the Housing (Scotland) Act 2001, the Housing Service will:

- consider requests on an individual basis;
- not unreasonably withhold consent; and
- notify the tenant in writing of its decision within 28 days of receipt of the written application.

The written notice will confirm if permission is granted or refused, outline any conditions attached, or explain the reasons for refusal. If a decision is not given within this timescale, then consent is automatically deemed to have been granted.

9. Assessment of applications

- 9.1 Applications will be considered on an individual basis. When assessing applications, the Housing Service will consider:
- compliance with legal and health and safety requirements;
 - equality and accessibility considerations;
 - any request for reasonable adjustments under the Equality Act 2010;
 - the type of accommodation and impact on the fabric of the building, including potential noise, where appropriate;
 - effects on neighbours or the wider neighbourhood;
 - tenant history (rent, antisocial behaviour, tenancy conduct), where appropriate;
 - planned maintenance or investment programmes; and
 - whether refusal would be reasonable and proportionate.
- 9.2 Where appropriate, specialist staff will be consulted as part of the assessment process. For example, requests to alter the fabric of the building such as a kitchen replacement will be referred to the Housing Asset team for assessment.
- 9.3 Where a tenant is asking for permission to alter a new build property, while it is still in defects (within the first year), specialist staff will be consulted and advice obtained.

10. Refusal of permission

- 10.1 In reaching a decision, the Housing Service will consider all relevant information provided by the tenant, including any exceptional circumstances, disability-related needs and accessibility requirements. It will not withhold permission unreasonably. Each request will be assessed on its individual merits.
- 10.2 Permission may be refused where there are reasonable grounds, including where:
- the proposal poses a health or safety risk;
 - there is a significant cost to the Housing Service should permission be granted;
 - it conflicts with planned investment works;
 - it is likely to reduce the value of the house; or
 - it may cause damage or excessive reinstatement costs.
- The above list is not exhaustive.
- 10.3 Where permission is refused, the tenant will be notified in writing within 28 days of receipt of the application, explaining:
- the reasons for the refusal; and
 - their right to request a review of the decision and how to request a review.

11. Consent and conditions

Consent

11.1 Where consent is granted, the Housing Service will advise the tenant in writing within 28 days of receipt of the application, explaining:

- the scope of the consent;
- any conditions that will apply to the consent;
- any certification, licensing or inspection requirements;
- the tenant's responsibility for all associated costs; and
- that the tenant must inform the Housing Service once the work has been completed / change implemented.

Conditions

11.2 Where permission is granted conditions may include, but are not restricted to:

- using qualified contractors (e.g. plumbers, electrical installers);
- obtaining and providing appropriate certification e.g. electrical installation certificates;
- ensuring necessary building warrants and / or planning permission are obtained;
- ensure that relevant licensing requirements are fulfilled and evidenced; and
- restoring the property at end of tenancy, except where improvements qualify for compensation or are otherwise agreed.

Inspections, compliance and recharging

11.3 Follow-up inspections may be required. Where work does not meet the specifications required in the conditions set out, the Housing Service will identify the extent of the work required to restore the house to its previous condition. This may be during the tenancy or at the end of their tenancy. In line with the Rechargeable Repairs Policy, the tenant will be given the opportunity to make good the work to the correct standard. Where this does not happen, the Housing Service will complete the work, and the tenant will be recharged for the cost.

11.4 Where permission has been given for a gas installation or other heating system, any response repairs requested during the first year after fitting will be the tenants' responsibility. This should be covered by their contractor's guarantee or should the Council carry out the work, the tenant will be recharged for the costs. Thereafter the Council will be responsible and will carry out any works needed.

Withdrawal of consent

11.5 Permission may be withdrawn if:

- conditions are breached;
- the work causes nuisance or antisocial behaviour; or
- the tenancy agreement is breached.

Compensation for improvements

11.6 If the consent is for permission to improve the tenant's home, they may be eligible to receive compensation for the improvement when their tenancy ends

(see [APPENDIX A](#)). The Housing Service will inform them of this and of the process involved when they provide them with written consent.

12. Retrospective permissions

- 12.1 If a tenant carries out work or enacts the change without permission, the Housing Service may grant retrospective permission if:
- the tenant was genuinely unaware that they had to apply for permission; and
 - the work / change meets the required standards.

13. Reviews and appeals

- 13.1 Any tenant who is not satisfied with the outcome of their application for permission can request a review by writing to their Area Housing Manager in the first instance. If the tenant is not completely satisfied with the outcome of the case, it will be referred to the Service Manager Housing Operations for their consideration.
- 13.2 If the tenant is not fully satisfied with any refusal of a permission application or the conditions provided in their specific case, they can escalate the case through [Moray Council Corporate Complaints Process](#).
- 13.3 Where permission has been refused, the tenant also has a right of appeal to the Sheriff Court.

14. Review of the policy

- 14.1 This policy will be reviewed in 2029 or earlier if due to legislative requirements.

Compensation for improvements

The Housing (Scotland) Act 2001 sets out that when a Scottish Secure Tenancy comes to an end, and the tenant has carried out certain improvement work to the property, with the landlord's consent, a payment can be made to the tenant to reimburse them for part of the cost of the improvement work.

The Housing Service will inform the tenant if the works qualify for compensation or not at the point that the request for permission is approved. Tenants will also be informed that they must keep all receipts for any expenditure arising from the works.

Only 'qualifying persons' are entitled to compensation. A qualifying person is a tenant who:

- is the tenant who carried out the qualifying improvement work; or
- is a tenant of a joint tenancy which existed at the time the work was carried out; or
- succeeded to the tenancy on the death of the tenant who carried out the work.

The Housing (Scotland) Act 2001 sets out the types of improvements that qualify for compensation. These are:

- bath or shower;
- cavity wall insulation;
- double glazing or other external window replacement or secondary glazing;
- draught proofing of external doors or windows;
- insulation of pipes, water tank or cylinders;
- installation of mechanical ventilation in bathrooms and kitchens;
- kitchen sink;
- loft insulation;
- rewiring and the provision of power and lighting or other electrical fixtures (including smoke detectors);
- security measures other than burglar alarm systems;
- space or water heating;
- storage cupboards in bathroom or kitchen;
- thermal radiator valves;
- wash hand basin;
- water closet (WC); and
- work surface for food preparation.

Compensation is not payable in the following circumstances:

- the tenancy has been repossessed; and
- the tenant has been granted a new tenancy for their existing property (for example if a change in legislation were to require the issue of a new tenancy agreement).

Interior decoration does not qualify for compensation.

A tenant can receive compensation of up to £4,000 for any one improvement but will not receive any compensation for an improvement if the amount payable under the terms of the scheme is below £100.

The Housing Service will adjust the present value by a depreciation formula based on the notional life of the improvements based on the requirements set out in the Scottish Secure Tenants (Compensation for Improvements) Regulations 2002.

When making a compensation claim residents must be able to supply details of:

- the improvement works;
- when the improvement works were carried out; and
- the cost of the works completed.

Any amount housing related debt owed by the tenant at the end of the tenancy, for example rent arrears, will be deducted from the amount of compensation the tenant is eligible to receive.