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Informality as structure or agency? Exploring shed housing in the UK as informal practice

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Abstract

Recent attention to the phenomenon of ‘beds in sheds’, outbuildings used illegally for residential accommodation, suggests that shelter informality is increasing in the UK. Reflecting concerns about its apparent proliferation, the issue has been increasingly prominent on government and media agendas, framed in terms of illegal immigration and rogue landlordism, with policy announcements accompanied by high-profile police and border agency raids. While little firm evidence exists on the scale, nature and causes of this type of informal shelter provision, this paper takes as its starting point the discursive construction of informality in the specific context of the UK, and explores the role of key agentic and structural factors therein. It suggests that an emphasis on agency in government and media accounts may risk obscuring the structural factors (including state policies) involved in the production of informality, as well as the interaction between agency and structure. The case of shed housing demonstrates how informality is produced by a complex interplay of structural and agentic factors characteristic of many global northern cities, captured by the notion of ‘informality as practice’ which derives from debates focusing on southern cities. At the same time, it shows how discourses around informality may be mobilised in the service of specifically context-driven ideological agendas, in this case relating to immigration and welfare.

Keywords: informality; shed housing; agency; structure; discursive construction.

1. Introduction: Shed housing as informal shelter provision in the UK

Since 2007, increasing media and policy interest has been generated around the issue of ‘beds in sheds’ in the UK. The term applies to converted or purpose-built outbuildings which are being used illegally for residential accommodation, including garages, sheds and other structures. The increasing prominence of this issue on central and local government agendas, as well as in the media, reflects its apparent increase in recent years. However, while many suppositions exist about the nature and causes of shed housing, there is little firm evidence available on its true scale, who is accessing it, who is producing it, and what has caused its apparent proliferation. This situation reflects the frequent desire of both tenants and landlords to remain invisible to the authorities (Kelling 2015).

Nevertheless, media and central government reports have consistently framed this phenomenon in terms of the individual agency of those involved, and frequently linked this to immigration issues. Shed housing inhabitants have been characterised as ‘illegal

immigrants’ (Neiyyar 2013) and ‘failed asylum seekers’ (BBC 2009). Policy announcements have been accompanied by high-profile raids involving the police, UK Borders Agency officials and immigration and housing ministers, timed to coincide with policy announcements on immigration. The focus on the identity and agency of tenants has been accompanied by a suggestion that ‘rogue landlords’ are the main producers of this type of housing. At the same time, the language of urban informality has been used to describe built structures as ‘suburban shanty towns’ (DCLG 2012), and ‘third-world’ housing (Gentleman 2012). This suggests a view of informality as a ‘product of culture’ rather than of structural inequalities (Devlin 2011), implying that it is transposed to UK cities through the housing traditions of migrant communities.

In their introduction to this section, the editors employ a comparative urbanism framing, proposing conceptual translation to overcome geographical and thematic bias. In alignment with this approach, this paper applies conceptions of informality from long-established urban debates in the global South to disentangle issues around shed housing in the UK. While a recent strand of these debates focuses on the agency of low-income communities, this paper suggests that in certain contexts, an emphasis on agency may risk obscuring structural factors – including the role of the state in producing and reproducing informality through regulatory and other interventions – as well as the interaction between agency and structure. While these arguments are well-rehearsed, the structure/agency tension within debates on shelter informality is often not explicitly addressed¹. A focus on shed housing (as a ‘northern’ manifestation of housing informality) demonstrates how informality is produced by the complex interplay of structural and agentic factors. The notion of ‘informality as practice’ helps to capture this, also showing how such concepts have the potential to resonate beyond the ‘southern’ contexts with which informality is most commonly associated.

While contextual differences in shelter informality across ‘northern’ and ‘southern’ settings relate to scale, physical aspects, regulatory responses and property ownership, the historic paucity of research on housing informality practices in northern contexts has been accompanied by a lack of engagement with informality theory, representing a missed opportunity for theoretical exchange. Contributing to a growing body of research in this area, this article argues that on the one hand, informality is produced by a confluence of structural factors characteristic of many cities in the global north, such as increasingly pressurised housing markets, neoliberal economic policies and regulatory reforms, within which individuals’ efforts to secure low-cost shelter or rental income contravene specific building, planning and housing regulations². On the other hand, it shows how discourses around informality may be mobilised in the service of

¹ For a useful discussion of these issues in the realm of policy responses to economic informality, see Recio et al. 2017.

² Such structures are usually constructed without planning permission or Building Regulations consent, or are being used illegally, contravening regulations which prohibit the conversion of sheds for residential use without specific modifications. Additionally, living conditions often contravene housing standards.

specifically context-driven ideological agendas. Rather than offering a detailed description of the specific characteristics or nature of informality in this case, the paper takes as its starting point the discursive construction of informality in the specific context of the UK, and explores the role of key agentic and structural factors therein.

This paper focuses on London, where shed housing is perceived to be most prevalent, drawing on 10 semi-structured interviews with representatives from housing and migration charities, local authorities, and experts³. These were undertaken as part of a pilot study which aimed to explore key issues relating to shed housing as a prelude to in-depth research with tenants and landlords⁴. To complement the interview data, media and policy documentation was also analysed⁵.

2. Conceptual debates around informality: agency, structure and practice

As part of a wider postcolonial move in urban theory, comparative urbanism seeks new ideas about fundamental conceptions of urbanisation through 'reverse flows' of theory (Yiftachel 2006, 216): bringing concepts such as informality, originating in cities of the global south, to bear on issues in northern cities. While manifestations of housing informality have historically been observed in disparate contexts in Europe and the US (see, for example, Baumgart and Kreibich 2011 on Spain and Italy; Pruijt 2013 on the Netherlands; and Fairbanks 2011 on the US), there is a sense that it is increasing and developing in new ways across the global North. This section explores how key debates on spatial informality originating from southern contexts have the potential to translate beyond these, showing how a focus on the agency of actors has emerged from earlier discussions which have tended to focus on structural factors, particularly relating to the role of the state.

The state, and its role in the production of urban informality, has been a key focus in debates on southern cities. Early research on informal urban settlements in Latin America highlighted the productive capacities and rational reactions of such communities (e.g. Turner 1972), presenting informality as a product of state incapacity or unwillingness to provide low-income housing. This argument was extended further by Perlman's (1976) research in Brazilian favelas, suggesting that urban informality reflected a process of marginalisation which directly benefitted dominant political and economic classes. Building on this, later work has contended that a primary cause of urban informality is the formulation and enforcement of inappropriate laws and

³ These interviews were undertaken as part of a larger project in London, Manchester and Sheffield, which in 2015 interviewed 28 individuals from the following groups at national and local levels: housing and migrant support charities; local authorities; and experts (academics, independent researchers).

⁴ This research has yet to be completed. In general, a key methodological limitation with such research is the 'hidden' nature of informal housing in northern contexts (cf. Durst and Wegmann 2017).

⁵ In all, 22 media reports were analysed, dating from 2007 to 2013, from sources including the BBC, The Economist, The Daily Mail, The Guardian and The Telegraph, and local media. Relevant policy announcements from the DCLG were also reviewed, along with policy briefings from the Migrants Rights Network, Shelter, Liberty, the Housing and Migration Network, and the Housing Rights Service.

regulations which criminalise the efforts of poor people to house themselves (Hardoy and Satterthwaite 1989). This resonates with a conception of informality 'understood not as the object of state regulation but rather as produced by the state itself' (Roy 2005, 149). In this view, informality is an expression of state sovereignty as '[s]tate power is reproduced through the capacity to construct and reconstruct categories of legitimacy and illegitimacy' (ibid). However, it is usually only the forms of informality employed by the poor that are criminalised, reflecting and reproducing an 'uneven geography of spatial value' (Roy 2011, 233).

Research foregrounding the agency of informal actors as the basis for social transformation can be read a response to this emphasis on state neglect and criminalisation. Bayat's (2004, 81) conception of the 'quiet encroachment of the ordinary' suggests focusing on the 'noncollective, but prolonged, direct action by individuals and families to acquire the basic necessities of life ... in a quiet and unassuming, yet illegal, fashion'. In this perspective, organised action may play only a fleeting role, if at all, and is usually employed in defence of gains. Roy (2011, 224) identifies such accounts with 'subaltern urbanism', which portrays urban informal neighbourhoods as 'a terrain of habitation, livelihood and politics ... [and confers] recognition on spaces of poverty and forms of popular agency that often remain invisible and neglected'. However, she argues, subaltern urbanism risks overdetermining informal actors' agency, and conflates territoriality with identity, thus ascribing a 'slum habitus' to individuals (Roy 2011, 228).

The tension between agency and structure therefore remains a significant, although often implicit, current in these debates (cf. Recio et al. 2017). Seeing informality as practice may offer a way of addressing this tension. McFarlane's (2012) reconceptualisation of informality as practice, in his study of the 2005 Mumbai floods, highlights the significance of extra-legal practices undertaken by the state and developers in causing the disaster. Seeing informality as practice opens up new ways of understanding the agency of different actors in producing informality, while also taking into account structural factors, and allowing sight of the interplay between these. Building on practice theory (such as that mentioned in the introductory paper to this section, particularly the work of Giddens and Bourdieu), such a view resolves the tension between a focus on either structure or agency, seeing them both as dynamic and interacting. In the case of shed housing, it allows an understanding of how discursive framings in terms of agency may obscure structural factors, including the role of the state in setting and enforcing regulatory frameworks, but also the creation or fostering of specific legal and economic conditions which may shape the behaviour of landlords and tenants.

The next section exploits this tension to explore the framing of shed housing, focusing on 'agents' as portrayed in existing government and media accounts, and 'structural factors' relating to them (as both cause and consequence of shed housing). A practice-based perspective disrupts this dichotomy to engage with and critique simplistic

discursive framings, while also highlighting the effects of policy measures which indirectly influence housing markets.

3. Framing shed housing: Agentic and structural factors

Agentic factors: Immigration and speculation

It has been estimated that as many as 10,000 shed dwellings exist across Britain (Neiyyar, 2013). Due to the illegal nature of this accommodation, living conditions are often substandard, with dwellings lacking running water and sanitation, cooking facilities and sometimes electricity, and suffering from damp, infestation and fire risk (Britten 2007; Gentleman 2012). Responding to this phenomenon, in April 2012 the Department for Communities and Local Government (DCLG) announced the launch of a National Taskforce on Beds in Sheds to identify and address the illegal renting of outbuildings, signalling a multi-agency approach involving the police, councils, the UK Border Agency (UKBA) and HM Revenue and Customs. Relating to this initiative, between 2012 and 2015 more than £10.8 million funding was made available to local authorities. In August 2012, DCLG launched a new guide for councils on 'Dealing with Rogue Landlords', 'making clear the wide range of powers at their disposal to shut down so-called 'beds in sheds' that blight entire neighbourhoods and take action against other bad practice by landlords such as overcrowding and poor maintenance' (DCLG 2012). These powers include working with the UKBA and police to tackle 'linked criminal behaviour', and prosecuting and publicising landlords' illegal behavior (DCLG 2012), alongside the identification and processing of tenants as illegal immigrants.

While media and central government portrayals have made strong associations between shed housing and illegal immigration, my research suggested that there was diversity among tenants in terms of their backgrounds, with only a handful of illegal immigrants found in raids by the UKBA (Interview 1; see also MRN 2013). However, shed tenants are generally understood to work in low-income and precarious employment with a high degree of job insecurity. Due to substantial overlap between low-paid employment and migrant communities, interviewees acknowledged that immigration may be one factor among several contributing to shed housing. While some such tenants may be at risk of homelessness, their employment may offer the prospect of economic and social mobility, bolstered by cost savings from low rent. In some cases, beds in shed housing are rented in day and night shifts, reflecting the long working hours of tenants while also maximising landlord income (Interviews 4 and 5).

Certainly, shed housing appears to offer individual landlords the potential to reap vast benefits. Stories of landlords' profits abound, with the Citizens' Advice Bureau estimating that "rogue landlords" have a rental income of around £5.6 billion a year (Citizens' Advice 2015), and some cases resulting in criminal charges (e.g. Jones 2015). My research suggested that landlords are often homeowners who illegally subdivide or extend an existing property in response to local demand for rental housing. In the lightly

regulated private rental sector, deterrents like fines and prosecution and the risk of enforcement may be outweighed by the potential profitability of this type of housing.

Such speculative activities cannot therefore be understood without an appreciation of the wider housing context, and specifically the changing private rental sector (PRS). Rising housing prices, declining access to mortgage finance, flatlining levels of social housing construction, and historically low levels of private housebuilding have all contributed to the current housing shortage in the UK. This has placed pressure on the private rented sector, which has increased from 10% of total UK housing in 2002 to 19% in 2015 (CIH 2016). In the PRS, the restriction on supply leads to 'classic speculative approaches to rent-setting that seek to maximise landlords' returns while they can be achieved' (Field 2014, 356).

Seeing 'informality as practice' thus suggests that a full understanding of agentic factors must account for the housing (sub)market context in which they exist, and the effects of structural factors therein. On the one hand, shed housing offers opportunities for tenants to lower housing costs by accessing inferior accommodation at lower-than-market rents, in a context where a significant sub-market of low-income PRS tenants lives in precarious and poor quality rental housing (Rugg and Rhodes 2008). On the other hand, interviewees saw shed housing as indicative of a lack of affordable alternatives, in keeping with MRN's (2013) suggestion that it is 'a symptom of the national shortage of affordable housing ... prevalent in places where low-paid jobs are available but there is not enough low-cost living accommodation'.

Structural factors: Welfare and immigration reform

While macro-economic and housing policy issues directly affect the supply of affordable housing, my research suggested that reforms to the welfare and immigration systems have also increased pressure on the private rental market and specifically shed housing. Welfare reforms have increased poverty among already vulnerable populations, affecting tenants' capacity to meet rent payments and potentially leading to 'increased concentrations of the poorest households in the poorest quality accommodation' (Birch 2013). However, these reforms have also been accompanied by a focus on immigration, driven by political objectives, with indirect effects on housing for low-income groups.

In recent years, the UK government's welfare and immigration reforms have gone hand-in-hand as part of an ideologically-driven neoliberal project to 'build a stronger, more competitive, economy that will secure a better future for Britain' (DWP 2014). Benefit reforms brought in by the Conservative-Liberal Democrat coalition (2010-2015), and expanded and intensified by the subsequent Conservative administration, aim not only to make the benefits system more efficient and reduce the overall welfare budget, but to secure immigration-related objectives, such as '[making] sure migrants wanting to come to this country do everything they can to find a job and stay in work' (DWP 2014). For example, from April 2014, the withdrawal of Housing Benefit from

new EEA jobseekers claiming Jobseeker's Allowance (JSA) affected European migrants looking for work, potentially forcing them into the lower end of the private rented sector due to a lack of other affordable accommodation (Interview 1).

Additionally, other benefit reforms have affected the lowest end of the private rental sector. For instance, the so-called bedroom tax or 'under-occupancy charge' (April 2013) affected social and council housing tenants occupying houses considered to be too large for their needs by reducing the amount of housing benefit they are paid. There is some evidence to suggest that in the face of increasing restrictions on housing benefit, local authorities are more likely to try to place those in priority housing need in the private rental sector, thus compounding downward pressure there.

The private rental sector is also being directly affected by immigration reform. The 'Right to Rent' scheme, introduced in the Immigration Act 2014 and implemented in February 2016, transfers some responsibility for immigration enforcement onto private landlords. Under this scheme, all private landlords (of which there are 1.8 million in England) are required to carry out immigration checks on prospective tenants (Muller 2016). Under the new Immigration Act (May 2016), the penalties for landlords renting to tenants without the correct immigration status include an unlimited fine or up to five years in prison. An evaluation of a pilot scheme in 2014-15 suggested it would generate discrimination against people who *appear foreign* (Interview 9; JCWI 2015). Moreover, respondents suggested that these requirements represented an additional obstacle for tenants, in some cases forcing them into substandard rental housing where landlords are less likely to carry out checks (Interviews 1 and 8), such as shed housing. Here the notion of 'informality as practice' suggests that an understanding of structural factors influencing the lower end of the housing market must go beyond housing policy and macroeconomic issues, to account for other policies which may indirectly affect how low-income and vulnerable groups operate within the PRS.

4. Conclusion

Framing informality primarily in terms of agency risks obscuring the role of structures in producing and reproducing it, including the conditions of inequality from which it arises. In the case of shed housing in the UK, the continued pinpointing of 'illegal immigrant tenants' and 'rogue landlords' in media and government accounts prioritises agentic over structural factors, but also supports the idea that urban informality is a 'product of culture' rather than of structural inequalities, potentially feeding into racial stereotypes and anti-immigration rhetoric. Meanwhile, this focus on agency leads to individualised and punitive enforcement approaches which draw attention away from generative conditions of housing inequality, while also potentially reproducing these, for instance by driving up rental costs at the bottom end of the sector.

Drawing on debates from the global south, seeing 'informality as practice' suggests a broader and more nuanced understanding of the interaction of both agentic and

structural factors involved in the production of 'beds in sheds'. These include a growing private rental sector, a lack of affordable housing accompanied by low levels of pay and increasing levels of housing need among low-income populations, but also welfare and immigration reforms and their effects on housing markets and the agents involved in these. In the case of shed housing in the UK, seeing informality as practice suggests questioning simplistic assumptions linking informal housing and immigration. It offers a way of unpicking elements of the debate to suggest that urban informality in the UK is not a product of immigration or its agents per se, but rather an expression of the poor housing conditions in which migrants (and others) may find themselves due to structural constraints. In particular, the indirect pressure on housing sub-markets created by welfare and to an extent immigration reforms narrows the housing options available to low-income tenants in certain conditions, leading to 'innovative' market responses such as shed housing produced by landlords at the lower end of the market.

Seeing informality as practice in this context also allows a better understanding of the roles of diverse actors in producing and responding to it. In this reading, urban informality in the UK is an extra-legal or deregulated practice perpetuated not just by landlords in the PRS, or low-income tenants, but also by businesses in the UK who rely on low-wage workers, as well as potentially by an inefficient and chaotic migration service that frequently acts counter to legality (Liberty, 2013). While methodological limitations mean that the quantitative significance of shed housing can only be estimated, in qualitative terms its existence points to wider structural issues generative of urban informality in the global north. However, media and government portrayals of shed housing as an immigration issue – despite the fact that its informal nature is based on housing, planning and building laws rather than immigration status – suggests its mobilisation in the service of wider ideological agendas relating to austerity and immigration. This suggests a need for theoretical debates more generally to keep sight not only of the diverse factors involved in producing informality and the interplay between them, but also the role of the discursive mobilisation of 'informality' in specific contexts, and how this relates to prevailing political debates.

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