

The rise and fall of the houses of Attefall? Effects of reduced building regulation in coastal municipalities with large numbers of second homes

Keywords: second homes, building regulations, coastal sustainable development

Abstract

Sweden is nowadays a country of housing shortage and the latest changes of the Planning and Building Act are intended to simplify an increased house-building. The Swedish Parliament thus decided in July 2014 to allow a new type of house; the so called “attefall house”, named after the answerable minister Stefan Attefall. In most cases only an application to the municipality followed by a starting permit from the building committee is needed without involving the neighbours, but in some special cases an ordinary building permit is still needed. The political cause to ease restrictions was to make it easier for house-owners to build and to let rooms in times of housing shortage, especially in the metropolitan areas. The national association of Swedish house-owners thus calculated with 200 000 new possibilities of dwellings for rent. The “attefall house” is however intended for second home use as well as permanent living. According to a questionnaire by the Swedish Television, the number of applications related to independent complementary dwellings, is negligible (totally 19 applications) in the three greatest cities in Sweden; Stockholm, Gothenburg and Malmö during the first year of the reform. The main part of the 5150 approved applications are connected to guest-houses etc. The interest has been topmost in municipalities well-known for large numbers of second homes. The article discusses the outcome in these kinds of coastal areas.

Introduction

Attefallshus [attefall house] was one of the new Swedish words, together with for instance *mobilzombie*, published on the list of new expressions in the year of 2014 (Språkrådet, 2014). The origin of the term “attefall house” is connected to the non-socialist minister at the time, Stefan Attefall. A parallel phenomenon is *friggebod* [frigge shed] named after another non-socialist minister, Birgit Friggebo in the late 1970s. The ministers’ political ambitions were in both cases to reduce “bureaucratic fuss”. Ordinary people should not be stopped in their ambitions to improve their property by rules without cause. So what happened?

The *friggebod* could probably be seen as a success from the start amongst the average Swedish house owner; still after forty years a popular possibility to build one or two small complements (altogether 15 square metres) close to the ordinary building without a building permit. The dimensions are too small to correspond to an ordinary dwelling due to the building regulations, but in cases of small projects such as garages, greenhouses or guesthouses the reform in general serves its purpose well, to reduce administration and costs. But what about the initiative of minister Attefall? The political ambitions in this case was extended. Besides to facilitate the house owner’s private plans, the government saw a possibility to deal with a growing housing shortage, especially in the metropolitan areas of Sweden.

The attefall reform meant for the private house-owner the possibility, without a building permit, to build at most one freestanding building with the size of 25 square metres and total height of four meters allowed to be a fully equipped dwelling or a complement building. It was also possible to make an extension of 15 square metres and to add two dormers to the

main building, and to arrange another dwelling in the house. Instead of a building permit the house-owner had to send a building report [byggnämnan] to the municipality and to await a starting permit [startbesked] before starting to build.

The changes of the Planning and Building Act according to the attefall reform, gained legal force in July 2014, with the election to the Swedish Parliament coming up in September the same year. The reform meant more opportunities for the private house-owner to avoid a building permit from the municipality when building a complete extra dwelling, possible to put on the housing-market. Consequently the national association of Swedish house-owners calculated with 200 000 new possibilities of dwellings for rent (Villaägarna, 2014).

In March Minister Attefall presented the bill to the government, and the very same day he and his colleague the Minister of Finance visited the first prototype of “attefall houses”, designed by the company *Sommarnöjen* [Summer cottages] and casually placed at a square in central Stockholm (Regeringskansliet, 2014). Perhaps the company’s name should be understood as a hint about what was to come.

After six weeks of the attefall reform in force, a nationwide newspaper published the result of a ringing around to eleven of the biggest municipalities in the country (Andersson 2014). According to the answers, 40 house-owners had reported an interest in building an attefall house so far. In Stockholm, ten building reports were sent in to the municipality, and in Malmö, the third biggest municipality the number was three. Answering staff said people were most interested in expanding their houses. The general opinion was; too poor information, many house-owners thought they needed no permit from the municipality at all, and the number of reports were low. Directly after, the author of this article phoned ten coastal municipalities, all known to be well-supplied with second homes¹. These municipalities stated a total volume of fully 260 attefall building reports.

For coastal areas of national interest due to natural and cultural assets the Swedish Parliament has codified particular conservation regulations in the Swedish Environmental Code (1998). Statistics Sweden (2005) showed that in spite of the regulations in the Code a strong growth of second homes was going on in the areas outside the population centers in protected coastal areas. Development is not legally forbidden, since the areas are not intended to be nature reserves in general, but the municipalities must safeguard the national interests as part of a sustainable development. A previous study (Persson, 2014a) analyzed almost 70 current comprehensive plans, in coastal areas protected by the Code. The study showed that planning practice varies quite a lot, in spite of the same legal applicable framework. No uniformity is seen in the way Swedish coastal municipalities view vacation house development or the lack thereof, either in relation to how the concept should be used or how such development should be handled in the years to come. The concept of vacation housing has over time also been influenced by ideas of comfort and modernity, see (Persson, 2014b).

Environmental dimensions of second homes have been discussed for instance by (Andersen, Christensen, Jensen, Kofoed & Morthorst, 2008; Goble, Lewis, Hill & Phillips, 2014; Hao, Long, & Hoggard, 2014; Huhtala & Lankia, 2012; Jeong, García-Moruno, Hernández-Blanco, & Jaraíz-Cabanillas, 2014; Lanza, & Randazzo, 2013) and in relation to housing, real estate and investment policies as well as within life course investment and consumption strategies (Bhattacharya & Kim, 2011; Bianco, 2006; Hall, 2005; Hall and Müller, 2004; Jurinsky, 2010; McIntyre, Williams, Daniel & McHughl, 2006; Norris, Paris & Winston, 2010;

Oliveira, Roca & Roca,2013). For second homes in relation to planning, policy and governance, see Hall, (2014).

The difference in outcome of attefall measures as mentioned above, depending on used principle to select municipalities to ask, lead up to this article. The research question is: What effects do the attefall reform have for valuable coastal areas with great vacation housing?

Used research design is data triangulation of different data sources, and the method is content analysis (Denscombe, 2007). The first part of this article starts out from the legal context of the attefall reform. In the second part inventive market acting is explored according to the easing-off building regulations. The third part deals with municipal practice and discusses national supervision as well as the results of the data analysis. The final section concludes with a discussion of the results and I argue that the attefall reform as a side effect could be a risk to sustainable development in coastal areas.

Legal context

When the proposal of the attefall easing-off was circulated for consideration it proved to be controversial. The legal examiners, the Council of Legislation (Lagrådet, 2014), objected strongly to the proposal as a whole; too fast a preparation of the proposal and serious shortcoming in factual matters. The Council emphasized that viewpoints from other bodies, to which the proposal was submitted to, hardly were answered on grounds of fact and that many of these bodies had objected to the proposal. The Council also thought an introduction of a starting permit instead of a building permit, would not lead to any simplification in handling, but to a possibility for the building proprietor to diverge from a detailed plan. The latter could risk the legal system since the proposal allowed the attefall house to be built without consideration of the legal plan in force. In the opinion of the Council, the right of a neighbour as property owner was cut down since according to the proposal, the neighbour would have no right to appeal against a starting permit before the municipal decision, only if the distance was too close; municipal supervision afterwards at the request of the neighbour was not enough.

The apprehension from the Council according to the new legislation gained in the main no hearing. A strong majority, across the party dividing-lines of the Swedish Parliament, voted for the bill in June 2014. The new legislation was in operation from the second of July the same year (PBL, 2014). A main argument for the bill was freedom for the house-owner. This argument was in line with the shift in political ideology since the 1980s and the emergence of New Public Management (NPM). Among the policy tools are, as pointed out by (Mäntysalo, Saglie & Cars, 2011), public-private partnerships and market actors having an active role in detailed planning and development projects, see also (Andersson & Magnusson Turner, 2014; Christophers,2013; Holmqvist & Magnusson Turner, 2013). According to the attefall reform, private house owners were supposed to contribute to the settlement of an accumulated housing shortage, a situation earlier set to work at by heavy state initiatives, see (Hall and Vidén, 2005). For international diversity of building regulations see (Baiche, Walliman & Ogden, 2006; Heijden,2009, Heijden 2010; Heijden, Visscher & Meijer, 2007; Pedro, Meijer & Visscher, 2010).

Inventive market acting

A publisher saw a chance to commission 25 of “the most innovative architect’s offices” in Sweden to contribute to new ideas of dwelling with one proposal each (Wrede & Issit, 2014). The preface to the book states that the Attefall house could be seen as a step towards a more expressive architecture. One of the most spectacular ideas in the book could be the suggestion of a house in three levels including 20 “capsules” for individual dwelling, intended for students with inspiration from “capsule hotels” in Tokyo. Another way of stretching the mental borders is the proposal to dig one’s way down into the ground suggesting a house placed 90 centimetres below the ground level in order to maximize the space. A third example of an exceptional attefall house starts from the idea of co-operation amongst neighbours, a condition for the proposal to be thinkable at all. The house is described chameleon-like, both house and fence at the same time, both elongated space and a way off shutting off the garden from people’s view. And the location is suggested to be in small isolated enclaves fenced in.

A main building is required at the property before an attefall house is legally allowed to be built. In line with this, land parceling is not allowed after an attefall house is being built. The property market found however a creative solution on this matter. The Swedish public service broadcaster (SVT, 2015) reported accordingly that attefall houses were offered for sale in form of expensive co-operative flats. This appeared to be a new way for building companies to get more dwellings in a site and by that make more money.

The Broadcaster reported further (SVT, 2016) about the selling of about fifty prefabricated attefall houses from a company as an example of different solutions at the housing market. As could be expected, the comment from an economical-political left-wing representative was that attefall houses were no solution of shortage of flats with right of tenancy, for people with ordinary incomes. Likewise expected was the idea of a liberal economical-political representative that attefall houses were a possibility to more independence, for people and actors and allowed them to build as they wanted.

A municipally owned housing company in Central Sweden found another way of using attefall houses (Ljungmark, 2016). The size and design with lower costs as result could be useful in times of housing shortage for categories such as students, immigrants and other more temporary dwellers. The company accordingly decided to build 100 attefall houses for rent to refugees and others in need of a temporary dwelling. In this case the houses were not intended to be complements to any main buildings since a ten houses at the same time were planned to be built in the same area. Regular building permits therefore were needed. The attefall house is in this case just a name of a product at the market, a prefabricated design. The MD of the company stated by the way, that the size of 25 square metres would be a suitable dwelling of four adults or two adults with up to three children as a dwelling.

Municipal practice

National supervision

As part of the follow-up of legal adaption, the National Board of Housing, Building and Planning (Boverket, 2016a) reported the result of a questionnaire to the county administrative boards and the municipalities; 86 % of the 290 Swedish municipalities answered. As part of the questionnaire municipal experiences were asked for of the attefall reform so far. Most answering municipalities, 52 % (Boverket, 2016b) found the legislation simple to interpret and to apply. But the rest of the municipalities experienced difficulties and obscurities concerning legal application.

A problem pointed out by the building committees, concerning attefall measures, was that the applicants did not understand that a mandatory report to the committee meant reconsideration; a need of sending in documents and to await the starting permit from the municipality. The municipalities therefore asked for an enlarged guidance to the public. It was not unusual that several discussions were needed between the building proprietor and the municipality staff to reach alternative solutions at the local spot. But 57 % of the municipalities did not at any time refuse to execute a starting permit.

The municipalities in general expressed that building proprietors felt cheated by the talk of exception from building permit, since the costs and the handling seemed to be as heavy as an ordinary building permit. The majority of the building committees and building proprietors thought the legislation to be far too bureaucratic, especially according to the starting application at occasions of the main building also being under construction.

The municipalities also highlighted a wish to obtain an integrated application across municipal borders, since different interpretations were made in different municipalities. There were however examples of co-ordination and officials in charge of the matters meeting for discussions. A number of indistinct scenarios occurred and many questions were dealt with ad hoc. New issues were coming up not expected in advance. Guidance for the municipalities, to interpret the legislation in the same way within the country, were asked for as important and urgent.

One motive to the attefall reform was to lower the housing queue. The Board stated that in comparison to the big housing shortage above all in the metropolitan areas the changing of the law had a marginal effect. According to the questionnaire (Boverket, 2016a) the outcome was totally 434 new buildings in the whole country, meaning that fully 8 % of the starting permits concerned complete dwellings for permanent living (434 of 5247) during the first half-year (2014).

Another reason to change the law was to simplify the legislation according to the individual and to widen the freedom to decide over own property. The Board called attention to the continuous big amount of incoming questions about attefall houses, and doubted the law had led to the intended simplification for the individual.

According to the Board (Boverket, 2016c) attefall measures are not included in statistics from Statistics Sweden concerning already begun dwellings. There are no other statistics showing the actual building of those kinds of houses so far.

Analysis of data sources

Four data sources are used in the analysis;

1. Basic data from the Board's questionnaire (Boverket, 2015)
2. Basic data from the Swedish public service broadcaster's questionnaire (SVT, 2015)
3. Own questionnaire to fourteen municipalities
4. Own selection of starting permit lists from five municipalities

The Board published open data from the planning- and building questionnaire (Boverket, 2015) providing data source 1, being analysed by the author. The data for 2015 is further analyzed from a coastal perspective:

According to percentage of answers, 81 % of municipalities within valuable coastal areas², participated in the questionnaire (54 of 67). The percentage of answers for the rest of the Swedish municipalities was 94 % (210 of 223). The total number of *building reports* were 13 556 during 2015; 45 % of them were located in valuable coastal areas and the rest in remaining municipalities.

A little less than half of the building reports were thus handled by coastal municipalities representing, in this questionnaire, a fifth of the answering municipalities. Seven of the top ten municipalities, handling most *attefall* matters, were coastal municipalities. The municipality of Norrtälje had the highest number of all building reports but no complementary dwellings were reported. The second highest position of building reports were held by Värmdö municipality, one complementary dwelling reported. The highest number of building reports concerning complementary dwellings were 110 in Gotland and 57 in Varberg.

The Swedish public service broadcaster (SVT, 2015) carried out a questionnaire to all Swedish municipalities and asked for the total number of *starting permits* and of complementary dwellings during the period of 2014-07-01 to 2015-04-30. The author of this article has shared the basic data and analysed it further, providing data source 2.

According to percentage of answers, 73 % of municipalities within valuable coastal areas, participated in the questionnaire (49 of 67). The percentage of answers for the rest of the Swedish municipalities were 71 % (158 of 223). The total number of starting permits connected to *attefall* housing were 5150 in the whole country. Half of the matters were the responsibility of the 49 coastal municipalities, and the other half was spread amongst the remaining 158 municipalities. The coastal municipalities represented hardly a fourth part of the answering municipalities, but handled as many *attefall* starting permits as the remaining fully three quarters. Eight of the top ten municipalities handling most starting permits were coastal municipalities. Concerning starting permits of complementary dwellings in the 49 coastal municipalities the number was 228 projects; the other 158 municipalities handled 281 projects. That means that 45 % of all starting permits concerning complementary dwellings, were handled by coastal municipalities.

The two questionnaires 1 and 2, providing data source 1 and 2, are not comparable, partly because they refer to different periods of time, and partly because one is referring to building reports (Boverket, 2015) and the other to starting permits (SVT, 2015). But the result of each analysis indicates the same, a situation of coastal municipalities handling a great many more *attefall* related matters than other municipalities.

Own questionnaire about the handling of *attefall* building reports, providing data source 3, was sent to selected municipalities³ within areas protected by the Environmental Code representing coastal areas in west, east and north of Sweden; all municipalities well known for great numbers of second homes. The municipalities could supply data concerning the number of building reports during 2014 and 2015. Questions about amount of measures concerning location in an area of special protection due to cultural and/or environmental qualities, area of national interest of any kind, protection of public access to beaches or a suggested location to close to the neighbours, were however in general not possible to answer. The structure of the

data seemed in general not to be adapted to these kinds of cross information; in the same register there was seldom or never notations about these conditions. In all these cases the law however implies the municipality to change from handling a simple starting permit to handling a more demanding building permit.

To get information afterwards about changes in matters, a new search is needed in other sources. The most common answer from municipal representatives, to the questions of how many measures changing from starting permit to building permit, is therefore that information of this kind, is not easily connected from other sources in the digital system. A municipal representative also explained that the reason is, that the measure gets a new name in the digital system, and the two measures are not compatible.

Norrtälje municipality stated 8 % and Haparanda 6% of building reports concerning the matter of protection of public access to beaches, and therefore demanding permit according to the Code. The majority of the other municipalities were unable to answer for the reason of lack of register information.

The amount of building reports within areas with a legal regulation plan [detaljplan], was highest in two west coast municipalities, Falkenberg and Varberg. The municipalities are known to have a good size of older regulation plans from the great expansion of second homes before the restrictions were codified in the Environmental Code. The main part of the remaining municipalities could not answer because of the register structure.

The Planning- and Building Act is a decentralized law; municipalities have a large influence over the application. It is also up to the municipalities to organize their work from local routines. The information about the number of measures and what kinds of is official, but not available in practice without assistance from the staff, operating the digital register at the local housing and building office; they have to prioritize in relation to other tasks for instance ordinary building permits. The way of describing the handling situation is varying. The following quotations from two different municipalities each with a big number of measures show the span:

A new type of matters [was] introduced without any big planning in advance, many uncertainties [exist] about how to handle, [one] experienced [the legislation was] not thoroughly gone through; with a “building permit checking” despite being something simple and facilitating the building of new dwellings. In many cases it had to do with measures carried out without any permit and afterwards injunctions, leading to further processes concerning abolitions. A lot of extra work for the staff, supposed to work with other things as ordinary building permits. No larger simplification. The number of [attefall] measures has a continuous influence on [other] remaining matters with prolonged handling (Informant number 1, own translation).

We have been working with the process in general during several years; we introduced electronical service to make things more effective. The handling as a whole is run digitally and it is a faster way of handling and we also do this with [attefall] building reports. At the website there is a guide for the electronical services. We have got negative reactions about the system not to be so user-friendly, but we bought a completed system. In the positive is that it is an easy

and smart way to give feedback to the customer (Informant number 2, own translation).

Figure 1. Location of the selected municipalities.

After a building report the next step in the process of handling, is the municipality's examination of conditions according to the law, and after a decision of approval, a starting permit, is being issued. Data source 4 was constructed by asking some of the selected municipalities above, for their starting permit lists from 2015.

The municipalities represent two at the west coast, Varberg and Halmstad, two at the east coast, Karlskrona and Norrtälje. The municipality of Gotland, with the greatest number of building reports according to complementary dwellings in the questionnaire of the Board, was also asked to send in the list of starting permits. The collected lists of starting permits show that municipal handling of applications firstly list date of building reports sent in, date of decision of starting permits, kind of measure, name of property and applicant; rarely any other place related information is connected to the same register.

According to the going-over the starting permit lists of the five municipalities the organizing of matters showed both similarities and differences. All lists followed in principal the legal division of complementary dwelling [komplementbostadshus], complementary building, [komplementbyggnad], extension [tillbyggnad], dormer [takkupa] and fit up another dwelling in the same house [inredning av ytterligare en bostad]. There are examples of additional local terms. Also divergences and inconsistencies could be found in filling in the same register according to designation of a matter, in a separate municipality or other. The explanation to this has probably to do with several members of the staff putting and/or taking information into the same register. When finding obscurities in a list the author took a renewed contact and asked for a copy of original report form and/or drawing.

In general the address of the applicant was the same as the building site of the starting permit. Sometimes there was however a connection to a supposed permanent address elsewhere. In the latter case it could be a strong indication of the starting permit being aimed for a second home living. Sometimes the register contained an explicit note of the building being a second home. According to local tradition some municipalities also separated complementary dwellings for permanent respectively vacation use (Varberg) and several noted complementary buildings used as guest houses [gäststuga] from the rest of complementary use.

Figure 2. Design of an attefall complementary dwelling, Gotland municipality.

Two of five, Norrtälje and Karlskrona, stated the municipality did not have any applications concerning complementary dwellings. All seven complementary dwellings noted in Gotland had house owners/applicants with addresses in the mainland of Stockholm. In Halmstad three of fifteen applicants had addresses connected to Halmstad municipality, the others had addresses outside the county, mainly in the neighbouring county. In Varberg all 47 starting permits concerning complementary dwellings were connected to second homes, none were categorized as intended for permanent dwelling. Varberg was the only municipality to specify in that way. The total number of starting permits in 2015 regarding complementary dwellings, presumably in connection to vacation housing, were thus in these five coastal municipalities 66 out of 69.

Table 1. Comparison of building reports and starting permits from five municipalities

A comparison, of the list of *building permits* sent to the Board with the list of collected *starting permits* from the five municipalities, shows the best correspondence between expectation (building report) and realization (starting permit) according to complement buildings. This indicates an interest in a property development of own use. The biggest difference exists according to extensions of main buildings. Further examination is needed to find out, why the latter measure differentiates the most. When looking at the amount of expected complementary dwellings versus realized houses, a conspicuous difference is between Varberg (close to expectation) and Gotland (far from expectation). This would be of interest to investigate deeper.

Conclusion

According to the intended effects the attefall reform is no success; nor any increased supply of dwellings in metropolitan areas and neither any simplification for the individual. So what has come out of the reform? So far there seems to be not so much notified about problems within neighborhoodliness or with beach protection. Presumably it is too early to say since legal cases take their time and sometimes municipalities have pragmatic ways of handling such things before the matters go to far. Some assertions could still be made depending of the position of the observer.

As for the individual house owner, despite more or less experienced further fuss with the authorities, an undoubted advantage is the reform supporting development of own property, especially in attractive areas within a profitable property market; probably the reform also stimulates local economy and building companies. The role of second homes as consumer products and part of local economy have been discussed by for instance Hall and Müller (2004).

Despite not all building permits leading to starting permits, especially coastal municipalities have to handle an extensive number of attefall measures. The readiness seems to be varying and can be dependent of different elements connected to political purposes, resources and local conditions. Interchange of experiences seems necessary and the question is which part is most suitable to do so, the local, regional or national level or a combination?

Despite an apparently small matter the effect of attefall measures seems sometimes hard to master, when the allocation of resources is stretched. Supporting digital means at local administrative level vary and seems to be designed to fit a general commercial market, rather than to facilitate current handling and control. The very fast way of changing the law, within half a year, took many municipalities with surprise, already strained by a heavy load of ordinary building permits. According to the two quotations from practice, first answer indicates that the situation is experienced as “messy” both by the public and by the staff, and a situation with no resources to long-time work. The second answer is connected to an apprehension of the municipality to deal with customers at a market of services in line with NPM.

As expressed by Goble, Lewis, Hill and Phillips (2014:1): “The coastal environment is constantly under pressure and management actions, policies and legislation need to ensure the protection of this unique environment”. Even a limited analysis, as presented in this article,

indicates that Swedish municipalities in valuable coastal areas are handling disproportionately many attefall measures. Most unsatisfying is the general lack of comprehensive readiness to evaluate the long-term effect of the attefall reform in proportion to sustainable development of valuable coastal areas at all levels.

With an election to Parliament coming up it was of course politically difficult to run against the “freedom for house-owner” argument. But after all a strong motive for the Parliament to accept restrictions supported by the Environmental Code, were the apprehension of opposition between uncontrolled growth of private second home areas versus long-term safeguarding public interests along the coast, see Persson (2014a). As a whole the attefall reform could be suspected of having a neglected side effect by further weakening the intentions of the Environmental Code according to sustainable development.

Notes

¹ Borgholm, Falkenberg, Halmstad, Haparanda, Kungsbacka, Luleå, Sölvesborg, Tanum, Varberg, Värmdö

² Municipalities with restrictions according to the Environmental Code, see Persson (2014).

³ Borgholm, Falkenberg, Halmstad, Haparanda, Karlskrona, Kungsbacka, Luleå, Norrtälje, Strömstad, Sölvesborg, Tanum, Varberg, Värmdö, Västervik. Tanum was left out because of divergent reporting system.

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Boverket (The National Board of Housing, Building and Planning) publishes “open data” at the website www.boverket.se. The basic data is collected from county administrative boards and municipalities via answering the annual survey from the Board, concerning local and regional planning and building activities, for example building permits and legal supervising.

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