

Planning Committee

2.00pm, Wednesday, 2 September 2020

Short Term Letting in Edinburgh

Executive/routine Executive
Wards
Council Commitments

1. Recommendations

- 1.1 It is recommended that Committee
 - 1.1.1 notes the findings of the survey;
 - 1.1.2 supports the continued focus of Planning enforcement activity on cases where there is robust evidence of harm to residential amenity; and
 - 1.1.3 reinforces the use of the Council's reporting facility to capture the information required for Planning enforcement investigations.

Paul Lawrence

Executive Director of Place

Contact: David R Leslie, Chief Planning Officer, Place Development

E-mail: david.leslie@edinburgh.gov.uk | Tel: 0131 529 3948

Report

Short Term Letting in Edinburgh

2. Executive Summary

- 2.1 At its meeting on [28 July 2020](#), Council agreed a motion by Councillor Staniforth, as amended, to ask the Chief Planning Officer to prepare a response to issues contained in a report on commercial short term lets published by Andy Wightman MSP. This report has been prepared in response to this.

3. Background

- 3.1 Andy Wightman MSP published a report in July 2020 of findings from a survey he conducted to identify the location of commercial short term let properties in Edinburgh. The survey identified 477 properties which were considered to be operated on a commercial basis, with no permanent resident, in the period January to June 2020.
- 3.2 From the full survey data, he identified 444 properties where there appeared to be use of a communal entrance or access. He supplied a list of addresses of such properties to the Chief Planning Officer. Using Planning Enforcement information available on the Council's Portal, the survey identified that 380 of these properties appeared not to have been reported to the Council previously.
- 3.3 Of the 477 commercial short term let addresses identified in the report, the survey could only identify that one had sought and obtained planning permission for such a use.

4. Main report

- 4.1 Planning Committee considered an update on Short Term Letting at its meeting of [7 August 2019](#), in a report referred from Corporate Policy and Strategy Committee.
- 4.2 The Council has been working over the last few years to address the Short-Term Letting issue through a combination of actions identified by a Member – Officer Working Group, a Short Term Lets Virtual Team of officers to coordinate actions using existing powers across several services and discussions with Scottish

Government for further regulatory powers. These discussions are continuing in relation to proposed new powers for licensing and planning.

- 4.3 The Scottish Government has advised that it will consult very soon on proposed regulations, including those to implement the provisions of the Planning (Scotland) Act 2019 with regard to Short Term Lets Control Areas. It is understood that the Scottish Government aims to have the final regulations approved by Spring 2021, at which time the Council could consider proposing a Short Term Let Control Area in Edinburgh. This subject was included in the recent consultation Choices Report for City Plan 2030. The potential to develop new planning policy to protect against the loss of housing in the city is being considered in the preparation of the proposed plan.
- 4.4 The priority of Planning enforcement activity in relation to Short Term Let uses is on those properties believed to be operating on a commercial basis and where harm to residential amenity is being reported by neighbouring residents. This has resulted in more robust decisions, such as through planning appeals. Additionally, informal action to negotiate a use ceasing is often achieved in line with normal Planning enforcement practice. Positive outcomes are being achieved with the ending of short term letting in such properties.
- 4.5 The Planning Enforcement team has a current caseload of 286 cases under investigation, of which 56 cases relate to short term letting (data at Start August 2020).

Consideration of using the survey data

- 4.6 Using Mr Wightman's survey data without further investigation, the Planning Enforcement Team could write to each of the 380 addresses where no previous report of short term letting has been identified as a recorded enforcement enquiry. This would be a standard letter seeking information. However, there is no information about the property owner available from the survey. Without this information, experience has shown this approach to have limited success in terms of outcomes.
- 4.7 If more detailed investigation of the properties identified in the survey is to be undertaken to support a more successful Planning Enforcement approach, this would mean opening an enforcement case on each of the 380 properties. This would involve identifying whether any information is available on the alleged short term let operation at each property and seeking to identify each property owner and their home address. Opening 380 cases would more than double the current Planning enforcement caseload and lead to a delay in other enforcement action which is already prioritised.
- 4.8 While the survey findings provide an informative snapshot of a selection of properties in the city, it is a small sample of the much greater distribution of short term letting of property across the city. It does not provide detailed evidence of alleged harm to residential amenity and may include properties where no change of use in Planning terms has occurred. To use this self-selection of properties to

identify new Planning enforcement cases will divert resources and delay investigation of cases where specific harm to residential amenity has been reported.

- 4.8 The Council has consistently recommended that residents report possible breaches of planning controls by using the online form available on the Council website. This ensures that appropriate information is provided to assist the investigation by the Planning Enforcement team. This remains the most effective method of targeting resources to the priority cases.

5. Next Steps

- 5.1 The Planning service will continue to pursue existing investigations with a focus on those considered to cause the greatest harm to existing residents.

6. Financial impact

- 6.1 While continuing to pursue existing investigations will not result in any financial impact to the Council, the use of the survey data would have resource implications. There is no fee income derived from enforcement cases.
- 6.2 There is likely to be a financial impact in establishing the owners of the properties highlighted in the survey.
- 6.3 If more detailed investigation of the properties is required, there are no additional financial resources available to recruit more planning officers. Significant additional planning officer resources will need to be diverted from other areas of enforcement investigation and from planning application assessment, with a resulting impact on application performance.

7. Stakeholder/Community Impact

- 7.1 There will be stakeholder/community impact if the survey data is used and resources are diverted from other enforcement cases where specific harm to residential amenity has been reported.

8. Background reading/external references

- 8.1 Short-Term Lets – Homes First Survey Results, Briefing Paper No. 6 by Charlotte Maddix and Andy Wightman MSP July 2020.

9. Appendices

- 9.1 None.