



THE CITY OF EDINBURGH COUNCIL

Business Centre G.2 Waverley Court 4 East Market Street Edinburgh EH8 8BG Email: planning.support@edinburgh.gov.uk

Applications cannot be validated until all the necessary documentation has been submitted and the required fee has been paid.

Thank you for completing this application form:

ONLINE REFERENCE 100629976-001

The online reference is the unique reference for your online form only. The Planning Authority will allocate an Application Number when your form is validated. Please quote this reference if you need to contact the planning Authority about this application.

Applicant or Agent Details

Are you an applicant or an agent? \* (An agent is an architect, consultant or someone else acting on behalf of the applicant in connection with this application)

[X] Applicant [ ] Agent

Applicant Details

Please enter Applicant details

Form fields for Applicant Details including Title, Name, Address, and Contact Information.

## Site Address Details

Planning Authority:

City of Edinburgh Council

Full postal address of the site (including postcode where available):

Address 1:

BF2

Address 2:

18 SAXE-COBURG STREET

Address 3:

STOCKBRIDGE

Address 4:

Address 5:

Town/City/Settlement:

EDINBURGH

Post Code:

EH3 5BW

Please identify/describe the location of the site or sites

Northing

674852

Easting

324718

## Description of Proposal

Please provide a description of your proposal to which your review relates. The description should be the same as given in the application form, or as amended with the agreement of the planning authority: \*  
(Max 500 characters)

Change of use from residential to short term let (in retrospect)

## Type of Application

What type of application did you submit to the planning authority? \*

- Application for planning permission (including householder application but excluding application to work minerals).
- Application for planning permission in principle.
- Further application.
- Application for approval of matters specified in conditions.

What does your review relate to? \*

- Refusal Notice.
- Grant of permission with Conditions imposed.
- No decision reached within the prescribed period (two months after validation date or any agreed extension) – deemed refusal.

## Statement of reasons for seeking review

You must state in full, why you are seeking a review of the planning authority's decision (or failure to make a decision). Your statement must set out all matters you consider require to be taken into account in determining your review. If necessary this can be provided as a separate document in the 'Supporting Documents' section: \* (Max 500 characters)

Note: you are unlikely to have a further opportunity to add to your statement of appeal at a later date, so it is essential that you produce all of the information you want the decision-maker to take into account.

You should not however raise any new matter which was not before the planning authority at the time it decided your application (or at the time expiry of the period of determination), unless you can demonstrate that the new matter could not have been raised before that time or that it not being raised before that time is a consequence of exceptional circumstances.

Four grounds 1) The application was judged against criteria developed after it was submitted and not in accordance with the timetable notified to me. 2) No evidence was presented to justify the claim that the proposed use would have a "detrimental effect on living conditions and amenity" 3) Commercially disadvantaged vis a vis those who did not submit an application in accordance with the original timetable 4) The ongoing Judicial Review

Have you raised any matters which were not before the appointed officer at the time the Determination on your application was made? \*

Yes  No

If yes, you should explain in the box below, why you are raising the new matter, why it was not raised with the appointed officer before your application was determined and why you consider it should be considered in your review: \* (Max 500 characters)

Please provide a list of all supporting documents, materials and evidence which you wish to submit with your notice of review and intend to rely on in support of your review. You can attach these documents electronically later in the process: \* (Max 500 characters)

Copy of letter dated 9 February 2023 submitted to planning authority in response to an invitation to comment on revised draft planning framework. Statement in support of the appeal.

## Application Details

Please provide the application reference no. given to you by your planning authority for your previous application.

22/05480/FULSTL

What date was the application submitted to the planning authority? \*

31/10/2022

What date was the decision issued by the planning authority? \*

11/05/2023

## Review Procedure

The Local Review Body will decide on the procedure to be used to determine your review and may at any time during the review process require that further information or representations be made to enable them to determine the review. Further information may be required by one or a combination of procedures, such as: written submissions; the holding of one or more hearing sessions and/or inspecting the land which is the subject of the review case.

Can this review continue to a conclusion, in your opinion, based on a review of the relevant information provided by yourself and other parties only, without any further procedures? For example, written submission, hearing session, site inspection. \*

Yes  No

In the event that the Local Review Body appointed to consider your application decides to inspect the site, in your opinion:

Can the site be clearly seen from a road or public land? \*

Yes  No

Is it possible for the site to be accessed safely and without barriers to entry? \*

Yes  No

## Checklist – Application for Notice of Review

Please complete the following checklist to make sure you have provided all the necessary information in support of your appeal. Failure to submit all this information may result in your appeal being deemed invalid.

Have you provided the name and address of the applicant?. \*

Yes  No

Have you provided the date and reference number of the application which is the subject of this review? \*

Yes  No

If you are the agent, acting on behalf of the applicant, have you provided details of your name and address and indicated whether any notice or correspondence required in connection with the review should be sent to you or the applicant? \*

Yes  No  N/A

Have you provided a statement setting out your reasons for requiring a review and by what procedure (or combination of procedures) you wish the review to be conducted? \*

Yes  No

Note: You must state, in full, why you are seeking a review on your application. Your statement must set out all matters you consider require to be taken into account in determining your review. You may not have a further opportunity to add to your statement of review at a later date. It is therefore essential that you submit with your notice of review, all necessary information and evidence that you rely on and wish the Local Review Body to consider as part of your review.

Please attach a copy of all documents, material and evidence which you intend to rely on (e.g. plans and Drawings) which are now the subject of this review \*

Yes  No

Note: Where the review relates to a further application e.g. renewal of planning permission or modification, variation or removal of a planning condition or where it relates to an application for approval of matters specified in conditions, it is advisable to provide the application reference number, approved plans and decision notice (if any) from the earlier consent.

## Declare – Notice of Review

I/We the applicant/agent certify that this is an application for review on the grounds stated.

Declaration Name: Mr Steven Cannon

Declaration Date: 25/05/2023

## Statement in Support of the Appeal

I have identified four criteria as the basis for my appeal:

1. The change of use application was submitted on 21 October, and we were advised that the determination deadline was 6 January 2023. The application was considered on 11 May against criteria introduced on 13 February 2023 (i.e., retrospective to the submission)
2. The Reason for Refusal states that “the use of this property as a short stay let “will have a materially detrimental effect on living conditions and amenity of nearby residents” and “will result in an unacceptable impact on local amenity” No evidence is presented to justify these claims. On the contrary my letter in the application described the positive impact property and drew attention to the fact that only two comments had been received on the proposal.
3. The current advise suggests that if the application is refused then “you must stop using your premises as a STL within 28 days of the decision, subject to appeal” The application was submitted to meet the original deadline of 1 April 2023. Legislation has subsequently been introduced that extends the application deadline for existing hosts to 1 October 2023. In attempting to comply with the regulations I am in danger of being commercially disadvantaged.
4. The current proposals are the subject of a judicial review.

Steven Cannon LLD FRSA

25 May 2023

31 GF  
Howe Street  
Edinburgh  
EH3 6TF

9 February 2023

Dear Sir/Madam

**REFERENCE NUMBER: 22/05480/FULSTL**

Thank you for your recent communication and the opportunity to comment on how the application for a change of use at BF2 18 Saxe-Coburg Street from residential to short term let complies with the recently revised draft planning framework.

The change of use application was submitted on 31 October 2022 and we were advised that the determination deadline was 6 January 2023. I now understand from your letter that the application will be considered against criteria to be introduced on 13 February 2023. We should be grateful if you could confirm that this is indeed the case and if so why the application was not considered at the time of submission against the criteria then in place.

Notwithstanding and in response to your letter we offer the following comments.

We understand the property had operated as a successful short term let for a considerable number of years prior to our purchase. In the time since we have let the property - July 2021 - we have enjoyed an occupancy rate in excess of 80 %, a customer satisfaction score of 4.85/5 and have had no complaints from neighbours or local residents with whom we engage with in a cordial and constructive manner on matters of shared interest regarding the building. I understand that there were only two responses to the consultation that followed the change of use application. The property is relatively small and attracts couples and families. It is modestly priced compared to others in the area and attracts visitors that might otherwise look elsewhere. For these reasons I would suggest that there is no unacceptable impact on local amenity or the character of the area.

The reviews and comments posted on the Airbnb website when taken together with the requests and questions we receive from visitors, suggests a demonstrable economic benefit for local businesses.

I look forward to receiving a positive response.

With grateful thanks and best wishes

Steven Cannon LLD FRSA