



## THE CITY OF EDINBURGH COUNCIL

Business Centre G.2 Waverley Court 4 East Market Street Edinburgh EH8 8BG Email: [planning.support@edinburgh.gov.uk](mailto: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 100633035-001

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)

Applicant  Agent

### Agent Details

Please enter Agent details

Company/Organisation:	Format Design		
Ref. Number:		You must enter a Building Name or Number, or both: *	
First Name: *	Shona	Building Name:	Holyrood Business Park
Last Name: *	Mackay	Building Number:	146
Telephone Number: *		Address 1 (Street): *	Duddingston Road West
Extension Number:		Address 2:	
Mobile Number:		Town/City: *	Edinburgh
Fax Number:		Country: *	Scotland
		Postcode: *	EH16 4AP
Email Address: *			

Is the applicant an individual or an organisation/corporate entity? \*

Individual  Organisation/Corporate entity

## Applicant Details

Please enter Applicant details

Title:	<input type="text"/>	You must enter a Building Name or Number, or both: *	
Other Title:	<input type="text"/>	Building Name:	<input type="text"/>
First Name: *	<input type="text"/>	Building Number:	<input type="text" value="151"/>
Last Name: *	<input type="text"/>	Address 1 (Street): *	<input type="text" value="Buccleuch Street"/>
Company/Organisation	<input type="text" value="Mclean Properties Ltd"/>	Address 2:	<input type="text"/>
Telephone Number: *	<input type="text"/>	Town/City: *	<input type="text" value="Edinburgh"/>
Extension Number:	<input type="text"/>	Country: *	<input type="text" value="Scotland"/>
Mobile Number:	<input type="text"/>	Postcode: *	<input type="text" value="EH8 9NE"/>
Fax Number:	<input type="text"/>		
Email Address: *	<input type="text"/>		

## Site Address Details

Planning Authority:	<input type="text" value="City of Edinburgh Council"/>
Full postal address of the site (including postcode where available):	
Address 1:	<input type="text" value="151 BUCCLEUCH STREET"/>
Address 2:	<input type="text" value="SOUTHSIDE"/>
Address 3:	<input type="text"/>
Address 4:	<input type="text"/>
Address 5:	<input type="text"/>
Town/City/Settlement:	<input type="text" value="EDINBURGH"/>
Post Code:	<input type="text" value="EH8 9NE"/>

Please identify/describe the location of the site or sites

Northing	<input type="text" value="672676"/>	Easting	<input type="text" value="326202"/>
----------	-------------------------------------	---------	-------------------------------------

## 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)

Proposed change of use from flatted dwelling house to short-term let.

## 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.

Please see attached appeal statement

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)

Appeal statement

## Application Details

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

22/05126/FULSTL

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

11/10/2022

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

27/03/2023

## 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

Please indicate what procedure (or combination of procedures) you think is most appropriate for the handling of your review. You may select more than one option if you wish the review to be a combination of procedures.

Please select a further procedure \*

By means of inspection of the land to which the review relates

Please explain in detail in your own words why this further procedure is required and the matters set out in your statement of appeal it will deal with? (Max 500 characters)

To allow the members to view the application site and its environs

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: Mrs Shona Mackay

Declaration Date: 21/06/2023

**LOCAL REVIEW APPEAL AGAINST REFUSAL OF PLANNING PERMISSION, 22/05126/FUL, FOR  
CHANGE OF USE FROM FLATTED DWELLINGHOUSE TO SHORT-TERM LETTING**

**AT**

**151 BUCCLEUCH STREET, EDINBURGH, EH8 9NE**



**21 JUNE 2023**

Format Design  
Holyrood Business Park  
146 Duddingston Road West  
Edinburgh EH16 4AP  
Tel: 0131 661 7666 Fax: 0131 659 6033  
[formatdesign@aol.com](mailto:formatdesign@aol.com)  
[www.formatbuildingdesign.com](http://www.formatbuildingdesign.com)

## The Site

The property is in the South Side area of Edinburgh, a traditional tenemental, mixed-use area to the south side of the city centre, and directly south of The Old Town area of the City Centre. The property is a ground floor residential flat, a former retail unit, within a five storey corner block which is at the corner of Buccleuch Street and Buccleuch Terrace. It is located within a small former small retail group of seven units, of which only two units now remain in a commercial use.

The flat has its own direct entrance, the former shop entrance, on the corner of the tenement. The property is on two levels, ground floor (entrance level) and basement level. The upper level consists of two bedrooms, and the lower level has the main living accommodation, living room, kitchen, bathroom and one further bedroom. It was converted to residential in 2004.

## The decision

The planning authority has not provided a report of handling for this decision. All that is available is the decision notice.

The single reason for refusal is:-

***“The proposal is contrary to National Planning Framework 4 Policy 30(e) part (ii) in respect of Loss of Residential Accommodation, as the use of this dwelling as a short stay let will result in the unjustified loss of a residential property.”***

This reason is supplemented by the following statement: -

*“The change of use of this property to an STL will result in a loss of the residential accommodation. Whilst it is recognised that there is an economic benefit to the City as a whole from the provision of visitor accommodation in this case it does not outweigh the loss of residential accommodation. The proposal does not comply with the Development Plan policy NPF 4 policy 30(e) part (ii). There are no material considerations that outweigh this conclusion. The proposal is unacceptable.”*

## The appeal review response

Since the decision to refuse the application, it is of note that the recent court case relating to the licensing policy for short term lets gives significant cause to reconsider the planning policy also. In summary, *“The court found that the City of Edinburgh Council’s short-term let licensing policy was unlawful at common law and in breach of The Provision of Services Regulations 2009 for a number of different reasons. Most strikingly they found that it was not for the council, as licencing authority, to decide that a licence should not be granted just because a property is in a tenement.”*

That aside, this particular case relates to a main door flat which was originally a corner shop, converted to residential in 2004. It is within a former local commercial parade which has been diminished over the years, with only two commercial units remaining. Figure 1 below

shows a view looking east, with the commercial units, and the applicant's property dark blue on the corner.

It is a busy thoroughfare and bus route. The majority of the accommodation is at the lower, basement level. Figure 2 shows how the accommodation is arranged, with two bedrooms at the street level, and the main living accommodation at the basement level.



Figure 1: The street view showing commercial units and dedicated cycle lane

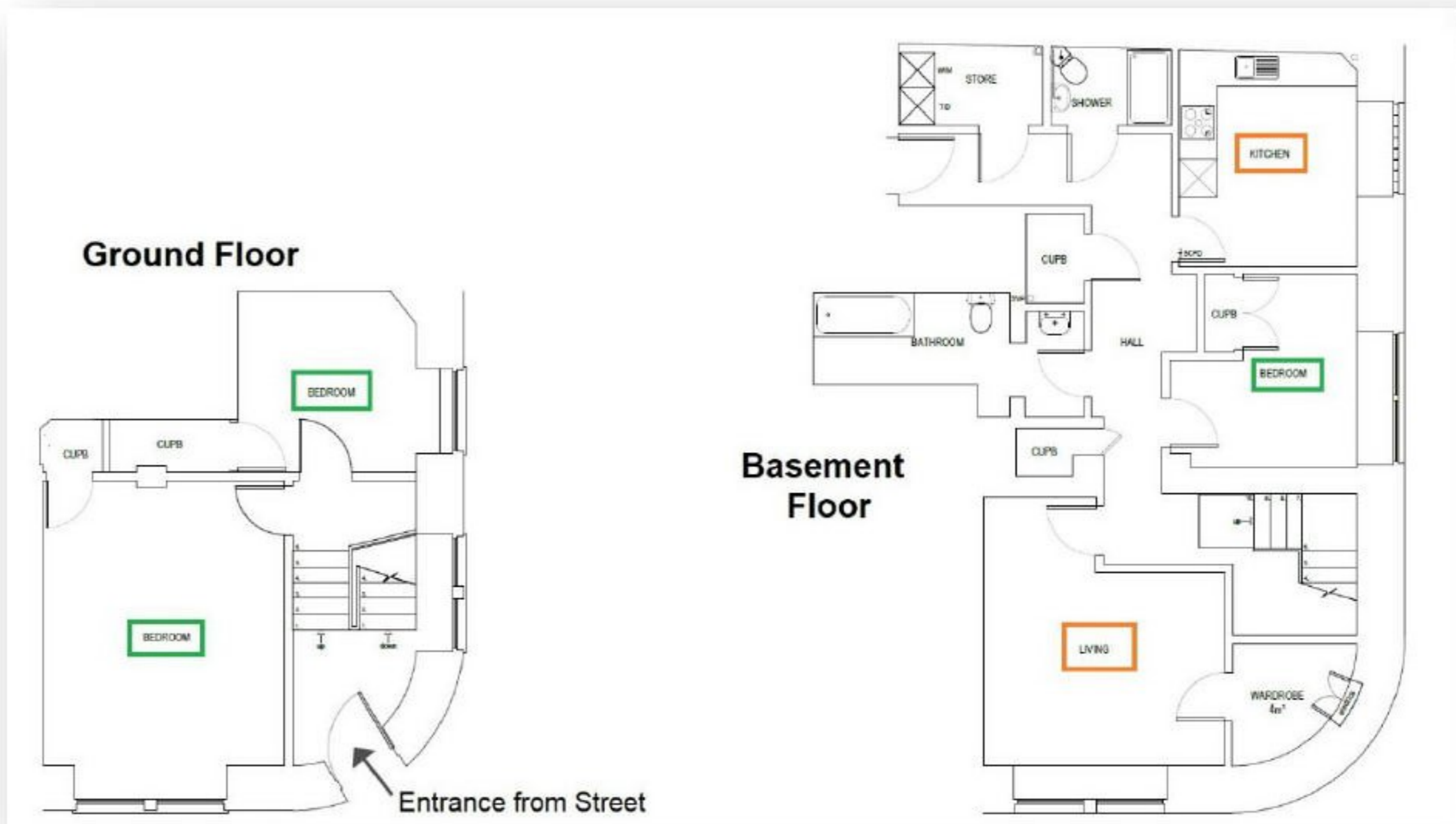


Figure 2: The floor plans (bedrooms highlighted green, activity spaces orange)



The reason for refusal is based around **Policy 30** of the National Planning Framework **NPF4**, on **Tourism**. This policy has the intent to *“encourage, promote and facilitate sustainable tourism development which benefits local people, is consistent with our net zero and nature commitments, and inspires people to visit Scotland”*.

This advises at part e) that *“Development proposals for the reuse of existing buildings for short term holiday letting will not be supported where the proposal will result in **either** i. An unacceptable impact on local amenity or the character of a neighbourhood or area; **or** ii. The loss of residential accommodation where such loss is not outweighed by demonstrable local economic benefits.”*

The argument here is that the property is far more suited to a commercial let than it is as a residential dwellinghouse. The property was originally intended as a shop, and is laid out independently of the flatted dwellings above. It has its own entrance.

The property is on a busy commercial frontage where amenity for family accommodation is not ideal. The daylight to the basement is borrowed light from the pavement level windows within the former stallriser.

It is therefore argued that the loss of the residential unit is not an adequate reason for refusal for two reasons, as **1)** this was built as a commercial unit, with its own independent access and **2)** the level of amenity is not very high for family accommodation and it has no external amenity space.

After all, the NPF4 seeks to encourage, promote and facilitate sustainable tourism development which benefits local people, is consistent with our net zero and nature commitments, and inspires people to visit Scotland. This site is very accessible being on a cycle route and bus route. It is very well located for local services and facilities and is close to the historic heart of Edinburgh, ideal for tourists who will bring revenue to the local economy.

Residential amenity has not been cited as a reason for refusal, and this was in any case well covered in the planning statement.

## **Conclusion**

Due to the fact that this is a unit designed for commercial use, and one that does not provide a very good level of residential amenity, it is presented here that the benefits of it operating as a commercial short term let outweigh the loss of a residential property.