



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 100633262-001

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: Montagu Evans LLP
Ref. Number:
First Name: * Ally
Last Name: * Campbell
Telephone Number: *
Extension Number:
Mobile Number:
Fax Number:
Building Name: Exchange Tower
Building Number:
Address 1 (Street): * 19 Canning Street
Address 2:
Town/City: * Edinburgh
Country: * Scotland
Postcode: * EH3 8EG
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" value="please refer to agent"/>
First Name: *	<input type="text"/>	Building Number:	<input type="text"/>
Last Name: *	<input type="text"/>	Address 1 (Street): *	<input type="text" value="please refer to agent"/>
Company/Organisation	<input type="text" value="LPBZ Commercial Limited"/>	Address 2:	<input type="text"/>
Telephone Number: *	<input type="text"/>	Town/City: *	<input type="text" value="please refer to agent"/>
Extension Number:	<input type="text"/>	Country: *	<input type="text" value="please refer to agent"/>
Mobile Number:	<input type="text"/>	Postcode: *	<input type="text"/>
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="1 WELL COURT"/>
Address 2:	<input type="text" value="DEAN"/>
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="EH4 3BE"/>

Please identify/describe the location of the site or sites

Northing	<input type="text" value="673900"/>	Easting	<input type="text" value="324070"/>
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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.

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 refer to Grounds of 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)

Further information provided on the character of the site, and information on the management of the property, in particular the suggestion of excluding the garden area to guests.

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)

Please refer to Document List

Application Details

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

22/05184/FULSTL

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

13/10/2022

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

28/03/2023

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

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: Ms Ally Campbell

Declaration Date: 26/06/2023

1 WELL COURT, EDINBURGH

APPEAL STATEMENT

26 JUNE 2023



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1.0 OVERVIEW

INTRODUCTION

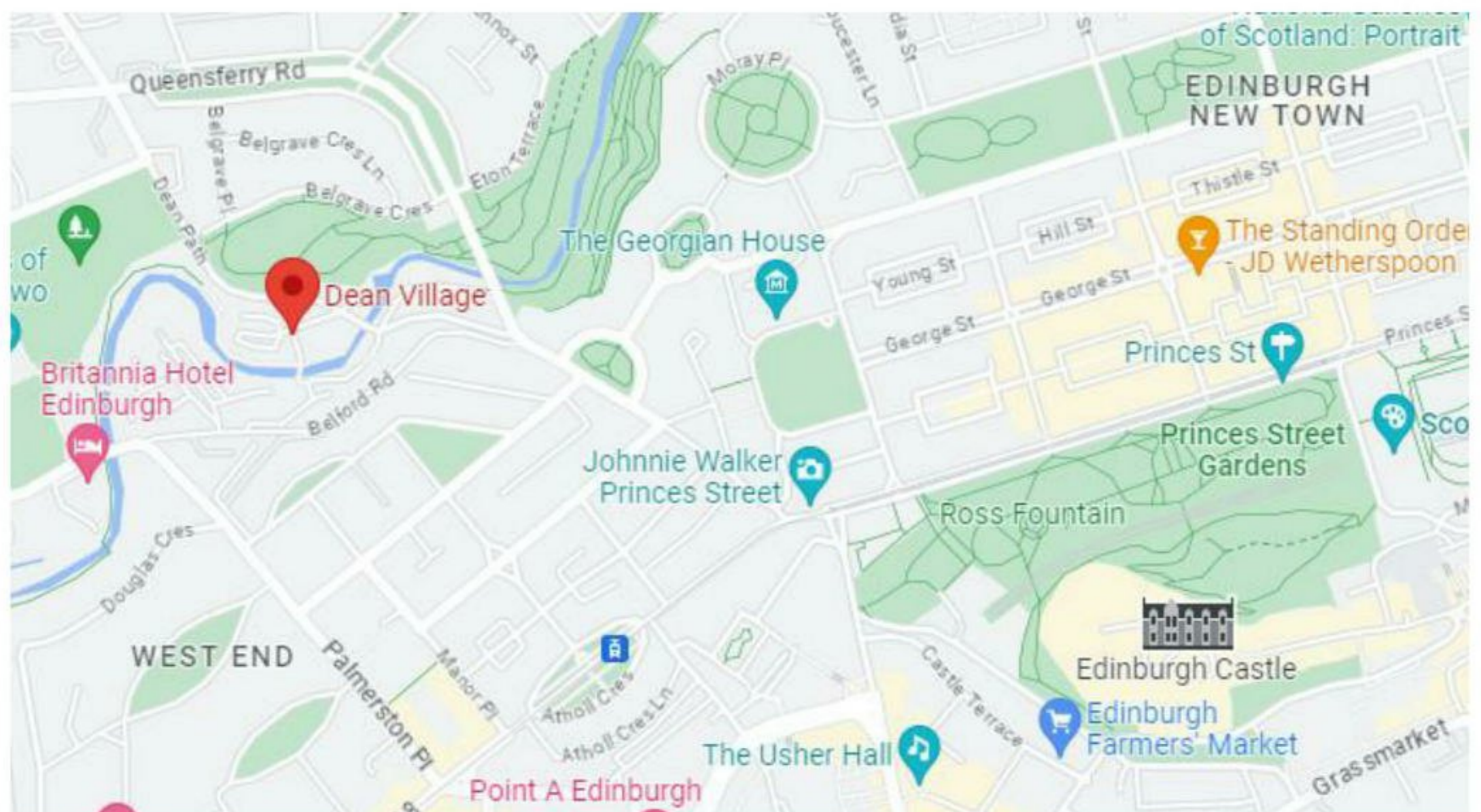
- 1.1 This Appeal Statement comprises the grounds for appeal on behalf of LPBZ Commercial Limited ('the Appellant'). It relates to an Appeal under Section 47 of the Town & Country Planning (Scotland) Act 1997 (as amended) ('the Planning Act') against the decision of City of Edinburgh Council ('CEC') to refuse planning permission ref. 22/05184FULSTL in respect of the proposed change of use from residential to short term let (in retrospect) at 1 Well Court, Edinburgh, EH4 3BE.
- 1.2 The planning application was submitted on 13 October 2022 and validated on 13 October 2022 with the following description of development:
- "Change of use from residential to short term let."*
- 1.3 The planning application was submitted on behalf of the Appellant by Montagu Evans. The planning application was accompanied by the necessary application forms, location plan, floor plan, and Planning Statement.
- 1.4 In line with requirements, neighbour notification was carried out by the City of Edinburgh Council. 77 properties were notified. 4 comments were received on the application, 3 of which were objections. The applicant was not provided with the details of the objections from the City of Edinburgh Council.
- 1.5 No internal or external consultees were notified of the application by the City of Edinburgh Council.

DETERMINATION BY CITY OF EDINBURGH COUNCIL

- 1.6 The planning application was refused by delegated powers on 28th March 2023.
- 1.7 The reasons for refusal as set out within the decision notice (Document ME 1.1) are as follows:-
1. *The proposal is contrary to Local Development Plan Policy HOU7 in respect of inappropriate uses in residential areas, as the use of this dwelling as a short stay let will have a materially detrimental effect on the living conditions and amenity of nearby residents.*
 2. *The proposal is contrary to National Planning Framework Policy 30(e) in respect of Local Amenity and Loss of Residential Accommodation as the use of the dwelling as a short stay let will result in an unacceptable impact on local amenity and the loss of a residential property has not been justified.*
- 1.8 In accordance with the Planning Act, the Appeal should be determined in accordance with the Development Plan unless material considerations indicate otherwise. The planning application documentation (Document ME 2.1 – ME 2.5) fully assessed the proposal against the Development Plan and other material considerations, finding the proposal to be acceptable.
- 1.9 This Appeal Statement, in accordance with regulation 3(34) (d) of the Town and Country Planning (Appeals) (Scotland) Regulations 2013, will set out the full particulars of the Appeal, including all matters that the Appellant considers should be taken into account in the determination of the Appeal. The documents submitted with the planning application also form the supporting material to the Appeal.
- 1.10 This Appeal Statement constitutes the Appellant's "grounds of appeal". We reserve the right to add to this statement on receipt of the Council's statement or that of any third party.

2.0 APPEAL SITE AND SURROUNDINGS

- 2.1 The site is located in Dean Village, towards the west of the City Centre and around five minutes from Princes Street.
- 2.2 Dean Village is a historic tourist attraction, and as such is listed on many of the tourist websites for Edinburgh. Visit Scotland recommends Dean Village as a historic site for tourists to visit. (<https://www.visitscotland.com/info/see-do/dean-village-p1419651>) (Document ME 4.1)
- 2.3 Dean Village is located on the Water of Leith Walkway (<https://www.waterofleith.org.uk/walkway/>) (Document ME 4.2) with Dean Village being illustrated on the Walkway website. Pedestrians and cyclists use the walkway for exercise, dog walking, both for leisure and active travel between the Roseburn and Stockbridge centres.
- 2.4 A number of offices are located in Dean Village, which adds to the mix of uses within the area.
- 2.5 Dean Village is, therefore, a busy area, particularly with pedestrian footfall from tourists, residents and businesses. Photos of the site and area, are provided as Document ME 3.1



- 2.6 Well Court Hall is situated within the courtyard of Well Court, one of the recommended tourist attractions within Dean Village. This is centrally located for visitors to the area, with a number of public transport options (bus and rail) located within walking distance of the property.
- 2.7 The property is a self contained apartment set over 3 floors, with a private entrance. It provides 3 double bedrooms and can accommodate up to 6 guests. The property is high end luxury accommodation and has been owned by the applicant for 7 years.

2.8 The layout of the property is indicated below by Figure 1:



Figure 1 – Internal Layout of Application Site.

3.0 APPROPRIATE PROCEDURE

- 3.1 In terms of the Appeal procedure, the Appellant considers that a review of the information provided in this Appeal Statement together with the supporting documentation, will be sufficient to determine the Appeal considering the nature of the application.
- 3.2 We would encourage the Local Review Body to undertake a site inspection to fully understand the nature of the site and its tourist location. Arrangements for access to undertake a site visit should be coordinated through Montagu Evans as the Appellant's agent.
- 3.3 If further procedure is required, we would suggest restricting this to further written submissions on specific matters, however fully acknowledge that this will be at the discretion of the Local Review Body.

4.0 STRUCTURE OF THE APPEAL STATEMENT

4.1 The Appeal Statement is structured as follows:

- **Section 5** provides an overview of the Proposed Development;
- **Section 6** summarises need and demand for the proposed development;
- **Section 7** sets out the planning policy context;
- **Section 8** outlines relevant material considerations;
- **Section 9** summarises consultee responses / public representations to the application;
- **Section 10** includes a summary of the matters in agreement;
- **Section 11** sets out the Grounds of Appeal and an interrogation of the reasons for refusal; and
- **Section 12** presents an overall conclusion.

4.2 A List of Documents is submitted with the appeal.

5.0 THE PROPOSED DEVELOPMENT

- 5.1 The proposal is to change the use retrospectively of the site from a residential use to a short-term let property providing visitor accommodation.
- 5.2 The City of Edinburgh Council ('CEC') have designated the whole of the city as a short term let Control Area as per the provisions of the Town and Country Planning (Short-term Let Control Areas) (Scotland) Regulations 2021. As the application site is located within the Control Area, this application for planning permission is being progressed to regularise the change of use.

6.0 THE NEED FOR THE PROPOSED DEVELOPMENT

6.1 There is a demand for short term lets in Edinburgh. Edinburgh is an international visitor destination and requires to respond to the ever increasing demand for tourist accommodation that is meets the visitor demands. This relates to not just the provision of accommodation, but also a mix of different types of accommodation to suit all visitors needs. In this instance, the short term let allows visitors to have full access a number of bedrooms, bathrooms, cooking and washing facilities, leisure space and car parking. This offers a different offer compared with a hotel or guest house whereby, it is generally only a bedroom / bathroom that are provided. Tourist accommodation, such as this is appealing to families with young children, business users, and users who require more space to cater for themselves. It should be noted that party groups are not permitted at the property.

MARKET NEED & DEMAND

6.2 There is a local economic benefit in formalising the existing use which provides valuable tourist accommodation in close proximity to the city centre. In addition to this there would be income generated to the local business, as well as business generated for the letting agencies responsible for listing the property, further trade for cleaners and maintenance staff and additional spending by guests in the local area including at local restaurants, shops and cafes.

6.3 As one of the key employment sectors in Edinburgh, the applicant is acutely aware the importance of tourism to the city. The provision of accommodation, particularly during the summer, is vital to help sustain this economic driver, and as a responsible operator who deeply cares about the property, the neighbourhood, and the wider role they play in tourism in Edinburgh, it is submitted that the proposals are justified as a use supporting this industry.

6.4 In June 2018, the Association of Scotland's Self Caterers (ASSC) produced a report titled 'Far More Than Just Houses: The Benefits of the Short-Term Rental Sector to Scotland' (<https://www.assc.co.uk/wpcontent/uploads/2018/06/MoreThanJustHouses.pdf>). (Document ME 4.3) The detailed research undertaken demonstrated that short-term letting:

- Is a major component of Scotland's growing tourism offering, making a substantial contribution to the tourist economy;
- Cannot be blamed for exacerbating the housing crisis as other longstanding issues are of far greater significance (i.e., the number of empty properties in Scotland, or the failure of governments to build sufficient levels of affordable housing); and
- Is not a driver of anti-social behaviour in Scotland as the number of recorded complaints are negligible in comparison to the number of self-catering units/properties let;

6.5 A further report, prepared by Biggar Economics on behalf of AirBnB (<https://news.airbnb.com/wp-content/uploads/sites/4/2022/06/BigGAR-EconomicsScottish-Local-Authorities-Economic-Analysis-2022.pptx.pdf>) (Document ME 4.4) noted that stringent licensing (and planning) schemes could reduce Airbnb's economic impact by between £32 million and £133 million, which would cost between 1,740 and 7,190 jobs across Scotland.

6.6 The facts about short-term letting in Edinburgh specifically were set out by the ASSC in August 2022 (<https://www.assc.co.uk/the-facts-about-short-term-letting-inedinburgh/>). This noted:

“Self-catering is hugely important to Scottish tourism in terms of jobs, revenue, and world-class experiences offered to guests. To be such an essential part of Scotland’s tourism mix is even more remarkable for our sector, which generates £867m per year, when most self-caterers operate small or micro businesses. Our professional self-caterers are diligent and considerate business owners who are too often unfairly maligned. They do not, for example, ‘hollow out communities’, as some have claimed, but rather are part of local communities across Scotland and have been for many, many years”.

7.0 PLANNING POLICY CONTEXT

- 7.1 Section 25 of the Town and Country Planning (Scotland) Act 1997, as amended, requires all planning applications to be determined in accordance with the Development Plan for a site, unless material considerations indicate otherwise.
- 7.2 The Development Plan for the site is comprised of the Strategic Development Plan ('SDP') for South East Scotland ('SESplan'), which was approved by Scottish Ministers with modifications on 27 June 2013, and the Edinburgh Local Development Plan ('LDP'), which was adopted in November 2016.

NATIONAL PLANNING FRAMEWORK 4

- 7.3 National Planning Policy Framework 4 was adopted by Scottish Ministers on 13 February 2023 and forms part of the Council's Development. NPF 4 policies supports the planning and delivery of Sustainable Places, Liveable Places and Productive Places and are the key policies against which proposals for developments are assessed. The relevant NPF 4 policies to be considered are:
- NPF4 Sustainable Places Tackling the climate and nature crises Policies 1 and 7.
 - NPF4 Productive Places Tourism Policy 30.

EDINBURGH LOCAL DEVELOPMENT PLAN

- 7.4 The Edinburgh LDP supports the city's role as Scotland's capital and recognises its importance as a key driver of the Scottish economy. A key aim of the LDP is supporting the growth of the city economy, which is based on a range of key sectors, including tourism.
- 7.5 At paragraph 108 the LDP recognises that Edinburgh's city centre is *"the vibrant hub of the city region – it's the regional shopping centre and an important tourist destination with a wide range of entertainment and cultural attractions. It has excellent public transport connections and provides employment for over 80,000 people. Edinburgh city centre's stunning setting and iconic architecture is celebrated internationally"*.
- 7.6 The LDP continues at paragraph 190 that the Plan *"aims to ensure that development in the city centre achieves the right balance between a number of competing priorities"*.
- 7.7 The application site is located approximately 180 metres north east of the boundary of the designated City Centre of Edinburgh as per the LDP Proposals Map. Within the context of the Proposals Map, the site is subject to the following policy designations:
- Edinburgh World Heritage Site;
 - Dean Conservation Area;
 - New Town Gardens and Dean Historic Garden Designed Landscape; and
 - Urban Area.

7.8 An extract of the LDP Proposals Map is copied below at Figure 2, with the site indicated.

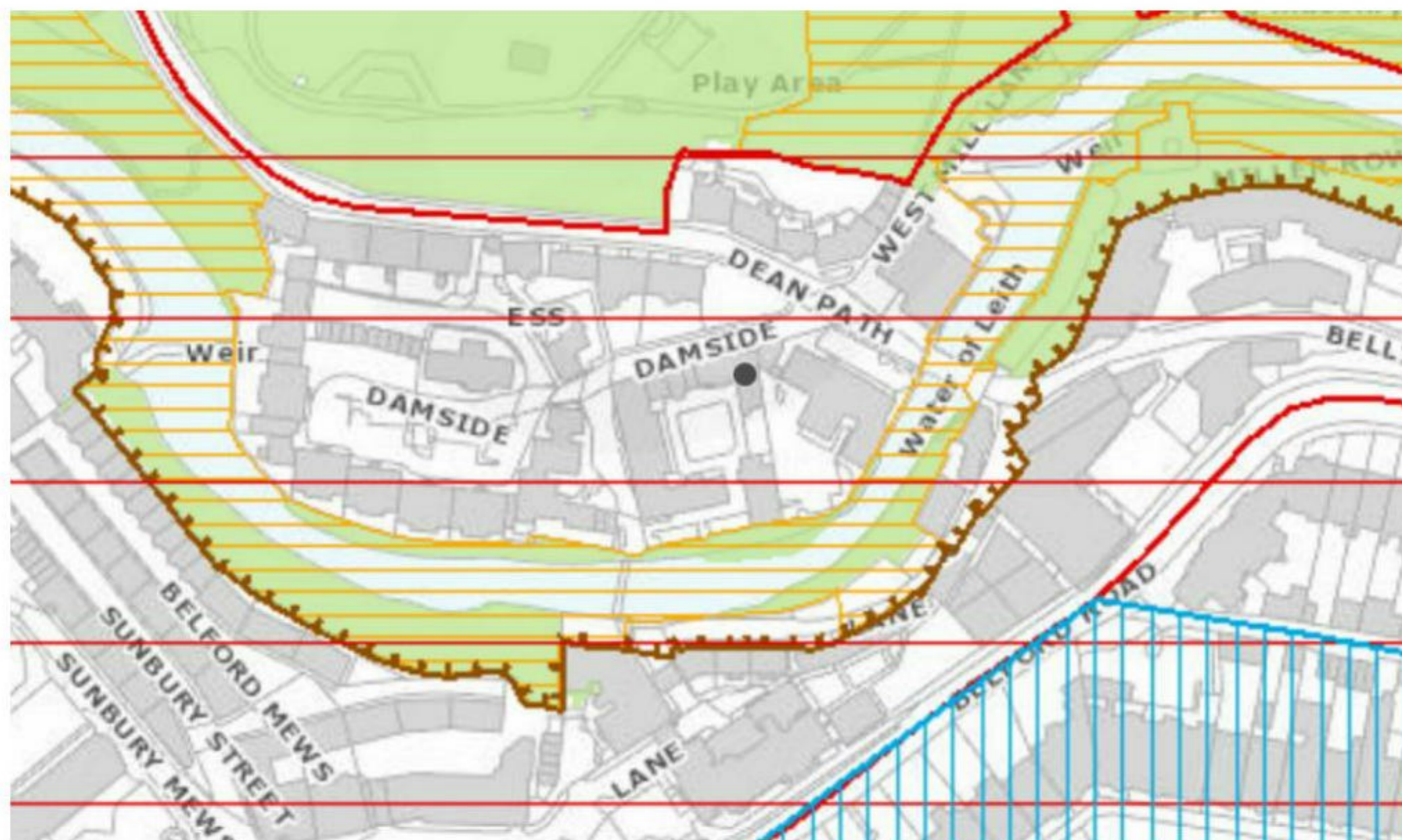


Figure 2 – Extract of LDP Proposals Map

- 7.9 The key planning policy from the LDP against which proposals for the change of use of residential properties to short term lets will be assessed is Policy Hou 7 Inappropriate Uses in Residential Areas.
- 7.10 Policy Hou 7 states that “developments, including changes of use, which would have a materially detrimental effect on the living conditions of nearby residents, will not be permitted”. The supporting text for Policy Hou 7 states that the intention of the policy is to preclude the introduction or intensification of non-residential uses incompatible with predominantly residential areas and to prevent any further deterioration in living conditions in more mixed-use areas, which nevertheless have important residential functions.
- 7.11 Policy Env 1 World Heritage Sites states that “development which would harm the qualities which justified the inscription of the Old and New Towns of Edinburgh and/or the Forth Bridge as World Heritage Sites or would have a detrimental impact on a Site’s setting will not be permitted”.
- 7.12 Policy Env 4 relates to Listed Buildings – Alterations and Extensions and states that “proposals to alter or extend a listed building will be permitted where:
- Those alterations or extensions are justified;
 - There will be no unnecessary damage to historic structures or diminution of its interest; and
 - Where any additions are in keeping with other parts of the building”.

7.13 Policy Env 6 Conservation Areas – Development states that “*development within the conservation area of affect its setting will be permitted which:*

- a. Preserves or enhances the special character or appearance of the conservation area and is consistent with the relevant conservation area character appraisal;*
- b. Preserves trees, hedges, boundary walls, railings, paving and other features which contribute positively to the character of the area; and*
- c. Demonstrates high standards of design and utilises materials appropriate the historic environment”.*

”

8.0 MATERIAL CONSIDERATIONS

GUIDANCE FOR BUSINESSES

- 8.1 The Guidance for Businesses ('the Guidance') was most recently updated by the CEC in November 2021. In relation to short term lets the Guidance states that in deciding whether planning permission will be required to change the use of a property into a short term let, regard will be had to:
- The character of the new use and of the wider area;
 - The size of the property;
 - The pattern of activity associated with the use including numbers of occupants, the period of use, issues of noise, disturbance and parking demand; and
 - The nature and character of any services provided.
- 8.2 The Guidance states that proposals for a change of use will be assessed in terms of their likely impact on neighbouring residential properties. Factors which will be considered include background noise in the area and proximity to nearby residents. In the case of short stay commercial leisure apartments, the Guidance states that *"the Council will not normally grant planning permission in respect of flatted properties where the potential adverse impact on residential amenity is greatest"*.
- 8.3 The Guidance also states that *"change of use in flatted properties will generally only be acceptable where there is a private access from the street, except in the case of Houses in Multiple Occupation"*.

PROPOSED CITY PLAN 2030

- 8.4 The Proposed City Plan 2030 was published for a period of public consultation between November and December 2021.
- 8.5 Policy Env 33 relates to Amenity and states that *"development will be supported by this policy where it is demonstrated that the amenity of future occupiers of the development and occupiers of neighbouring developments are not adversely affected by ensuring acceptable levels of amenity, particularly in relation to odour, space standards, noise, daylight, sunlight, privacy or immediate outlook"*.
- 8.6 Policy Hou 7 Loss of Housing states that *"proposals which would result in the loss of residential dwellings through demolition or a change of use will not be permitted, unless in exceptional circumstances, where it would provide necessary community facilities without loss of amenity for neighbouring residents"*.
- 8.7 The supporting text for proposed Policy Hou 7 states that the retention of existing dwellings is important as a means of meeting housing need. Over the last decade, Edinburgh has witnessed a significant increase in the use of residential properties for short term lets, reducing the number of homes available. In some areas this has resulted in the dilution of the residential population. Over and above that, any change of use of residential properties to commercial uses can have a detrimental impact on the amenity of residents, particularly where there is a high density of people occupying one building with communal areas. For these reasons, the change of use of a residential unit will only be permissible in exceptional circumstances, such as where the change of use would provide necessary community facilities.

- 8.8 Policy Hou 8 Inappropriate Uses in Residential Areas states that “developments, including changes of use which would have a materially detrimental effect on the living conditions of nearby residents, will not be permitted”.
- 8.9 The supporting text for the policy states that “the intention of the policy is to preclude the introduction or intensification of non-residential uses incompatible with predominantly residential areas and prevent any deterioration in living conditions in more mixed-use areas, which nevertheless have important residential functions”.

9.0 THE APPLICATION

9.1 The nature and extent of the Proposed Development is such that it is a local development proposal in the context of the Town & Country Planning (Hierarchy of Development) (Scotland) Regulations 2009.

STATUTORY CONSULTEES

9.2 There were no statutory consultees for the determination of the application.

PUBLIC REPRESENTATIONS

9.3 The proposals were advertised with the last date for comments on 18 November 2022. 77 properties were notified, of which 4 responded and 3 were objections.

9.4 The applicant was not provided with details of who objected, or what the objections were.

9.5 The applicant considers this information to be important and helpful for them to have, so that they can try to mitigate against the concerns raised.

10.0 AREAS OF AGREEMENT

LISTED BUILDINGS AND CONSERVATION AREA

- 10.1 Due to the proposals relating to a listed building, the proposals require to be assessed in terms of Section 59 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997.
- 10.2 Section 59 (1) states that "*in considering whether to grant planning permission for development which affects a listed building or its setting, a planning authority or the Secretary of State, as the case may be, shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.*"
- 10.3 As part of the application submitted and within the Planning Statement, it was stated that are no external or internal alterations proposed. As such, the proposal will not have an adverse impact on or cause harm to the listed building. The setting of the listed building and the setting of neighbouring listed buildings will be unaffected by the proposal.
- 10.4 Section 64(1) states that "*with respect to any buildings or other land in a conservation area, of any powers under any of the provisions in subsection (2), special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area.*"
- 10.5 The application site is located within the Dean Conservation Area. No external alterations are proposed therefore the proposal will preserve, and not harm, the appearance of the Dean Conservation Area. The change of use of the application from a three bedroom domestic flat, albeit in retrospect, to a short term holiday let will not have any material impact on the appearance of the Conservation Area or the World Heritage Site.
- 10.6 Within the Council's Report of Handling (Document ME 1.), the City of Edinburgh Council considered that the proposal complies with Section 59 and 64 of the Planning (listed buildings and conservation areas) (Scotland) Act 1997 as it will not harm the listed building or its setting and it will preserve or enhance the character or appearance of the conservation area.

PARKING STANDARDS

- 10.7 The Report of Handling agrees that the proposals are in compliance with Transport Policies TRA2 and TRA3.

11.0 GROUNDS OF APPEAL

11.1 The City of Edinburgh Council refused the planning application with delegated powers on 28th March 2022.

11.2 The decision notice stated 2 reasons for refusal:

1. *The proposal is contrary to Local Development Plan Policy HOU7 in respect of inappropriate uses in residential areas, as the use of this dwelling as a short stay let will have a materially detrimental effect on the living conditions and amenity of nearby residents.*
2. *The proposal is contrary to National Planning Framework Policy 30(e) in respect of Local Amenity and Loss of Residential Accommodation as the use of the dwelling as a short stay let will result in an unacceptable impact on local amenity and the loss of a residential property has not been justified.*

11.2 No reasons were given as to why the Council made the decision.

11.3 This section considers the Appellant's detailed case in response to these main areas of dispute.

The proposal is contrary to Local Development Plan Policy HOU7 in respect of inappropriate uses in residential areas, as the use of this dwelling as a short stay let will have a materially detrimental effect on the living conditions and amenity of nearby residents.

11.4 For completeness LDP Policy HOU7 reads:

“Developments, including changes of use, which would have a materially detrimental effect on the living conditions of nearby residents, will not be permitted”.

11.5 The supporting text for Policy Hou 7 states that the intention of the policy is to preclude the introduction or intensification of non-residential uses incompatible with predominantly residential areas and to prevent any further deterioration in living conditions in more mixed-use areas, which nevertheless have important residential functions.

11.6 As stated in Section 2 Appeal Site and Surroundings, the site is located within an area that is specifically marketed as a tourist attraction. As such, the area continually has tourists visiting the location. Well Court is particularly marketed as an area for tourists to visit.

11.7 The site is also located along the Water of Leith walkway, which again, makes it an attractive destination for those using the walkway for leisure pursuits, dog walking or active travel routes.

11.8 Local businesses are also located in Dean Village, which adds to the mix of uses and vibrancy of the area.

11.9 As such, it is submitted that whilst the area provides residential accommodation, Dean Village is an area where people visit and gather for tourist, leisure, business and active travel purposes. It is not an area that is solely used for residential purposes, and the character of the area will not be detrimentally harmed if a short term let is located in the vicinity.

- 11.10 The Council's Report of Handling states that the use of the property as an STL would introduce an increased frequency of movement to the property. It also states that transient visitors would have less regard for neighbours' amenity than individuals using the property as a principal home.
- 11.11 There is no evidence to suggest that the users of the STL would come and go any more frequently than existing residents into their own properties. There is also no evidence to suggest that guests would have less regard for neighbour's amenity than individuals using the property as a principal home. It is submitted that in many instances the guests will respect neighbour's amenity more than those that might live there full time. (The appellant has a management programme which requests that guests are respectful to the amenity of nearby residents).
- 11.12 The Report of Handling notes that the private garden area associated with the property is also of concern, as it has the capacity to amplify amenity impact on neighbours.
- 11.13 This matter was not raised with the appellant, during the consideration of the application. It is submitted that if the use of the garden as part of the STL is a concern, then the appellant can stipulate that no guests will have access to the garden. The appellant is willing to have this conditioned as part of a decision notice granting planning permission.
- 11.14 The Report of Handling notes that there would be additional servicing of the property if it were to operate as an STL. It is submitted that the domestic cleaning that is provided for the STL, is no different or frequent than private cleaners who are instructed to clean nearby domestic residences.
- 11.15 It is submitted that there is no evidence provided that supports the conclusion from City of Edinburgh Council that the additional servicing would be significantly different from the ambient background noise that neighbouring residents might reasonably expect.
- 11.16 Overall, the following is submitted in response to the City of Edinburgh Councils concerns and justification that the use of the property as a short term let will not detrimentally effect the living conditions of nearby residents:
- a. The location of the property is in an area actively marketed for tourist related activity, therefore it is not solely a residential area. The residents that currently live in Dean Village will be used to a number of tourists visiting the area, every day.
 - b. The location of the property is an area which attracts a number of visitors for tourism, leisure, business and as an active travel route, therefore there is already activity within the area that is not just residential.
 - c. The property is accessed by a private front entrance;
 - d. The property is managed well by the appellant, who has not been informed of any complaints. Should any complaints arise, the appellant would be more than happy to consider these concerns, and act accordingly, in order to mitigate against them.
 - e. The property does not allow party groups.
 - f. The property is serviced by domestic cleaners, which is not dissimilar to a private cleaner being hired to clean a private residential property once or twice per week.
 - g. It can be stipulated that the garden can be removed from use for any visiting guests.

The proposal is contrary to National Planning Framework Policy 30(e) in respect of Local Amenity and Loss of Residential Accommodation as the use of the dwelling as a short stay let will result in an unacceptable impact on local amenity and the loss of a residential property has not been justified.

11.17 NPF4 policy 30 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. Specifically Policy 30(e) states:

e) Development proposals for the reuse of existing buildings for short term holiday letting will not be supported where the proposal will result in:

- 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.*

11.18 It is submitted that the impact upon local amenity is set out in paragraphs 11.4 – 11.16, when addressing the first reason for refusal.

11.19 The second part of this reason for refusal relates to the loss of residential accommodation and where this loss has not been justified against demonstrable local economic benefit.

11.20 The property has been operating as a short term let since 2016. It has not been operating as a residential property for a significant number of years and there is no demonstrable loss to residential accommodation. The Report of Handling states that where there is a loss of residential property (which the Council considers there is), this will only be supported where the economic benefits of the proposals are outweighed by demonstrable local economic benefits.

11.21 There is positive policy support in both the LDP and NPF4 for tourism and the economic benefits this brings to the City. It is acknowledged within this planning policy that tourism is the biggest source of employment in Edinburgh, providing jobs for over 31,000 people. It is agreed by the City of Edinburgh Council that the use of the property by guests and the required maintenance and upkeep of the STL will result in a level of job creation and spend within the economy which can be classed as having an economic benefit.

11.22 Further information was submitted on the economic benefits that the STL can provide, in the letter from Montagu Evans, dated 14 March 2023 (Document ME 2.5). It should also be noted that the type of accommodation being provided by an STL differs from the standard offer of accommodation from a hotel or a guest house. An STL offers flexibility to its users, that hotels and guest houses cannot provide. The importance of Edinburgh being able to provide this type of offer is an important factor for those residents choosing where to stay in a City. If Edinburgh cannot offer this type of affordable and flexible accommodation, users will simply not be attracted, and choose alternative destinations to visit. This is a very important economic consideration, and outweighs the benefits of using the property as a residential use.

11.23 The City of Edinburgh Council have commissioned a study on the Economic Impact of Residential and Short-term let properties in Edinburgh. This study was reported to the Council's Planning Committee on 14 June 2023. MKA Economics Ltd were appointed by the Planning Service to conduct an independent assessment of the economic impact of various types of property in Edinburgh if being used for residential purposes and provide a comparison if being used for short term let purposes. The report concluded that there are positive economic impacts from the use of properties for both residential and short term let use.

Figure 1.8: Economic Impact of Residential and Short Term Let Properties

Edinburgh Average - Residential				Edinburgh Average - Short Term Let			
Unit Size	Net Local FTE Jobs	Net Annual Local GVA Impact	Gross Annual National and Local Taxation	Unit Size	Net Local FTE Jobs	Net Annual Local GVA Impact	Gross Annual National and Local Taxation
1 bed	0.19	7,516	7,301	1 bed	0.23	4,714	12,419
2 bed	0.31	12,559	16,267	2 bed	0.43	8,764	21,991
3 bed	0.49	19,699	22,065	3 bed	0.60	12,288	30,467
4 bed	0.62	25,117	32,040	4 bed	0.75	15,293	37,878
5 bed	0.77	31,212	42,355	5 bed	1.03	21,018	51,650

Edinburgh Central - Residential				Edinburgh Central - Short Term Let			
Unit Size	Net Local FTE Jobs	Net Annual Local GVA Impact	Gross Annual National and Local Taxation	Unit Size	Net Local FTE Jobs	Net Annual Local GVA Impact	Gross Annual National and Local Taxation
1 bed	0.20	£ 8,212	£ 8,088	1 bed	0.29	£ 5,990	£ 15,542
2 bed	0.33	£ 13,208	£ 16,937	2 bed	0.55	£ 11,137	£ 27,840
3 bed	0.51	£ 20,706	£ 22,780	3 bed	0.77	£ 15,775	£ 38,970
4 bed	0.66	£ 26,417	£ 33,174	4 bed	1.05	£ 21,470	£ 52,548
5 bed	0.82	£ 32,841	£ 43,142	5 bed	1.10	£ 22,412	£ 55,537

11.24 Figure 1.8 is taken directly from the MKA report and provides a comparison of the economic impact between residential properties and short term lets for all of Edinburgh, and for the Central area, where Well Court is located. It is noted that the Net Annual Local GVA impact is more for a residential property, than for a short term let. However it is also noted that the Gross Annual National and Local Taxation is higher for a short term let than for a residential property. Net local FTE jobs are also higher for a short term let property, compared with a residential use.

11.25 It is considered that the conclusions in the report do not provide a demonstrable local economic benefit if the property is operated as a residential property or as a short term let. There appears to be economic benefits to both types of uses. On that basis, it is submitted that, to date, it has not been demonstrated whether there is a demonstrable economic benefit to either use. It has been proven that there is an economic benefit to short term lets, within the MKA report, and as such, it is submitted that the loss of residential can be justified on that basis.

11.26 It should also be considered that if the property is not granted permission for use as a short term let, it will simply remain vacant. The appellant will not use the property for their own residential purposes, nor will they offer it as a long term let. Without the revenue provided for operating as a short term let, the property is likely to be fall into disrepair, with little investment spent on it. Given the importance of the location of the property within one of Edinburgh's tourist destinations, and as a listed building within a conservation area, the upkeep and maintenance of this property should also be an important consideration.

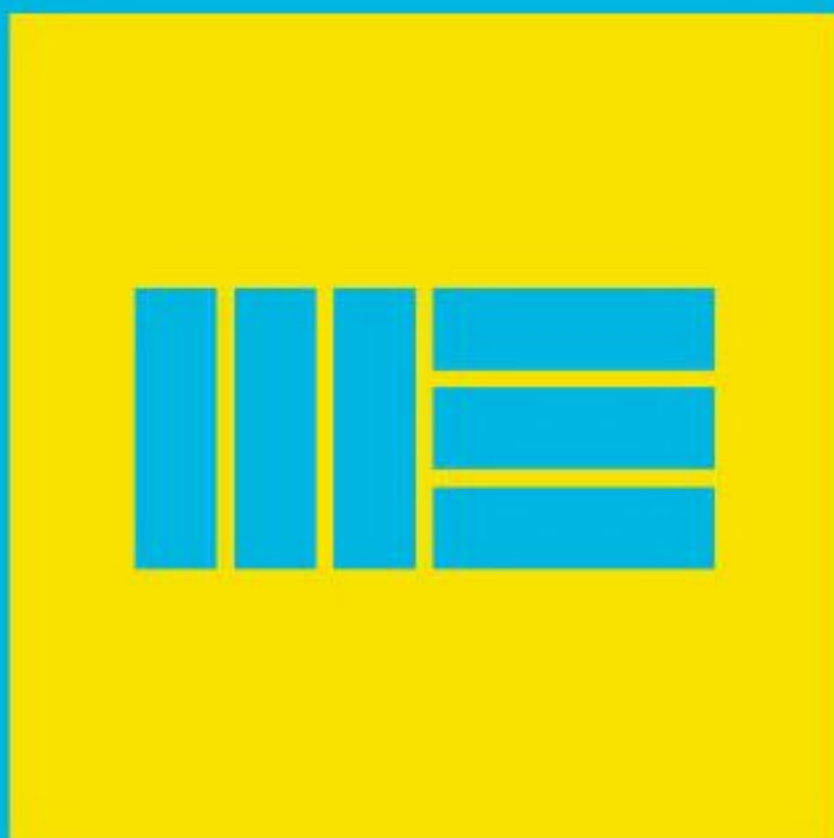
11.27 It is submitted therefore, that there is economic justification for the use of the property as a short term let, and that these outweigh the Council's considered loss of residential development.

12.0 CONCLUSIONS

- 12.1 Overall, it is submitted that the proposals comply with all relevant Development Plan policies as mentioned above. The proposals should be granted planning permission as there are no material considerations which would indicate otherwise.
- 12.2 The proposals are located in an area that is actively marketed as a tourist destination, as well as an area for business users, residents and on active travel links. The location is not purely residential, and the mix of uses in the area create a vibrant, busy area for different users. As such, it is submitted that the proposal will not materially be detrimental to the living conditions and amenity of nearby residents.
- 12.3 The property is well managed by the appellant, and does not directly impact upon the living conditions and amenity of nearby residents. It is accessed by a private front entrance, no party groups are allowed and the appellant is willing to engage with any neighbours who may have concerns about the use, in order to mitigate against these.
- 12.4 The proposals allow for the upkeep of a listed building, within a tourist destination in the City.
- 12.5 Tourism is an important economic contributor to the City. Short term lets offer the ability to provide affordable and flexible accommodation. It is noted that there are economic benefits for short term lets within the City within the MKA Report. As such, it is submitted that the proposals do provide an economic benefit that can justify the loss of a residential property.
- 12.6 The proposals are presented as a positive contribution to the city, and an important and strategic investment by the Appellant to meet future needs. A positive consideration of the proposals through this appeal process is encouraged.

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WE CONSIDER OUR CREDENTIALS, HOW WE HAVE STRUCTURED OUR BID AND OUR PROPOSED CHARGING RATES TO BE COMMERCIALY SENSITIVE INFORMATION.
WE REQUEST THAT THESE BE TREATED AS CONFIDENTIAL.