



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 100636000-001

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

Applicant Details

Please enter Applicant details

Title:	<input type="text" value="Mrs"/>	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" value="Amie"/>	Building Number:	<input type="text" value="85"/>
Last Name: *	<input type="text" value="Leitch"/>	Address 1 (Street): *	<input type="text" value="Beech Road"/>
Company/Organisation	<input type="text"/>	Address 2:	<input type="text" value="Chorlton"/>
Telephone Number: *	<input type="text"/>	Town/City: *	<input type="text" value="Manchester"/>
Extension Number:	<input type="text"/>	Country: *	<input type="text" value="United Kingdom"/>
Mobile Number:	<input type="text"/>	Postcode: *	<input type="text" value="M21 9FD"/>
Fax Number:	<input type="text"/>		
Email Address: *	<input type="text"/>		

Site Address Details

Planning Authority:

City of Edinburgh Council

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

Address 1:

5 COMELY BANK AVENUE

Address 2:

STOCKBRIDGE

Address 3:

Address 4:

Address 5:

Town/City/Settlement:

EDINBURGH

Post Code:

EH4 1EW

Please identify/describe the location of the site or sites

Northing

674685

Easting

324050

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)

As per the recent Scottish Government approval to make the whole City of Edinburgh Council area a Short-Term Let Control Area, I would like to apply for the change of use of this property to a Short-Term Let use at certain times of the year only.

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 'supporting documents'

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)

We have provided a supporting document which states our basis for appeal, against the planning refusal decision arguments.

Application Details

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

22/04442/FUL

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

27/09/2022

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

25/04/2023

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: Mrs Amie Leitch

Declaration Date: 23/07/2023

Appeal in relation to 'Change of use from residential to short-term let. 5 Comely Bank
Avenue Edinburgh EH4 1EW'

REFERENCE NUMBER: 22/04442/FUL

INTRODUCTION

I have outlined below reasons to support an appeal for the decision to refuse a 'change of use' planning application in relation to 5 Comely Bank Avenue, Edinburgh, EH4 1EW,

The arguments for appeal are listed against the two reasons for refusal below:

REASON FOR REFUSAL ONE: The proposal is contrary to Local Development Plan Policy Hou 7 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.

The property as a ground floor two-bed apartment benefits from its own access, limiting disturbance to other residents within the tenement block. In addition, the key store is set away from the building on a commercial property, avoiding groups congregating at the property locating the keys, which could cause disturbance or identify the property as a holiday let. Furthermore whilst to the rear there is a communal garden we are happy to remove access to the garden as part of a management plan. Lastly, parking is often a contentious issue, however as the property is within a controlled parking area and there is no free on-street parking available, visitors must park a 10 minute walk from the site and as such not add to parking pressure within the area.

REASON FOR REFUSAL TWO: 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 this 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.

Within the Tourism chapter of NPF4 the policy principles are clearly set out. The intent of the policy is 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. The outcomes of the policy are to secure communities and places enjoy economic, social and cultural benefits from tourism, supporting resilience and stimulating job creation.

The application property is located just off the main high street running through central Stockbridge, an area characterised by a high number of food and beverage units and a high number of retail shops. The area thrives on a high footfall of people that are keen to visit the various units, contributing to the economic sustainability of the area.

The application property attracts visitors to Edinburgh that contribute to the local economy to the benefit of the local business owners. In addition, due to the proximity of central

Edinburgh, access to the centre by walking or bus is the favoured option for visitors supporting active travel within the City.

Policy 30 (e) states that:

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)

As stated above the property is located centrally to Stockbridge in an area of high level of comings and goings, and as such the use of the property as a holiday let, will not stand out within the locality.

ii. The loss of residential accommodation where such loss is not outweighed by demonstrable local economic benefits.

The property was purchased as a second home for a young family due to wider family within Scotland. The property will continue to serve as a second home for the owners and family throughout the year, however in addition the property would be let out as a holiday rental. Notwithstanding the outcome of this application the application property will be retained by the owner for use by family, however the additional use as a holiday let (through AirBnb) is considered to be beneficial to the community and economy. If permitted as a formal holiday let, this would increase the use of the property providing better natural surveillance within the local area and ensuring the property remains in active use and good condition. When staying at the property as part of a holiday let, occupiers are highly likely to visit local commercial outlets and contribute to the local economy.

CONCLUSION

In conclusion, it is considered due to the character of the area (central to Stockbridge) and the specifics of the property (ground floor, own front door) the use of the property as a holiday let is not considered to harm the character of the area or local amenity.

The use of the property as a holiday let is considered to significantly add value to the local economy as visitors are highly likely (and do) make use of the high quality restaurants and food outlets within the local area as well as visiting and spending money at the numerous (non-essential goods) retail units throughout Stockbridge.

The property will be retained as a second home for the applicants' family, however as a holiday let it would support consistent use throughout the year to support the local economy.