



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 100636139-001

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="Donna"/>	Building Number:	<input type="text" value="1"/>
Last Name: *	<input type="text" value="Robertson"/>	Address 1 (Street): *	<input type="text" value="Hillside drive"/>
Company/Organisation	<input type="text"/>	Address 2:	<input type="text"/>
Telephone Number: *	<input type="text"/>	Town/City: *	<input type="text" value="galashiels"/>
Extension Number:	<input type="text"/>	Country: *	<input type="text" value="United Kingdom"/>
Mobile Number:	<input type="text"/>	Postcode: *	<input type="text" value="TD1 2HN"/>
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:

29A RAEBURN PLACE

Address 2:

STOCKBRIDGE

Address 3:

Address 4:

Address 5:

Town/City/Settlement:

EDINBURGH

Post Code:

EH4 1HU

Please identify/describe the location of the site or sites

Northing

674640

Easting

324468

## 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 to short term lets and AirBnB.

## 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 Statement of Appeal.

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)

Statement of Appeal; Appendix A - Planning Application Package; Appendix B - CEC Decision Notice; Appendix C - Guest Reviews; Appendix D - Case Officer Report (will submit in due course as CEC Planning Portal down until 27th July 2023); Appendix E - House Rules; Appendix F - Airbnb Annual Bookings Analysis; NPF4; LDP Policies Hou 7, Tra 2 and Tra 3.

## Application Details

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

22/04883/FUL

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

18/10/2022

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

24/04/2023

## 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 Donna Robertson

Declaration Date: 23/07/2023

NOTICE OF REVIEW UNDER SECTION 43A (8) OF THE TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997 (AS AMENDED) IN RESPECT OF DECISIONS ON LOCAL DEVELOPMENTS

THE TOWN AND COUNTRY PLANNING (SCHEMES OF DELEGATION AND LOCAL REVIEW PROCEDURE) (SCOTLAND) REGULATIONS 2013

THE TOWN AND COUNTRY PLANNING (APPEALS) (SCOTLAND) REGULATIONS 2013

PLANNING APPLICATION: 22/04883/FUL

29A RAEBURN PLACE, EDINBURGH, EH4 1HU

CHANGE OF USE TO SHORT-TERM LETS AND AIRBNB

APPEAL TO LOCAL REVIEW BODY

JULY 2023

### Executive Summary:

Our flat is our pride. It was our dream to own a place in Stockbridge and we have worked extremely hard for it. All of our time and savings went into its purchase and restoration. We consider it one of our greatest assets and have the utmost respect for the property itself and its surroundings. As an upmarket place we therefore transpire as responsible 'hosts'. That meaning we are really quite selective in who we allow to stay in our place (i.e. our getaway, our workspace and our family home from home).

We have it clearly stated in our listing that we do not allow same sex groups for stag or hen parties nor parties of ANY kind. I consciously vet each guest by assessing their reviews and their reasons for staying. I have, as a result, rejected many booking requests because their intentions did not fall in line with ours.

The use of the property by guests is not the prominent use of the property, it is occupied by me and my family, or is vacant, significantly more often than it is occupied by guests. From 2017 – 2023, our best booking years have been 2019 and 2023 but even then they are both less than 30% of the nights per year used by guests. In that context, there is no loss of residential accommodation as we use the property more than it is used as a short-term let.

The property is located within the defined Stockbridge Town Centre with direct access to the services and facilities there within, as well as direct access to bus services. Due to the property's location, there is already a mix of residential and commercial character, where a short-term let would be compatible. There is an existing level of ambient noise and vibrant activity both in the daytime economy with vehicular access to Raeburn Place, deliveries taking place to commercial units, as well as pedestrians passing the property to utilise the services and facilities within the town centre, and in the night time economy with pubs and restaurants in close proximity.

It is important to balance the policy considerations of promoting mixed use commercial activity within the defined town centre, with policy of safeguarding residential amenity. The area is of mixed use and due regard needs to be given to the mixed use character of the locality and how the mix of activities add to the vitality and viability of this core part of the town centre. Stockbridge is a very vibrant town centre, a wide varied mix of uses of both the daytime and night time economy. On balance with a pro-town centre policy context, there are also many residential and short-term let properties that gain direct access from Raeburn Place.

The property will provide high quality visitor accommodation attracting tourists into the locale and provides a direct economic benefit. Self-catering accommodation is an important component of the tourism industry. Within Scotland, the self-catering industry totalled £867.1 million total visitor spend and supported 23,979 FTE jobs, contributing £672.3 million to the Scottish economy.

The economic benefits of short-term lets are a material consideration, including the jobs created through the required care, maintenance and upkeep of the properties. We use two Edinburgh based cleaning and linen hire companies: Edinburgh Cleaning Concierge and

Polished Scot. We also use a local window cleaner and carpet/upholstery cleaner. Looking back at our accounts, we have spent circa £35,000 and upwards on these services alone, regular income generated predominantly by our short-term lettings.

## 1.0 Introduction

- 1.1 My name is Donna Robertson (“the Appellant”) and I am submitting an appeal following the refusal of my application by the City of Edinburgh Council for ‘change of use to short term lets and AirBnB’ at 29a Raeburn Place, Edinburgh, EH4 1HU.
- 1.2 The application was refused on 24<sup>th</sup> April 2023 for the following reasons:
  1. 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; and,
  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 this dwelling as a short stay will result in an unacceptable impact on local amenity and the loss of a residential property has not been justified.
- 1.3 Within the decision notice, the Council has not stated why they have made this decision, this element has been left blank.
- 1.4 The Decision Notice can be found in Appendix B.

## The Proposal

- 1.5 I am the owner of the property at 29a Raeburn Place. Access is gained via a secure private entrance which is not shared with any other party directly from Raeburn Place. Stairs take you to first floor level which consists of an open plan kitchen and living room area, two double bedrooms and a bathroom, with stairs leading to the attic space provides a further two double bedrooms and a bathroom.
- 1.6 The bustling area of Stockbridge, and namely Raeburn Place, is a defined town centre and is one of the city’s best regarded neighbourhoods. Not just for its beautiful architecture, history and quaint little streets, but for its ‘friendly village feel’ in the heart of the city via unique shops and expansive mix of people. This has been cited numerous times across many articles and we can personally vouch that the amiable setting here is second to none. This notion is also shared buy out guests as we hear time and time again throughout the years about how much they love the neighbourhood; the little eateries, the independent shops, the enjoyable walk around the streets, particularly, the people.
- 1.7 You only have to wander around for a short period to see that Raeburn Place hosts a beautifully eclectic mix of groups and demographics. From local residents, local shopkeepers, students, elderly couples, families, youths and many, many tourists. We have made good relations with our neighbours and the local traders alike. We enjoy frequenting the different restaurants, the hotel, the shops and love our family walks around Inverleith and the Botanic Gardens. Based on our own experiences we are able to personally recommend many of the local establishments and attractions to our guests.



It is always well received as the feedback we get speaks for itself. Please refer to Appendix C for guest reviews which we are incredibly proud of.

- 1.8 The property is located within the New Town Conservation Area and is located within a Category C listed building (29581), listed on 28<sup>th</sup> March 2000.
- 1.9 The property has been used as a short-term let property since 2017 and therefore has been such for circa 7 years. The property provides high quality visitor accommodation and I have provided photographs which shows this.
- 1.10 The appeal is for retrospective planning permission for the change of use from an townhouse to a short term let.

## 2.0 Planning Policy

- 2.1 Section 25 of the Town and Country Planning (Scotland) Act 1997 (as amended) states that the determination of planning applications should be made in accordance with the Development Plan, unless material considerations indicate otherwise. Section 37(2) states ‘in dealing with an application, the planning authority shall have regard to the provisions of the Development Plan so far as material to the application and to any other material considerations’.
- 2.2 The Development Plan covering the site is the National Planning Framework 4 (2023) and the Edinburgh Local Development Plan (2016).
- 2.3 The need for planning permission to be granted for short-term lets as a change of use from permanent residential purposes has been consolidated by the introduction of a Short-Term Let Control Area covering the whole of Edinburgh. This was confirmed by Scottish Government on 27<sup>th</sup> July 2022 in response to the Council’s request in that regard.
- 2.4 National Planning Framework 4 (NPF4) was adopted by the Scottish Ministers on 13<sup>th</sup> February 2023 and forms part of the Development Plan. NPF4 policies support the planning and delivery of Sustainable Places, Liveable Places and Productive Places and are the key policies which proposals for development are assessed. Several policies in the Edinburgh Local Development Plan (LDP) are superseded by equivalent and alternative policies within NPF4.
- 2.5 The relevant NPF4 and LDP policies to be considered are:
- NPF4 Policy 1 Tackling the Climate and Nature Crisis
  - NPF4 Policy 2 Climate Mitigation and Adaptation
  - NPF Policy 7 Historic Assets and Places
  - NPF Policy 12 Zero Waste
  - NPF Policy 13 Sustainable Transport
  - NPF Policy 15 Local Living and 20 Minute Neighbourhoods
  - NPF Policy 25 Community Wealth Building
  - NPF Policy 30 Tourism
  - LDP Policy Hou 7 Inappropriate Uses in Residential Areas
  - LDP Policy Tra 2 Private Car Parking
  - LDP Policy Tra 3 Private Cycle Parking
- 2.6 The principal policy for consideration of this appeal is Policy Hou 7 – Inappropriate Uses in Residential Areas of the Edinburgh Local Development Plan (LDP), which 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’.

2.7 Paragraph 234 of the LDP provides supporting text to Policy Hou 7 which notes that:

The intention of the policy is firstly, to preclude the introduction or intensification of non-residential uses incompatible with predominantly residential areas and secondly, to prevent any further deterioration in living conditions in more mixed use areas which nethertheless have important residential functions. This policy will be used to assess proposals for the conversion of a house or flat to a house in multiple occupation (i.e. for five or more people). Further advice is set out in Council Guidance’.

2.8 Further guidance in respect of LDP Policy Hou 7 relates 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.

Nature and character of services provided.

2.9 National Planning Framework 4 (NPF) states within Policy 30(e) states that:

Development proposals for the reuse of existing buildings for short term holiday letting will not be supported where the proposals 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 a loss is not outweighed by demonstrable local economic benefits’.

### 3.0 Assessment of the Reasons for Refusal

#### 3.1 The decision notice (Appendix B) identified two reasons for refusal.

Reason 1:

- 3.2 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.

Locale Context

- 3.3 The appeal site is located within the defined Stockbridge Town Centre with direct access onto Raeburn Place which is the main thorough fare where all the existing services and facilities are concentrated within the town centre. Given the town centre location, the property is set amongst a mix of permanent residential and short-term let properties, shops, restaurants, cafes and coffee shops, takeaways, gym and sporting activities which is a fundamental part of the area's character and attraction.
- 3.4 It is important to balance the policy considerations of promoting mixed use commercial activity within the defined town centre, with policy of safeguarding residential amenity. The area is of mixed use and due regard needs to be given to the mixed use character of the locality and how the mix of activities add to the vitality and viability of this core part of the town centre. Stockbridge is a very vibrant town centre, a wide varied mix of uses of both the daytime and night time economy. On balance with a pro-town centre policy context, there are also many residential and short-term let properties that gain direct access from Raeburn Place.
- 3.5 Again, due to the location of the property, it is already subject to an existing level of ambient noise and disturbance in the daytime economy with vehicular access to Raeburn Place, deliveries taking place to the commercial units, as well as pedestrians passing the property to utilise the service and faculties within the town centre, and in the high time economy with pubs restaurants and takeaways near the property.
- 3.6 The property is already operating as a short-term let and has done successfully since 2017 and provides high quality visitor accommodation which is situated within a wider locality which is characterised by both residential and commercial land uses and therefore the use of the property as a short-term let is wholly in keeping and compatible with the land use character of a town centre location.
- 3.7 The use of the property by guests is not the prominent use of the property, i.e. it is occupied by me and my family, or is vacant, significantly more often than it is occupied by guests. This is demonstrated in the following table which shows the number of nights the property was/will be occupied by guests, me and my family or was empty between 2017 and 2023.

Financial Year	Bookings	Guest Nights	Robertson Nights	Empty Nights	% Guest Nights
2023	34	104	120	141	28.5%
2022	50	80	168	117	13.7%
2021	17	42	80	243	11.5%
2020	12	18	28	319	4.9%
2019	36	109	143	113	29.9%
2018	28	71	128	166	19.5%
2017	5	11	112	242	3.01%

Figure 1: Percentage of guest nights

- 3.8 In that context, for 2023, we only have 104 nights booked (through 34 separate bookings), we have/will utilise the property 120 nights (48 nights being family stays (approx. 2 weekends per month), and 72 nights regarding work (approx. 6 days per month)), with the property remaining empty for 141 nights. This means that guests as a short-term are only utilising the property 28.5% of the time. Figure 1 articulates from 2017 – 2023 the number of bookings received per year, guest nights/nights we spend at the property as a family and for work/nights the property is empty, and the percentage of guest nights per annum. Our best years have been 2019 and this year for bookings but even then they are both less than 30% of the nights per year used by guests. Please refer to Appendix F which gives details of each booking annually from 2017 to 2023.

#### Residential Amenity

- 3.9 As described above, the townhouse occupies a highly accessible location within the town centre with direct access to all the service and facilities within. There is also a bus stop immediately outside the property and on the opposite side of the road giving sustainable modes of transport into Edinburgh and the immediate locale. Notwithstanding, it is important to assess the residential amenity of the neighbour properties. It must be noted from the outset that we have had no complaints regarding any the bookings we have accepted since we have use the property for short-term lets since 2017.



Figure 2: Photograph of our property in red

- 3.10 Above is a photograph of our townhouse outlined in red, with grey beige gate leads upstairs to our secure private main access door. We have one adjoining neighbour to the left and then we have one 'neighbour' below (downstairs) which is now occupied by Brunsfield Sports (shown vacant in this photograph). There is an access door to the right of our gate which gives access to the neighbouring property of 31A Raeburn Place. In that context, the property has a secure private access which is not shared with any other property. This ensures that access to and from our property will be isolated to the property and not shared with others via an internal communal staircase.
- 3.11 This physical feature supports the case for this property to succeed as a short term let. It does not present the shared stair issue – this has been proven in many recent appeal cases where typically, appeals are successful where the property has its own private access. There is also no access to any outside amenity space and therefore ensures that there is no potential for guests to gather outside and reduces the chance of any potential noise disturbance.
- 3.12 Regarding the refused planning application, only 5 letters of representation were received, two of which related to an inaccurate location plan which was my fault and was rectified as a part of the planning process; two related to objectors assuming that the access to our property was shared, which is inaccurate as it is not shared, wholly private; which leaves just one objection which from our perspective is a complete fabrication and what Mr Lawson at number 32 Raeburn Place has stated is wholly inaccurate. On the date noted by Mr Lawson, we had no short-term let booking but we agreed to allow an individual to self-isolate. This was an isolated incident and was dealt with immediately to close down any issues. I am not aware of any formal complaint to the Council or Police Incident number. We have CCTV in operation outside the property which allows us to view and record footage should anything ever become untoward. We also have the Ring doorbell which allows us to see exactly who is going into our property and when. As a 'host' this gives us additional security and peace of mind. It should be noted that the Council's Environmental Protection can control noise under their own legislative processes and using appropriate enforcement measures if required should any complaints be received. As noted above, we are unaware of any complaint being made and the isolated incident was not a short-term let.

#### Frequency of Movement

- 3.13 The townhouse is moderate in size and although marketed as having a maximum capacity for 8 guests, the reality is that most bookings are conducive to young families, extended families, and couples looking for a luxury getaway and this is reflected in the bookings we get, and subsequent feedback from guests. (refer to Appendix C)
- 3.14 Although there is not a minimum stay for one booking, the level of bookings that the property receives, 34 bookings for 2023, reduces any disruption. In that context, guests would change a maximum of once per 1.5 weeks. The most bookings occurred

in 2019 and 2023 but the percentage of guest nights has been below 30% in both years.

- 3.15 Within the case officer's report (Appendix D), makes many assumptions which are not based on fact. The report notes that:

‘the use as a short term let would allow multiple parties to come and go from the premises for inconsistent periods of time throughout the year in a manner dissimilar to that of permanent resident. When staying at the property, guests can come and go frequently throughout the day and night impacting on the amenity of immediate residential occupants. Temporary visitors are likely to have less regard for the local amenity. Further to this an objection received commented that users of the short term let have made access to a flat roof that is accessible to the property. This has caused a detrimental effect on residential amenity of the immediate area in the past’.

- 3.16 It is relevant to consider the alternative occupancy of the townhouse was not a short-term let. A longer-term tenancy could incur similar potential interaction with the local night time economy, work differing times of the day, or have a lifestyle or studying which is not conducive to a typical Monday to Friday, nine till five. There is no evidence base to suggest that short-term letting of our property would lead to any escalation in local disturbance, over a traditional longer-term tenant. In our experience it is quite the contrary in that we had more complaints about our long-term let tenants in the 6 months they stayed than we have in the 6 years we have as a holiday let. With that I can conclude that we experienced more of a negative impact from letting long term than we have from letting short term in the context of the neighbourhood.
- 3.17 As noted above, the one objection which the case officer notes from our perspective is a complete fabrication and what Mr Lawson at number 32 Raeburn Place has stated is wholly inaccurate and further detailed in paragraph 3.12 above. It is unfair for the case officer to make broad assumptions on the type of guests we allow to stay at the property and we would ask the Local Review Body to disregard these comments.

#### Management of Townhouse

- 3.18 Our property is our pride. It was our dream to own a place in Stockbridge and we have worked extremely hard for it. All of our time and savings went into its purchase and restoration. We consider it one of our greatest assets and have the utmost respect for the property itself and its surroundings. As an upmarket place we therefore transpire as responsible ‘hosts’. That meaning we are really quite selective in who we allow to stay in our place (i.e. our getaway, our workspace and our family home from home) and the price is reflected in this at £450 per night Sunday – Thursday and £600 per night Friday and Saturday.
- 3.19 We have it clearly stated in our listing that we do not allow same sex groups for stag or hen parties nor parties of ANY kind. I consciously vet each guest by assessing their

reviews and their reasons for staying. I have, as a result, rejected many booking requests because their intentions did not fall in line with ours.

- 3.20 We always ensure that guests are fully aware of all 'House Rules' (Appendix E) which are cited on the Airbnb website as well as in our own manual. A section of this manual notes in detail the proximity of our 2 neighbours and that it goes against rules to cause them any nuisance, noise or otherwise. In addition, we tell both of them to get in touch with us straight away in the event they are disturbed or at all concerned. Nothing was mentioned to us by either neighbour in the context of Mr Lawson's objection. I am pleased to say that they have never complained about any of our guests. In fact, one of our neighbours have even sought to book our flat for their families visiting.
- 3.21 I manage the property personally, but it is exclusively marketed by Airbnb.co.uk ([https://www.airbnb.co.uk/rooms/20566609?adults=1&viralityEntryPoint=1&s=76&unique\\_share\\_id=60941907-07E6-46EF-9382-5DA05CF16D2E&branch\\_referrer=H4slAAAAAAAAA8soKSkottLXT0zKS9LLTdVPzgi3zA9yd69wSglAA0h54BsAAAA%3D&branch\\_match\\_id=1154157789306538728&source\\_impression\\_id=p3\\_1689779357\\_Clwqf7OKN%2B3Tlgxe](https://www.airbnb.co.uk/rooms/20566609?adults=1&viralityEntryPoint=1&s=76&unique_share_id=60941907-07E6-46EF-9382-5DA05CF16D2E&branch_referrer=H4slAAAAAAAAA8soKSkottLXT0zKS9LLTdVPzgi3zA9yd69wSglAA0h54BsAAAA%3D&branch_match_id=1154157789306538728&source_impression_id=p3_1689779357_Clwqf7OKN%2B3Tlgxe)) which provides photographs of the rooms and interior of the townhouse, accommodation details (number of bedrooms, toilets and guest capacity) as well as what facilities are provided within the property. I am on hand to deal with any maintenance or operational issues and the property is run in an efficient manner. This includes measures to ensure guests respect the amenity of neighbouring properties. These measures include:

The minimum age of the lead member of the booking must be 25+.

Once a booking has been confirmed and deposit paid, there is an acceptance of the terms and conditions (Appendix E). These include an agreement to respect the neighbouring properties by not engaging in any activity which would cause any noise or disturbance, anti-social behaviour, no excessive noise, and no parties are allowed to take place within the property.

Within the property, the terms and conditions are reinforced through 'House Rules' which are displayed in a manual for the guests to read on check in and ensuring there is a clear understanding of respecting the residential amenity of adjoining neighbouring residential properties.

Check in is between 3pm and 8pm in person, and check out is 10am which ensures that there is limited potential disturbance and is not within unsociable hours.

There is a strict no smoking policy within, outside or close to the property.

The flat roof section that the case officer refers to in their report (Appendix D) is not within our ownership and is not included within the hire of the property and therefore ensures that there is no potential for guests to gather outside and reduce the chance of any potential noise disturbance.

Cleaning of the property takes place after every guest has checked out. This is undertaken by a specialist company to ensure the property is clean, remove rubbish and recycle, and provide fresh sheets and towels for the next guests



arriving. This is done between the hours of 11pm and 3pm, again to ensure any potential disturbance is kept to a minimum and out with unsocial hours.

As noted above, rubbish and recycling are collected and disposed of by the specialist cleaner off site to ensure that there are no potential issues with bins overflowing. Should guests require that waste be collected during a stay, this can be arranged through myself in line with the aims and objectives of NPF Policy 12.

- 3.22 All these points above are reiterated within the 'House Rules' in the welcome pack available to all guests on check in and reinforced by myself as a booking is made.

#### Summary of Reason 1:

- 3.23 I conclude that the proposed change of use conforms with the aims and objectives of LDP Policy Hou 7 and the change of use would not have a materially detrimental effect on the living conditions of nearby residents. The Council has provided no evidence that it would and has made assumptions which are not based on fact. In our experience it is quite the contrary in that we had more complaints about our long-term let tenants in the 6 months they stayed than we have in the 6 years we have as a holiday let. With that I can conclude that we experienced more of a negative impact from letting long-term than we have from letting short-term in the context of the neighbourhood.
- 3.24 Given the town centre location, the property is set amongst a mix of permanent and short-term let properties, shops, restaurants, cafes and coffee shops, takeaways, gym and sporting activities which is a fundamental part of the area's character and attraction. On balance with a pro-town centre policy context, there are also many residential and short-term let properties that gain direct access from Raeburn Place. As a town centre location, it is already subject to an existing level of ambient noise and disturbance in the daytime and night time economy.
- 3.25 The property is well managed, has a clear vetting process to ensure prospective guests meet our level of expectations and we have rejected many booking requests because their intentions did not fall in line with ours. We are responsible hosts and therefore clear terms and conditions and 'House Rules' are reinforced at every opportunity in person. The property has a secure private access that is not shared, and the use by guests is not the prominent use of the property, i.e. it is occupied by me and my family, or is vacant, significantly more often than it is occupied by guests.
- 3.26 The location is highly accessible being a short walk from Edinburgh City Centre and it is served by multiple bus routes giving access to local areas as well as Edinburgh City Centre. This adheres to the aims and objectives of NPF Policy 1, 2 and 13.

#### Reason 2:

- 3.27 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 will result in an unacceptable impact on local amenity and the loss of a residential property has not been justified.

- 3.28 Although we currently live in the boarders, Raeburn Place is our home from home, it is also our base for any business we need to tend to in the city or thereabouts. I use the workspace to meet clients, to host meetings and if I need to attend site meetings within Edinburgh and the surrounding area.
- 3.29 The times where our property is not used for our work or our leisure, we allow for short-term lets. Being able to do this not only allows us to generate additional income and thus spend more within the local economy, it also provides the opportunity for significant tourism spend in Raeburn, Stockbridge and Edinburgh City as a whole. Long-term letting is not an option for us and it never was our intention to buy to let. We always wanted to invest in a property in Edinburgh to use as a city gateway, perhaps accommodation for our children's academic future and to have as a long term asset. In that context, if planning permission was refused, we would continue to use it as a second home and would not be selling the property, thus not providing additional stock on the open market.
- 3.30 In a recent appeal decision (22/03161/FUL – 18 Spring Gardens, Edinburgh, EH8 8HX – March 2023), one member had issues with the use of NPF4 Policy 30 as a reason for refusal, as the applicant claimed there was no loss of residential accommodation, as the applicant would be in residence when not letting out the property. This is very similar in nature to our situation in that if you refer to Figure 1, you will note that we as a family spend more time at the property than we rent it out for short term lets. The use by guests is not the prominent use of the property, i.e. it is occupied by me and my family, or is vacant, significantly more often than it is occupied by guests, and has always been this way since we started renting the property in 2017. Please refer to Appendix F.
- 3.31 It is important to not solely take part (e) of NPF4 Policy 20 in isolation with the principle and intent of this policy as a whole 'to encourage, promote and facilitate sustainable tourism development which benefits local people' and 'LDPs should support the recovery, growth and long-term resilience of the tourism sector'.
- 3.32 Without the want or need for repetition, I have already gone into great detail on how our proposal does not have a materially detrimental effect on the living conditions of nearby residents and adheres to the aims and objectives of LDP Policy Hou 7. In that context, the proposal also adheres to NPF4 Policy 30(e) bullet point i).
- 3.33 Bullet point ii) of part e (NPF4 Policy 30) relates to the loss of residential accommodation where it is not outweighed by demonstrable local economic benefits. I would argue that there is no loss of residential accommodation as we as a family use the property more than we rent it out for short-term lets, and it has been clearly demonstrated from the Local Review Body regarding application 22/03161/FUL that the use of NPF4 Policy 30 should not be a reason for refusal when there is no loss of

residential accommodation, as the applicant would be in residence when not letting out the property.

3.34 Notwithstanding the above fact, self-catering is an important component of the tourism industry. In order to fully understand its contribution, the Association of Scotland's Self Caterers (ASSC) and the Professional Association of Self-Caterers UK (PASC UK) commissioned Frontline Consultants to carry out an independent Economic Impact Assessment of the self-catering industry in the UK. This included an overall UK-wide report, providing headline findings in the UK and its four countries; plus detailed individual country reports for England, Scotland, Wales and Northern Ireland.

3.35 Within Scotland, the self-catering industry totalled £867.1 million total visitor spend and supported 23,979 FTE jobs, contributing £672.3 million to the Scottish economy, Gross visitor spend by item contributed the following within Scotland:

- Accommodation fees - £414.6m
- Visitor attractions - £21m
- Travel to and from the property - £79.5m
- Travel during stay - £32.2m
- Food and drink (in local shops) - £41.5m
- Food and drink (in supermarkets) - ££68.8m
- Food and drink (bars, cafes & restaurants) - £128.2m
- Other shopping - £43.8m
- Outdoor recreation and other sport - £32.5m

3.36 In 2019 (pre Covid 19) the total visitor nights in the Lothian area was 293,972, a total visitor spend of £91.3m, total GVA impact of £51.5m, total FTE employment of 2,524, and a total economic contribution of £70.8m (date from the Economic Impact of Self-Catering to the Scottish Economy – August 2021).

3.37 The change of use provides specialist visitor accommodation when we are not utilising the property as an alternative to hotels and other more conventional types of accommodation, within the area that attracts visitors and encourages them to stay locally. This will support long-established businesses and benefit the wider economy of the city.

3.38 The economic benefits of short-term lets are a material consideration, including the jobs created through the required care, maintenance and upkeep of the properties. We use two Edinburgh based cleaning and linen hire companies: Edinburgh Cleaning Concierge and Polished Scot. We also use a local window cleaner and carpet/upholstery cleaner. Looking back at our accounts, we have spent circa £35,000 and upwards on these services alone, regular income generated predominantly by our short-term lettings.

3.39 The property is fully equipped to allow guests to utilise the kitchen to prepare their own meals, and with being located within the town centre, there are a huge variety of shops where provisions can be purchased. Notwithstanding this, the nature of

short-term lets allows for guests to provide custom for local cafes, restaurants, pubs and other services, as well as visiting tourism attractions locally and further beyond.

- 3.40 We have a 'Book of Recommendations' which is a part of the welcome pack, located within the property, providing information such as local takeaway menus, recommendations for pubs and restaurants, and supermarkets where they can stock up on provisions. This will encourage guests to use the local services and facilities and therefore guests staying in the short-term let would likely utilise the local outlets more than a long-standing tenant which would constitute a positive economic impact on the town centre. Refer to Appendix C.

- 3.41 In that context, there is a clear demonstrable local economic impact to the local and wider city area with reference to:

Income generated to a local short-term let business.

Trade for specialist cleaners and maintenance staff.

Spending by guests on accommodation fees, visitor attractions, travel to and from the property, travel during stay, food and drink (in local shops, supermarkets, bars, cafes and restaurants), other shopping, and outdoor recreation and other sport.

- 3.42 In that context, the proposal as articulated in detail in Reason 1, there is no adverse impact on residential amenity and therefore adheres to the aims and objectives of both LDP Policy Hou 7 and NPF4 Policy 30(e). I would strongly contend that there is no loss of residential property and notwithstanding this, there is a clear economic benefit that short-term lets provide for the local economy.

- 3.43 With respect to other precedent decisions on short-term lets and the physical setting and policy context of the property, I wish to conclude with a key point. If not this kind of property in this location with the relevant policies supporting the case and undertakings to manage a responsible short-term let in a convenient tourist location, then it is difficult to postulate where the optimal location would be.

Other Issues:

Heritage

- 3.44 There 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.
- 3.45 In the same context, the change of use from a residential premise to a short-term let will not have any material impact on the character of the conservation area. The change of use would preserve the appearance of the conservation area.

## Transportation

- 3.46 Zero parking is acceptable as there are no parking requirements for short-term lets. Cycles can be parked inside the property. Guests are always advised of local car parking restrictions, and the highly accessible location with direct access to public transport on Raeburn Place. The proposals comply with LDP Policies Tra 2 and Tra 3.

#### 4.0 Conclusions

- 4.1 The key issues associated with this appeal proposal are considered within this statement and in more detail within the supporting documents that were submitted as a part of the planning application which was refused by the City of Edinburgh Council.
- 4.2 The proposed change of use conforms with the aims and objective of LDP Policy Hou 7 and the proposal would not have a materially detrimental effect on the living conditions of nearby residents. The Council has provided no evidence that it would and has made assumptions which are not based on fact. In our experience it is quite the contrary in that we had more complaints about our long-term let tenants in the 6 months they stayed than we have in the 6 years we have as a holiday let. With that I can conclude that we experienced more of a negative impact from letting long-term than we have from letting short-term in the context of the neighbourhood.
- 4.3 Given the town centre location, the property is set amongst a mix of permanent and short-term let properties, shops, restaurants, cafes and coffee shops, takeaways, gym and sporting activities which is a fundamental part of the area's character and attraction. On balance with a pro-town centre policy context, there are also many residential and short-term let properties that gain direct access from Raeburn Place. As a town centre location, it is already subject to an existing level of ambient noise and disturbance in the daytime and night time economy.
- 4.4 The property is well managed, has a clear vetting process to ensure prospective guests meet our level of expectations and we have rejected many booking requests because their intentions did not fall in line with ours. We are responsible hosts and therefore clear terms and conditions and 'House Rules' are reinforced at every opportunity in person. The property has a secure private access that is not shared, and the use by guests is not the prominent use of the property, i.e. it is occupied by me and my family, or is vacant, significantly more often than it is occupied by guests.
- 4.5 The location is highly accessible being a short walk from Edinburgh City Centre and it is served by multiple bus routes giving access to local areas as well as Edinburgh City Centre. This adheres to the aims and objectives of NPF Policy 1, 2 and 13.
- 4.6 The property will provide high quality visitor accommodation attracting tourists into the locale and provides a direct economic benefit. Self-catering is an important component of the tourism industry. Within Scotland, the self-catering industry totalled £867.1 million total visitor spend and supported 23,979 FTE jobs, contributing £672.3 million to the Scottish economy.
- 4.7 The economic benefits of short-term lets are a material consideration, including the jobs created through the required care, maintenance and upkeep of the properties. We use two Edinburgh based cleaning and linen hire companies: Edinburgh Cleaning Concierge and Polished Scot. We also use a local window cleaner and carpet/upholstery cleaner.

- 4.8 There is no adverse impact on residential amenity and therefore adheres to the aims and objectives of both LDP Policy Hou 7 and NPF4 Policy 30(e). I would strongly contend that there is no loss of residential property and notwithstanding this, there is a clear economic benefit that short-term lets provide for the local economy.
- 4.9 With respect to other precedent decisions on short-term lets and the physical setting and policy context of the property, I wish to conclude with a key point. If not this kind of property in this location with the relevant policies supporting the case and undertakings to manage a responsible short-term let in a convenient tourist location, then it is difficult to postulate where the optimal location would be.
- 4.10 This case has demonstrated the optimised location, property type and compliance with development plan policies. It is recommended that the Local Review Body consider the facts in front of them and after a site visit conclude that there is no basis to support the reasons for refusal and respectfully request that they be overturned and the appeal be granted.

## ADDITIONAL NOTES

### SELECTIVE HOSTING

Our townhouse is very dear to us and having spent all of our savings on this property and it's restoration, we are very selective on who we have to stay when we are not using it. This is a property suitable for families and relaxing getaways. We have had visitors from overseas to England to right here in Scotland. We have been the chosen accommodation for rugby players coming over for the Tests with their families, for a published author who frequented Edinburgh to visit her daughter at Fettes, for families celebrating 70th birthdays to families reconnecting with family that stay in Edinburgh. This is the type of guests we choose to host and we have indeed rejected many bookings in the past to eliminate the risk of unsavoury guests and/or their accommodation intentions. All of the furnishings I've put in our place are not cheap. We have a high price point and very high deposit payment in place to protect our home, and our things.

I have included some screenshots of our listing as per the AirBnB website, you will note it strictly states no same-sex bookings and absolutely no stag & hen dos and/or parties of any kind.

In addition, the extract from our guest manual about respect for our neighbours and the neighbourhood reads:

"Whilst we do wish for our guests to fully enjoy their stay, we would also like to gently remind you that we have neighbours nearby and thus ask that you keep noise to a minimum. We are a semi-detached home with a family living next door. We ask that you respect this during your stay, the same as you would in your own home.

You will soon come to discover that Stockbridge, and indeed Raeburn Place, is a lovely neighbourhood and we hope that you will love it as much as we do."

### PERSONAL USE

My husband and I run three businesses. We are often required to work in and around Edinburgh and sometimes further afield. One of our main motives for putting our savings towards a property here is the latter. Being able to stay in our own property really saves on external costs of accommodation etc. Raeburn Place gives us a workspace out with our main office in Galashiels and we can stay overnight when we have an early start, site visits or back to back meetings. We can also offer this to our staff for their work needs too.

Although we chose to raise a family in the Borders, where we both grew up, we both love Edinburgh. We stay here many weekends and for school holidays. Our daughter loves the city and indeed our townhouse as much as we do and it is essentially our home away from home.

Air BnB has given us the opportunity to use our space as planned but to also allow others to enjoy it when we're not whilst enabling us to recoup some of the costs of the property. I am one of AirBnB's 'Superhosts' and the feedback received from guests from all over the world is really heart warming. To see they have enjoyed exploring our city using our home as a base, it's a win for both us and Edinburgh as a whole.

Income from letting the property is essential to us. But, if we were to ever find ourselves having to long term let then it would take away from being able to use the property ourselves. That's why the partial-letting that platforms like AirBnB enable are important to so many of us.

### SECURITY

We have CCTV in operation outside the property. This allows us to view and record footage should anything ever become untoward.

We also have the Ring doorbell which allows us to see exactly who is going into our property and when. As a 'host' this gives us additional security and peace of mind as the Ring technology and app is fantastic.





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 100600971-001

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.

## Type of Application

What is this application for? Please select one of the following: \*

- ☐ Application for planning permission (including changes of use and surface mineral working).
- ☐ Application for planning permission in principle.
- ☐ Further application, (including renewal of planning permission, modification, variation or removal of a planning condition etc)
- ☐ Application for Approval of Matters specified in conditions.

## Description of Proposal

Please describe the proposal including any change of use: \* (Max 500 characters)

This is our second home. We use it if we require to work in the city or further north (we are in Galashiels) and also as a family holiday home for weekends and school holidays. We have also let our property out before for longer term lets and Air BnB so essentially it is used for multiple purposes. We are required to amend our townhouse for 'change of use' if we want to continue listing our property on Air BnB.

Is this a temporary permission? \* ☐ Yes ☒ No

If a change of use is to be included in the proposal has it already taken place?  
(Answer 'No' if there is no change of use.) \* ☐ Yes ☒ No

Has the work already been started and/or completed? \*

☒ No ☐ Yes – Started ☐ Yes - Completed

## 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="Donna"/>	Building Number:	<input type="text" value="1"/>
Last Name: *	<input type="text" value="Robertson"/>	Address 1 (Street): *	<input type="text" value="Hillside drive"/>
Company/Organisation	<input type="text"/>	Address 2:	<input type="text"/>
Telephone Number: *	<input type="text"/>	Town/City: *	<input type="text" value="galashiels"/>
Extension Number:	<input type="text"/>	Country: *	<input type="text" value="United Kingdom"/>
Mobile Number:	<input type="text"/>	Postcode: *	<input type="text" value="TD1 2HN"/>
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="29A RAEBURN PLACE"/>
Address 2:	<input type="text" value="STOCKBRIDGE"/>
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 1HU"/>

Please identify/describe the location of the site or sites

Northing	<input type="text" value="674640"/>	Easting	<input type="text" value="324468"/>
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## Pre-Application Discussion

Have you discussed your proposal with the planning authority? \*

☐ Yes ☒ No

## Site Area

Please state the site area:

146.00

Please state the measurement type used:

☐ Hectares (ha) ☒ Square Metres (sq.m)

## Existing Use

Please describe the current or most recent use: \* (Max 500 characters)

As noted this is our second home. It is used personally for work purposes and family. It has also been let for longer term use (with tenants) as well as for holiday letting on Air BnB.

## Access and Parking

Are you proposing a new altered vehicle access to or from a public road? \*

☐ Yes ☒ No

If Yes please describe and show on your drawings the position of any existing. Altered or new access points, highlighting the changes you propose to make. You should also show existing footpaths and note if there will be any impact on these.

Are you proposing any change to public paths, public rights of way or affecting any public right of access? \*

☐ Yes ☒ No

If Yes please show on your drawings the position of any affected areas highlighting the changes you propose to make, including arrangements for continuing or alternative public access.

How many vehicle parking spaces (garaging and open parking) currently exist on the application Site?

0

How many vehicle parking spaces (garaging and open parking) do you propose on the site (i.e. the Total of existing and any new spaces or a reduced number of spaces)? \*

0

Please show on your drawings the position of existing and proposed parking spaces and identify if these are for the use of particular types of vehicles (e.g. parking for disabled people, coaches, HGV vehicles, cycles spaces).

## Water Supply and Drainage Arrangements

Will your proposal require new or altered water supply or drainage arrangements? \*

☐ Yes ☒ No

Do your proposals make provision for sustainable drainage of surface water?? \*  
(e.g. SUDS arrangements) \*

☐ Yes ☒ No

Note:-

Please include details of SUDS arrangements on your plans

Selecting 'No' to the above question means that you could be in breach of Environmental legislation.

Are you proposing to connect to the public water supply network? \*

- ☐ Yes  
☐ No, using a private water supply  
☒ No connection required

If No, using a private water supply, please show on plans the supply and all works needed to provide it (on or off site).

## Assessment of Flood Risk

Is the site within an area of known risk of flooding? \*

☐ Yes ☒ No ☐ Don't Know

If the site is within an area of known risk of flooding you may need to submit a Flood Risk Assessment before your application can be determined. You may wish to contact your Planning Authority or SEPA for advice on what information may be required.

Do you think your proposal may increase the flood risk elsewhere? \*

☐ Yes ☒ No ☐ Don't Know

## Trees

Are there any trees on or adjacent to the application site? \*

☐ Yes ☒ No

If Yes, please mark on your drawings any trees, known protected trees and their canopy spread close to the proposal site and indicate if any are to be cut back or felled.

## Waste Storage and Collection

Do the plans incorporate areas to store and aid the collection of waste (including recycling)? \*

☐ Yes ☒ No

If Yes or No, please provide further details: \* (Max 500 characters)

We currently use the communal bin on the street for refuse.

## Residential Units Including Conversion

Does your proposal include new or additional houses and/or flats? \*

☐ Yes ☒ No

## All Types of Non Housing Development – Proposed New Floorspace

Does your proposal alter or create non-residential floorspace? \*

☐ Yes ☒ No

## Schedule 3 Development

Does the proposal involve a form of development listed in Schedule 3 of the Town and Country Planning (Development Management Procedure (Scotland) Regulations 2013? \*

☐ Yes ☒ No ☐ Don't Know

If yes, your proposal will additionally have to be advertised in a newspaper circulating in the area of the development. Your planning authority will do this on your behalf but will charge you a fee. Please check the planning authority's website for advice on the additional fee and add this to your planning fee.

If you are unsure whether your proposal involves a form of development listed in Schedule 3, please check the Help Text and Guidance notes before contacting your planning authority.

## Planning Service Employee/Elected Member Interest

Is the applicant, or the applicant's spouse/partner, either a member of staff within the planning service or an elected member of the planning authority? \*

☐ Yes ☒ No

## Certificates and Notices

CERTIFICATE AND NOTICE UNDER REGULATION 15 – TOWN AND COUNTRY PLANNING (DEVELOPMENT MANAGEMENT PROCEDURE) (SCOTLAND) REGULATION 2013

One Certificate must be completed and submitted along with the application form. This is most usually Certificate A, Form 1, Certificate B, Certificate C or Certificate E.

Are you/the applicant the sole owner of ALL the land? \*

☒ Yes ☐ No

Is any of the land part of an agricultural holding? \*

☐ Yes ☒ No

## Certificate Required

The following Land Ownership Certificate is required to complete this section of the proposal:

Certificate A

## Land Ownership Certificate

Certificate and Notice under Regulation 15 of the Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013

Certificate A

I hereby certify that –

(1) - No person other than myself/the applicant was an owner (Any person who, in respect of any part of the land, is the owner or is the lessee under a lease thereof of which not less than 7 years remain unexpired.) of any part of the land to which the application relates at the beginning of the period of 21 days ending with the date of the accompanying application.

(2) - None of the land to which the application relates constitutes or forms part of an agricultural holding

Signed: Mrs Donna Robertson

On behalf of:

Date: 27/09/2022

☒ Please tick here to certify this Certificate. \*

## Checklist – Application for Planning Permission

Town and Country Planning (Scotland) Act 1997

The Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013

Please take a few moments to complete the following checklist in order to ensure that you have provided all the necessary information in support of your application. Failure to submit sufficient information with your application may result in your application being deemed invalid. The planning authority will not start processing your application until it is valid.

a) If this is a further application where there is a variation of conditions attached to a previous consent, have you provided a statement to that effect? \*

☐ Yes ☐ No ☒ Not applicable to this application

b) If this is an application for planning permission or planning permission in principal where there is a crown interest in the land, have you provided a statement to that effect? \*

☐ Yes ☐ No ☒ Not applicable to this application

c) If this is an application for planning permission, planning permission in principle or a further application and the application is for development belonging to the categories of national or major development (other than one under Section 42 of the planning Act), have you provided a Pre-Application Consultation Report? \*

☐ Yes ☐ No ☒ Not applicable to this application

Town and Country Planning (Scotland) Act 1997

The Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013

d) If this is an application for planning permission and the application relates to development belonging to the categories of national or major developments and you do not benefit from exemption under Regulation 13 of The Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013, have you provided a Design and Access Statement? \*

☐ Yes ☐ No ☒ Not applicable to this application

e) If this is an application for planning permission and relates to development belonging to the category of local developments (subject to regulation 13. (2) and (3) of the Development Management Procedure (Scotland) Regulations 2013) have you provided a Design Statement? \*

☐ Yes ☐ No ☒ Not applicable to this application

f) If your application relates to installation of an antenna to be employed in an electronic communication network, have you provided an ICNIRP Declaration? \*

☐ Yes ☐ No ☒ Not applicable to this application

g) If this is an application for planning permission, planning permission in principle, an application for approval of matters specified in conditions or an application for mineral development, have you provided any other plans or drawings as necessary:

- ☐ Site Layout Plan or Block plan.
- ☐ Elevations.
- ☐ Floor plans.
- ☐ Cross sections.
- ☐ Roof plan.
- ☐ Master Plan/Framework Plan.
- ☐ Landscape plan.
- ☒ Photographs and/or photomontages.
- ☒ Other.

If Other, please specify: \* (Max 500 characters)

I am unaware that plans and drawings are required for a Change of Use because our building as it is now, will remain exactly the same. Do let me know otherwise.

Provide copies of the following documents if applicable:

A copy of an Environmental Statement. \*

☐ Yes ☒ N/A

A Design Statement or Design and Access Statement. \*

☐ Yes ☒ N/A

A Flood Risk Assessment. \*

☐ Yes ☒ N/A

A Drainage Impact Assessment (including proposals for Sustainable Drainage Systems). \*

☐ Yes ☒ N/A

Drainage/SUDS layout. \*

☐ Yes ☒ N/A

A Transport Assessment or Travel Plan

☐ Yes ☒ N/A

Contaminated Land Assessment. \*

☐ Yes ☒ N/A

Habitat Survey. \*

☐ Yes ☒ N/A

A Processing Agreement. \*

☐ Yes ☒ N/A

Other Statements (please specify). (Max 500 characters)

## **Declare – For Application to Planning Authority**

I, the applicant/agent certify that this is an application to the planning authority as described in this form. The accompanying Plans/drawings and additional information are provided as a part of this application.

Declaration Name:

Declaration Date:

## PLANNING STATEMENT FOR NPF 4 - 22/04883/FUL

In light of the recent Revised Draft National Planning Framework 4 being approved by the Scottish Parliament please find our planning statement in support of our application for Change of Use.

### i) UNACCEPTABLE IMPACT ON LOCAL AMENITY OR THE CHARACTER OF A NEIGHBOURHOOD

#### THE NEIGHBOURHOOD

The bustling area of Stockbridge, and namely Raeburn Place, is one of the city's best regarded neighbourhoods. Not just for its beautiful architecture, history and quaint little streets. But for its "friendly village-feel" in the heart of the city via unique shops and expansive mix of people. This has been cited numerous times across many articles and we can personally vouch that the amiable setting here is second to none. This notion is also shared by our guests as we hear time and time again about how much they love the neighbourhood; the little coffee shops, the independent shops, the enjoyable walk around the streets and, particularly, the people.

You only have to wander around for a short period to see that Raeburn Place hosts a beautifully eclectic mix of groups and demographics. From local residents, local shopkeepers, students, elderly couples, families, youths and many, many tourists. Although this is our second home we have made good relations with our neighbours and the local traders alike. We enjoy frequenting the different restaurants, the hotel, the shops and love our family walks around Inverleith and/or the Botanics. Based on our own experiences we are able to personally recommend many of the local establishments and attractions to our guests. It is always well received as the feedback we get speaks for itself.

As you will know Raeburn Place is a perfect blend of residential and commercial premises. It just works. A property being partially used as an STL here would not be out of place nor detrimental to a neighbourhood which already hosts both homes and businesses.

#### OWNERSHIP RESPONSIBILITY

Our flat is our pride. It was our dream to own a place in Stockbridge and we have worked extremely hard for it. All of our time and savings went into its purchase and restoration. We consider it one of our greatest assets and have the utmost respect for the property itself and its surroundings. As an upmarket place we therefore transpire as responsible 'hosts'. That meaning we are really quite selective in who we allow to stay in our place (aka our getaway, our workspace and our family home from home).

We have it clearly stated in our listing that we do not allow same sex groups for stag or hen parties nor parties of ANY kind. I consciously vet each guest by assessing their reviews and their reasons for staying. I have, as a result, rejected many booking requests because their intentions did not fall in line with ours.

We always ensure that guests are fully aware of all house rules which are cited on the Air BnB website as well as in our own manual. A section of this manual notes in detail the proximity of our 2 neighbours and that it goes against rules to cause them any nuisance, noise or otherwise. In addition we tell both of them to get in touch with us straight away in the event they are disturbed or at all concerned. I am pleased to say that they have never complained about any of our guests. In fact, one of our neighbour's have even sought to book our flat for their families visiting.

It is also worth noting that we had more complaints about our long term let tenants in the 6 months they stayed than we have in the 4-5 years we have as a holiday let! With that I can conclude that we experienced more of a negative impact from letting long term than we have from letting short term in the context of the neighbourhood.

#### LOCAL IMPACT

By utilising our property both personally and as a hospitality option for visitors we fail to see how this can be perceived as having an "unacceptable impact on the local amenity or the character of a neighbourhood". We adore our townhouse and indeed Raeburn Place, our want is for others to experience and love it too. We've met and hosted people from everywhere which has been so lovely, especially after Covid:



Fringe performers and crew and their families (including some very well known comedians)  
 The director of the Edinburgh Hogmanay Party and his family  
 International rugby player's families  
 Those attending local events such as the opening of the Edinburgh Academicals new pitch/stadium  
 Domestic tourists  
 International tourists  
 Families of those visiting children at Fettes  
 Newlyweds  
 Families who are over to spend Christmas with loved ones in Edinburgh  
 Repeat guests staying for work/business  
 Essential workers throughout the pandemic lockdowns

That's just a small example of those we have had the pleasure of hosting. Being able to accommodate people from all over (including those local to Edinburgh) and from all walks of life only adds to the character of an already vibrant neighbourhood. Undoubtedly this has a very positive impact on the local amenities and surrounding environment.

ii) THE LOSS OF RESIDENTIAL ACCOMMODATION WHERE SUCH LOSS IS NOT OUTWEIGHED BY DEMONSTRATABLE LOCAL ECONOMIC BENEFITS

As noted not only is Raeburn Place our home from home, it is also our base for any business we need to tend to in the city or thereabouts. I use it as a workspace, to meet clients, to host meetings and if I need to attend site meetings within the Edinburgh and surrounding area.

The times where our property is not used for our work or our leisure, we allow for short term lets. For reference, please find a visual of our calendar for March. You will see the guest bookings as confirmed by Air BnB and the days marked out in grey are those blocked out for own personal use:

March 2023

		1 £450	2 £450	3 £600	4	5
6	7	8	9 £450	10 £600	11	12
13 £450	14 £450	15 £450	16 £450	17	18	19
20 £450	21 £450	22	23	24 £600	25	26
27 £450	28 £450	29 £450	30	31 £600		

Being able to do this not only allows us to generate additional income and thus spend more within the local economy, it also provides the opportunity for significant tourism spend in Raeburn, Stockbridge and Edinburgh city as a whole.

Long term letting is not an option for us and it was never our intention to buy to let. We always wanted to invest in a property in Edinburgh to use as a city getaway, perhaps accommodation for our children's academic future and to have as a long term asset. With that said, even if we are unable to pursue with short term letting, we still would not

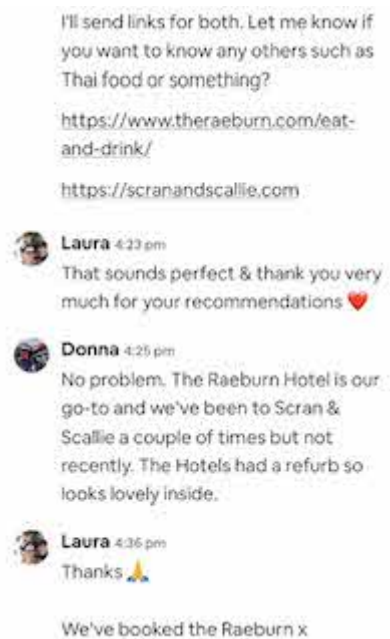
proceed down the long term let avenue so 29A Raeburn Place could not be categorised as a loss of residential accommodation. It is a property which we hope to keep in our family for many, many years.

In terms of local economic benefit, please see below the ways in which we have demonstrated this:

Spend from our family – we frequently use the coffee shops, restaurants, bars, shops, the Stockbridge Market etc. We probably spend a little more than we would if we lived here as we perceive it as a little ‘trip’.

Spend from guests – not only are the local amenities benefiting from our personal spend, they are also gaining from our guests. They are going out for coffee, meals and drinks as well as visiting local attractions (as recommended by our guest manual) like the Botanical Gardens.

Maintenance – we use two Edinburgh based cleaning and linen hire companies: Edinburgh Cleaning Concierge and Polished Scot. We also use a local window cleaner and carpet/upholstery cleaner. Looking back on our accounts we spend an average of £35,000.00 and upwards on these services alone. That is £35k+ of regular income to local businesses driven predominantly by our short term lettings.



Above is an example of how we drive guests to benefit the local economy.

To that end we would like to add that although we can understand the reasons behind the implementation of stricter controls in STLs, we also firmly believe that not all lettings and/or properties can be perceived the same. As noted for us personally, with our place, we are exercising control and responsibility with it. We are selective, considerate of our neighbours and protective of the property and surroundings. We are not driven by volume and maximum capacity stays like a lot of other lets. Our townhouse is not a revolving door for reckless guests and it never will be.

Having the ability to utilise this as our own space but also let it out short term to those we foresee as well intentioned guests serves as a bonus for both us and the local, as well as wider, economy.

Mrs Robertson  
1 Hillside Drive  
Galashiels  
TD1 2HN

**Decision date: 24 April 2023**

**TOWN AND COUNTRY PLANNING (SCOTLAND) ACTS  
DEVELOPMENT MANAGEMENT PROCEDURE (SCOTLAND) REGULATIONS 2013**

Change of use to short-term lets and AirBnB.  
At 29A Raeburn Place Edinburgh EH4 1HU

**Application No: 22/04883/FUL**

**DECISION NOTICE**

With reference to your application for Planning Permission registered on 18 October 2022, this has been decided by **Local Delegated Decision**. The Council in exercise of its powers under the Town and Country Planning (Scotland) Acts and regulations, now determines the application as **Refused** in accordance with the particulars given in the application.

Any condition(s) attached to this consent, with reasons for imposing them, or reasons for refusal, are shown below;

**Conditions:-**

1. No conditions are attached to this consent.

**Reason for Refusal:-**

1. 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.
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 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.

Please see the guidance notes on our [decision page](#) for further information, including how to appeal or review your decision.

Drawings 01A, 02 - 05, represent the determined scheme. Full details of the application can be found on the [Planning and Building Standards Online Services](#)

The reason why the Council made this decision is as follows:

This determination does not carry with it any necessary consent or approval for the proposed development under other statutory enactments.

Should you have a specific enquiry regarding this decision please contact Benny Buckle directly at [benny.buckle@edinburgh.gov.uk](mailto:benny.buckle@edinburgh.gov.uk).



**Chief Planning Officer**  
**PLACE**  
**The City of Edinburgh Council**

## NOTES

1. If the applicant is aggrieved by the decision to refuse permission for or approval required by a condition in respect of the proposed development, or to grant permission or approval subject to conditions, the applicant may require the planning authority to review the case under section 43A of the Town and Country Planning (Scotland) Act 1997 within three months beginning with the date of this notice. The Notice of Review can be made online at [www.eplanning.scot](http://www.eplanning.scot) or forms can be downloaded from that website. Paper forms should be addressed to the City of Edinburgh Planning Local Review Body, G.2, Waverley Court, 4 East Market Street, Edinburgh, EH8 8BG. For enquiries about the Local Review Body, please email [localreviewbody@edinburgh.gov.uk](mailto:localreviewbody@edinburgh.gov.uk).

2. If permission to develop land is refused or granted subject to conditions and the owner of the land claims that the land has become incapable of reasonably beneficial use in its existing state and cannot be rendered capable of reasonably beneficial use by carrying out of any development which has been or would be permitted, the owner of the land may serve on the planning authority a purchase notice requiring the purchase of the owner of the land's interest in the land accordance with Part 5 of the Town and Country Planning (Scotland) Act 1997.