

Sorrell Associates.
FAO: Jim Sorrell
The Green House
41 St Bernard's Crescent
Edinburgh
EH4 1NR

Mr Smith
GF 10 Inverleith Terrace
Edinburgh
EH3 5NS

Decision date: 17 May 2023

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

Change of use from dwelling to short-term let (in retrospect).
At 10 Inverleith Terrace Lane Edinburgh EH3 5NP

Application No: 22/03634/FUL

DECISION NOTICE

With reference to your application for Planning Permission registered on 29 July 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;

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 property 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 4 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, 03., 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:

The proposal is acceptable with regard to Section 64 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 as it will preserve the character or appearance of the conservation area.

The change of use of this property to a short term let (STL) will have an unacceptable impact on neighbouring amenity. The loss of the residential accommodation has not been justified. Whilst it is recognised that there is an economic benefit to the city as a whole from the provision of tourist accommodation, in this case it does not outweigh the adverse impact on residential amenity or loss of residential accommodation. The proposal does not comply with the Development Plan policy NPF 4 policy 30(e) and LDP policy Hou 7. There are no material considerations that outweigh this conclusion. The proposal is unacceptable.

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 Lesley Porteous directly at lesley.porteous@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 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.

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.

Report of Handling

Application for Planning Permission
10 Inverleith Terrace Lane, Edinburgh, EH3 5NP

Proposal: Change of use from dwelling to short-term let (in retrospect).

Item – Local Delegated Decision
Application Number – 22/03634/FUL
Ward – B05 - Inverleith

Recommendation

It is recommended that this application be **Refused** subject to the details below.

Summary

The proposal is acceptable with regard to Section 64 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 as it will preserve the character or appearance of the conservation area.

The change of use of this property to a short term let (STL) will have an unacceptable impact on neighbouring amenity. The loss of the residential accommodation has not been justified. Whilst it is recognised that there is an economic benefit to the city as a whole from the provision of tourist accommodation, in this case it does not outweigh the adverse impact on residential amenity or loss of residential accommodation. The proposal does not comply with the Development Plan policy NPF 4 policy 30(e) and LDP policy Hou 7. There are no material considerations that outweigh this conclusion. The proposal is unacceptable.

SECTION A – Application Background

Site Description

The application site is a newly constructed (2019) two-storey mews building, constructed in the garden of 10 Inverleith Place. The property extends over two floors. There are two bedrooms on the ground floor. Steps lead up to the first floor which has a kitchen, dining/living area/study. The property has its own main door entrance and there is a private rear garden. The applicant lives in the ground and lower ground floor apartment at no.10 Inverleith Terrace and the application property is at the foot of his garden.

The character of the surrounding area is primarily residential with some mixed uses. The application property is directly accessed off Inverleith Terrace Lane. The lane runs between two high stone walls which protect the gardens of no.3 to no.16 Inverleith Place on the north side and Tanfield House office complex to the south. On the north side of the lane there are eight garages and one other dwelling at no.12. On the south side of the lane there are no dwellings. There is a small industrial building at the eastern end. Public transport can be reached within a 5-minute walk.

The application site is in the Inverleith Conservation Area.

Description Of The Proposal

The application seeks permission to change the residential use to a short term let dwelling. The construction of the dwelling was completed in 2019 and has only been used for short term letting since then. The application is therefore retrospective. No internal or external physical changes are proposed.

Supporting Information

Planning statement.
National Planning Framework 4 Planning Statement.

Relevant Site History

No relevant site history.

Other Relevant Site History

15/01280/FUL
GF, 10 Inverleith Terrace
Edinburgh EH3 5NS.
Subdivide Garden and Form 2-storey mews
house with access from Inverleith Terrace Lane.
Granted 20.5.2015.

Consultation Engagement

No consultations.

Publicity and Public Engagement

Date of Neighbour Notification: 17 May 2023
Date of Advertisement: 5 August 2022
Date of Site Notice: 5 August 2022
Number of Contributors: 3

Section B - Assessment

Determining Issues

Due to the proposed development falling within a conservation area, this report will first consider the proposals in terms of Section 64 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997:

- Is there a strong presumption against granting planning permission due to the development conflicting with the objective of preserving or enhancing the character or appearance of the conservation area?
- If the strong presumption against granting planning permission is engaged, are there any significant public interest advantages of the development which can only be delivered at the scheme's proposed location that are sufficient to outweigh it?

This report will then consider the proposed development under Sections 24, 25 and 37 of the Town and Country Planning (Scotland) Act 1997 (the 1997 Act):

Having regard to the legal requirement of Section 24(3), in the event of any policy incompatibility between National Planning Framework 4 (NPF4) & Edinburgh Local Development Plan 2016 (LDP) the newer policy shall prevail.

Do the proposals comply with the development plan?

If the proposals do comply with the development plan, are there any compelling material considerations for not approving them?

If the proposals do not comply with the development plan, are there any compelling material considerations for approving them?

In the assessment of material considerations this report will consider:

- equalities and human rights;
- public representations; and
- any other identified material considerations.

Assessment

To address these determining issues, it needs to be considered whether:

a) The proposals harm the character or appearance of the conservation area?

Section 64(1) of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 states:

"In exercise, with respect to any buildings or other land in a conservation area, of any powers under any of the provisions in subsection (2), special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area."

The Inverleith Conservation Area Character Appraisal emphasises the predominance of Georgian, Victorian and Edwardian villas and terraces which form boundaries to extensive blocks of public and private open space. The villa streets are complemented by a profusion of mature trees, extensive garden settings, stone boundary walls and spacious roads. The villas are in a considerable variety of architectural styles, unified by the use of local building materials.

There are no external changes proposed. The change of use from a residential premises 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.

Conclusion in relation to the conservation area

The proposals are acceptable with regard to Section 64 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997.

b) The proposals comply with the development plan?

National Planning Framework 4 (NPF4) was adopted by the Scottish Ministers on 13 February 2023 and forms part of the Council's Development Plan. NPF4 policies supports the planning and delivery of Sustainable Places, Liveable Places and Productive Places and are the key policies against which proposals for development are assessed. Several policies in the Edinburgh Local Development Plan (LDP) are superseded by equivalent and alternative policies within NPF4. The relevant policies to be considered are:

- NPF4 Sustainable Places Policy 1.
- NPF4 Historic Assets and Places Policy 7.
- NPF4 Productive Places Tourism Policy 30.
- LDP Housing Policy Hou 7.
- LDP Transport Policies Tra 2 and Tra 3.

The non-statutory 'Listed Buildings and Conservation Area' guidance is a material consideration that is relevant when considering historic assets.

The non-statutory 'Guidance for Businesses' (2023) is a material consideration that is relevant when considering change of use applications.

Conservation Area

There are no external or internal works proposed and as such there will not be a significant impact on historic assets and places. The proposal complies with NPF 4 Policy 7.

Proposed Use

With regards to NPF 4 Policy 1, the proposals do not involve operational development. The proposals will have a negligible impact on the global climate and nature crisis.

NPF 4 Policy 30 seeks to encourage, promote and facilitate sustainable tourism development which benefits local people, is consistent with our net zero and nature commitments, and inspires people to visit Scotland. Criterion 30 (e) specifically relate to STL proposals.

LDP Policy Hou 7 (Inappropriate Uses in Residential Areas), seeks to protect residential amenity.

The non-statutory Guidance for Businesses (2023) states that an assessment of a change of use of dwellings to a short term let will have regard to:

- The character of the new use and of the wider area;
- The size of the property;
- The pattern of activity associated with the use including numbers of occupants, the period of use, issues of noise, disturbance and parking demand; and
- The nature and character of any services provided.

Amenity

The application property has its own main door access off Inverleith Terrace Lane and there is a private garden to the rear. The character of the surrounding area is primarily residential with other mixed uses.

The applicant has provided a planning statement highlighting that the STL use is not just for tourists but for other guests relating to business use. The statement suggests that STL use will not be detrimental to the amenity of other residents as the application property is:- a stand -alone property, has a main door entrance, and is a small dwelling with limited capacity. It also states that the location of the property is secluded and far away from other residential properties.

As the area is primarily residential there is a fairly low ambient noise level and the introduction of an STL use in this location will have a negative impact on the amenity of the surrounding area. Although it has its own main door access, the use of this property as a short term let would have the potential to introduce an increased frequency of movement to the dwelling and private garden at unsociable hours. The proposed two bedroom short stay use would enable visitors to arrive and stay at the premises for a short period of time on a regular basis throughout the year in a manner dissimilar to that of permanent residents. There is no guarantee that guests would not come and go frequently throughout the day and night and transient visitors may have less regard for neighbours' amenity than individuals using the property as a principal home. The STL use would raise no privacy issues.

The additional servicing that operating a property as an STL requires compared to that of a residential use is also likely to result in an increase in disturbance, further impacting on neighbouring amenity. However, this would be of lesser impact as it is likely that servicing would be conducted during the daytime.

The potential for noise described above would be significantly different from the ambient background noise that neighbouring residents might reasonably expect and will have a significantly detrimental effect on the living conditions and amenity of nearby residents. The proposal does not comply with NPF 4 policy 30(e) part (i) and LDP policy Hou 7.

Loss of residential accommodation

NPF 4 policy 30 (e) part (ii) requires that where there is a loss of residential accommodation, this will only be supported where the loss is outweighed by demonstrable local economic benefits.

Paragraph 220 of the LDP acknowledges that tourism is the biggest source of employment in Edinburgh, providing jobs for over 31,000 people. The use of the property by guests and the required maintenance and upkeep of STL properties are

likely to result in a level of job creation and spend within the economy which can be classed as having an economic benefit.

The applicant's planning statement confirms that the application property, constructed in 2019, replaced a dilapidated garage and has never been used for longer term residential use. The statement submits that if planning permission was refused the applicant would not wish to sell or rent out for longer term tenancy, consequently not contributing to the city's housing stock. The statement continues to list the economic benefits which the short term use would bring as:- accommodation fees, business for local companies, business rates and guests using local amenities.

The current lawful use of the property is for residential accommodation. Consequently, the use of the property as an STL would result in a loss of residential accommodation, which given the recognised need and demand for housing in Edinburgh is important to retain, where appropriate. The applicant's intention not to offer the property for sale or rent should the application be refused is not a material consideration as the intentions may change and the planning decision sits with the property and not the applicant.

It is accepted that the use of the property by short term let guests will likely result in some economic benefit locally, and that there will be some positive impact on the local economy. However, residential occupation of the property also contributes to the economy, in terms of providing a home and the spend in relation to the use of the property as a home, including the use of local services and resultant employment, and the ability to make contributions to the local community.

In this instance, it has not been sufficiently demonstrated that the loss of the residential accommodation is outweighed by demonstrable local economic benefits. As such, the proposal does not comply with NPF 4 30(e) part (ii).

Parking Standards

The integral garage forms part of the property but is not available to staying guests. There is no off-street car parking available within the site. The site is accessible by public transport. There are no cycle parking standards for STLs. Bikes could be parked within the property if required. The proposals comply with policies Tra 2 and Tra 3.

Conclusion in relation to the Development Plan

The change of use of this property to an STL will have an unacceptable impact on neighbouring amenity. The loss of the residential accommodation has not been justified. Whilst it is recognised that there is an economic benefit to the city as a whole from the provision of tourist accommodation, in this case it does not outweigh the adverse impact on residential amenity. The proposal does not comply with the Development Plan policy NPF 4 policy 30(e) and LDP policy Hou 7.

c) There are any other material considerations which must be addressed?

The following material planning considerations have been identified:

Emerging policy context

City Plan 2030 represents the settled will of the Council, and it has been submitted to Scottish Ministers for examination. As such, limited weight can be attached to it as a material consideration in the determination of this application.

Equalities and human rights

Due regard has been given to section 149 of the Equalities Act 2010. No impacts have been identified.

Consideration has been given to human rights. No impacts have been identified through the assessment and no comments have been received in relation to human rights.

Public representations

A summary of the representations is provided below:

material considerations -objections

- Contrary to LDP Hou 7. Addressed in b) above.
- Will reduce housing stock. Addressed in b) above.

non-material considerations- objections

- Not supportive of Scottish Government Housing Policy on 'More Homes' or Scottish Planning Policy on 'Socially Sustainable Places'. The application must be assessed against the statutory development plans.

material considerations -in support

- Use causes no issues and is suitable for this property. Addressed in b) above.
- No overlooking on a permanent basis. Addressed in b) above.

non-material consideration- in support

- Property is well managed.

Conclusion in relation to identified material considerations

Identified material considerations have been assessed above and do not raise issues which outweigh the conclusion in relation to the development plan.

Overall conclusion

The proposal is acceptable with regard to Section 64 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 as it will preserve the character or appearance of the conservation area.

The change of use of this property to an STL will have an unacceptable impact on neighbouring amenity. The loss of the residential accommodation has not been justified. Whilst it is recognised that there is an economic benefit to the city as a whole from the provision of tourist accommodation, in this case it does not outweigh the adverse impact on residential amenity or loss of residential accommodation. The proposal does not comply with the Development Plan policy NPF 4 policy 30(e) and LDP policy Hou 7. There are no material considerations that outweigh this conclusion. The proposal is unacceptable.

Section C - Conditions/Reasons/Informatives

The recommendation is subject to the following;

Conditions

Reasons

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 property 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 4 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.

Background Reading/External References

To view details of the application go to the [Planning Portal](#)

Further Information - [Local Development Plan](#)

Date Registered: 29 July 2022

Drawing Numbers/Scheme

01A, 02, 03.

Scheme 1

David Givan
Chief Planning Officer
PLACE
The City of Edinburgh Council

Contact: Lesley Porteous, Planning Officer

E-mail:lesley.porteous@edinburgh.gov.uk

Appendix 1

Consultations

No consultations undertaken.

Comments for Planning Application 22/03634/FUL

Application Summary

Application Number: 22/03634/FUL

Address: 10 Inverleith Terrace Lane Edinburgh EH3 5NP

Proposal: Change of use from dwelling to short-term let (in retrospect).

Case Officer: Local1 Team

Customer Details

Name: Miss Christine Meldrum

Address: 10/3 Inverleith terrace Edinburgh

Comment Details

Commenter Type: Neighbour-Residential

Stance: Customer made comments in support of the Planning Application

Comment Reasons:

Comment:As a neighbour who overlooks the property I'm supportive of the application.

The property is well managed and causes no issues, given the size and location of the property it's well suited to this use.

Comments for Planning Application 22/03634/FUL

Application Summary

Application Number: 22/03634/FUL

Address: 10 Inverleith Terrace Lane Edinburgh EH3 5NP

Proposal: Change of use from dwelling to short-term let (in retrospect).

Case Officer: Local1 Team

Customer Details

Name: Mrs Kate Graham

Address: 9 Inverleith Terrace Edinburgh

Comment Details

Commenter Type: Neighbour

Stance: Customer made comments in support of the Planning Application

Comment Reasons:

Comment: Dear Sir / Madam,

As next door neighbours, we are very much in support of this planning application. The short term nature of the residents means that there are not people overlooking us on a permanent basis. Also, when visitors come to stay there, they are generally out seeing the sights of Edinburgh most of the day.

We look forward with anticipation to a positive result.

Yours faithfully,

Douglas and Kate Graham.

Stockbridge and Inverleith Community Council

For the Local Team: Application 22/03634/FUL Change of use from dwelling to short-term let (in retrospect). 10 Inverleith Terrace Lane Edinburgh EH3 .

Stockbridge and Inverleith Community Council objects to this application to change from dwelling to short term let. A change of use to short term let would be detrimental to the local residents and is contrary to the Local Development Plan 2016 - Housing Policy Hou 7.

There is a great need for homes for the local residents of Edinburgh whether owned or let. Short term lets remove homes from the housing stock. Short term lets can cause problems for the permanent residents living near them affecting the amenity of local residents and a lack of a more permanent community for the area.

LDP 2016.

Policy Hou 7 Inappropriate Uses in Residential Areas

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

City Plan 2030 is also relevant and material, even though it is in draft form. It states:

City Plan 2030

Hou 7 Loss of housing - Proposals that would result in the loss of residential dwellings through demolition or a change of use will not be permitted, unless in exceptional circumstances, where it would provide necessary community facilities without loss of amenity for neighbouring residents.

Comment: There are no exceptional circumstances in this case and therefore the application should be refused. The proposed change of use does not support Scottish Government Housing policy on More homes: *“everyone has a quality home that they can afford and that meets their needs”* or Scottish Planning Policy on *“socially sustainable places”* and *“supporting delivery of accessible housing”*.


Stockbridge and Inverleith Community Council are concerned at the spread of short term lets in our area e.g. the colonies being bought up by absentee landlords to let out as Air B and B. This is a dwelling that could be used as a long term let for the community. We understand that the Council and the Scottish Government share that concern and we ask that you refuse this application.

I would be grateful if you would confirm your receipt of the Community Council's objection.

Yours sincerely

Pam Barnes, 13/3 Eton Terrace, Edinburgh EH4 1QD

Planning Officer for the Stockbridge and Inverleith Community Council



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

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

Thank you for completing this application form:

ONLINE REFERENCE 100637463-001

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="Mr"/>	You must enter a Building Name or Number, or both: *	
Other Title:	<input type="text"/>	Building Name:	<input type="text" value="10 (GF)"/>
First Name: *	<input type="text" value="Graeme"/>	Building Number:	<input type="text"/>
Last Name: *	<input type="text" value="Smith"/>	Address 1 (Street): *	<input type="text" value="Inverleith Terrace"/>
Company/Organisation	<input type="text"/>	Address 2:	<input type="text"/>
Telephone Number: *	<input type="text"/>	Town/City: *	<input type="text" value="Edinburgh"/>
Extension Number:	<input type="text"/>	Country: *	<input type="text" value="UK"/>
Mobile Number:	<input type="text"/>	Postcode: *	<input type="text" value="EH3 5NS"/>
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:

10 INVERLEITH TERRACE LANE

Address 2:

INVERLEITH

Address 3:

Address 4:

Address 5:

Town/City/Settlement:

EDINBURGH

Post Code:

EH3 5NP

Please identify/describe the location of the site or sites

Northing

675148

Easting

325010

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)

Use of residential news house for short term letting.

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.

The statement of reasons for seeking review is laid out in the attached document, "statement_of_reasons.pdf". The statement of reasons demonstrates why the application should be approved and specifically addresses the two reasons that had been stated for refusal. The application itself is unchanged, but new information is provided with justification for why it was not raised in the initial application.

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)

No new permissions are requested, nor any changes to the application. Where new information is provided, the reasons for doing so are explained in the supporting document, "statement_of_reasons.pdf". At times, the appeal relies on information from Lord Braid's recent judicial review, from the report commissioned by the council by MKM Economics, and from the council's emerging planning guidance which all became available after the initial application.

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_reasons: the statement of reasons for review 10_2_support - signed letter from 10/2 Inverleith Terrace refuting the assertion that the use as a short term let has a materially detrimental effect on the living conditions and amenity of nearby residents. 10_3_support.pdf - as above but from 10/3 Inverleith Terrace 9_support.pdf - as above from 9 Inverleith Terrace (townhouse) All Time Reservations to August 2023 - Airbnb all-time booking history for 10 Inverleith Terrace Lane

Application Details

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

22/03634/FUL

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

18/07/2022

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

17/05/2023

Review Procedure

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

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

Yes No

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

Please select a further procedure *

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

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

A site visit will allow reviewers to understand why there is no "materially detrimental effect on the living conditions and amenity of nearby residents". Particularly, the reviewers could see the rear area of the plot which isn't visible from the street and appreciate the distance from other houses. Seeing the location will also help reviewers to understand why a visitor accessing the front door could not disturb any neighbour (as there are none to disturb!).

Please select a further procedure *

Holding one or more hearing sessions on specific matters

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

No guidance has been given as to how to address the presumptions in LDP Hou 7 or NPF4 Policy 30(e). I believe that strong evidence has been provided, but would appreciate a chance to discuss in person, for example to discuss the proposed conditions and to discuss the economic model.

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

If there are reasons why you think the local Review Body would be unable to undertake an unaccompanied site inspection, please explain here. (Max 500 characters)

An unaccompanied site inspection would allow the Local Review Body to see the front of the house on the lane and gain a better appreciation of how the house is quite isolated on the street with only lockups nearby, and there is no opportunity for visitors to disturb neighbours since there are none (unlike a tenement/shared-main-door property). An accompanied visit to see the rear section, see the high garden wall and understand the distance to other houses would also be helpful.

Checklist – Application for Notice of Review

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

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

Yes No

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

Yes No

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

Yes No N/A

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

Yes No

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

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

Yes No

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

Declare – Notice of Review

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

Declaration Name: Mr Graeme Smith

Declaration Date: 17/08/2023

**Supporting document “Statement of reasons for seeking review”
(relating to the appeal against refusal of 22/03634/FUL)**

Summary

It was surprising and disappointing to read that the planning application 22/03634/FUL was refused. I have sympathy with those who suffer disturbance from a STL in a shared stair, or who believe STLs are making it difficult for them to find a starter home, or who experience frustration with absentee landlords, but this property is the exact opposite of these things. It is a fully detached house, well-managed (acknowledged by the council) which has run for 3½ years, 750 occupied nights and over 3,000 person-nights without disturbing nearby residents. It has strong support from nearby residents, and additional comprehensive support from nearby residents attached to this appeal (which refutes the assertion that the use as a short term let has a materially detrimental effect on the living conditions and amenity of nearby residents). It is a new house built in my own garden so I am not an absentee landlord, nor does this remove a property which previously existed from the rental market. It is a high value home (around £1m) which does not contribute to the housing crisis or prevent anyone from finding a starter home. The house is fitted out to a high standard which will easily comply with STL licensing requirements (EPC B, smoke and heat detectors, modern PAT tested appliances). Since safety is apparently a prime reason for legislation for short term lets, this is a consideration when it comes to approval. The house is an asset to the premium end of Edinburgh’s visitor economy and is one of the best-reviewed properties on Airbnb with 123 reviews and a 4.97 star (out of 5.0) rating. The house attracts international families from high income demographics who spend significant amounts in the local economy. As I will show in this appeal, the local economic benefits of this particular house as a short term let far exceed the local economic benefits that the house would have as a rental property. In August 2023, Scottish Government Housing Minister Paul McLennan said, “Short-term let accommodation plays an important role in Scotland’s economy, supporting our tourism and hospitality sector and allowing tourists and holiday-goers somewhere to take them closer to the best that Scotland can offer”. If the council is to grant any planning permission for STLs at all (and we are told there is no de facto ban), then this is exactly the kind of property that ought to be a prime candidate for approval.

The main focus of this appeal is to address the only reasons that were provided for refusal in the decision notice, *“The proposal is contrary to Local Development Plan Policy Hou 7 in respect of Inappropriate Uses in Residential Areas, as the use of this property as a short stay let will have a materially detrimental effect on the living conditions and amenity of nearby residents”* and *“The proposal is contrary to National Planning Framework 4 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”*.

I ask that the local review board reviews the context and each of the following reasons for seeking review and grants this appeal.

1. Reason for review #1: proposal is not contrary to LDP Hou 7 or NPF 4 policy (e) part (i)

The first of two reasons for refusal was stated as, *“The proposal is contrary to Local Development Plan Policy Hou 7 in respect of Inappropriate Uses in Residential Areas, as the use of this property as a short stay let will have a materially detrimental effect on the living conditions and amenity of nearby residents”.*

The decision handling statement elaborated, *“Amenity The application property has its own main door access off Inverleith Terrace Lane and there is a private garden to the rear. The character of the surrounding area is primarily residential with other mixed uses. The applicant has provided a planning statement highlighting that the STL use is not just for tourists but for other guests relating to business use. The statement suggests that STL use will not be detrimental to the amenity of other residents as the application property is:- a stand-alone property, has a main door entrance, and is a small dwelling with limited capacity. It also states that the location of the property is secluded and far away from other residential properties. As the area is primarily residential there is a fairly low ambient noise level and the introduction of an STL use in this location will have a negative impact on the amenity of the surrounding area. Although it has its own main door access, the use of this property as a short term let would have the potential to introduce an increased frequency of movement to the dwelling and private garden at unsociable hours. The proposed two bedroom short stay use would enable visitors to arrive and stay at the premises for a short period of time on a regular basis throughout the year in a manner dissimilar to that of permanent residents. There is no guarantee that guests would not come and go frequently throughout the day and night and transient visitors may have less regard for neighbours' amenity than individuals using the property as a principal home. The STL use would raise no privacy issues. The additional servicing that operating a property as an STL requires compared to that of a residential use is also likely to result in an increase in disturbance, further impacting on neighbouring amenity. However, this would be of lesser impact as it is likely that servicing would be conducted during the daytime. The potential for noise described above would be significantly different from the ambient background noise that neighbouring residents might reasonably expect and will have a significantly detrimental effect on the living conditions and amenity of nearby residents. The proposal does not comply with NPF 4 policy 30(e) part (i) and LDP policy Hou 7.”*

Not all of the information presented in this section was in the initial planning application from July 2022 because Edinburgh Council only updated its guidance in April 2023 to state how LDP Hou 7 and NPF 4 Policy 30(e) would be applied. We were “flying blind” due to a lack of guidance and a lack of decisions taken which would give us insight into how the guidance would be applied. Additionally, some of the content in this section relates to the Judicial Review of the City of Edinburgh Council Short Term Lets Licensing Policy which was only carried out in June 2023, after which Lord Braid’s report became available.

I ask that the local review board reviews the information in this section and accepts that the proposal is not contrary to LDP Hou 7 or NPF policy (e) part (i).

1.1 Testimony from nearby residents disproves the assertion

The assertion that the property “will have a significantly detrimental effect on the living conditions and amenity of nearby residents” is disproven by the real data and lived experiences of nearby residents. The property has been running as a short term let for 3½ years now, with over 750 occupied nights and over 3,000 person-nights. If there was any materially detrimental effect on living conditions or amenity, my neighbours would know about it by now. To the contrary, my nearest neighbours have signed letters (see the attachments to this appeal) which assert that there is no materially detrimental effect on their living conditions or amenity. The assertion is therefore disproven.

1.2 Scottish Government’s own Airbnb report confirms that the majority of issues relating to living conditions and amenity related to tenements and shared main door accommodation

The Scottish Government has produced its own report¹, “Research into the impact of short-term lets on communities across Scotland”. In the section “Negative impact on quality of life and well-being”, the report notes, “This related particularly to tenemental, but also other types of high-density properties with shared spare and common stairs/closes”. If STLs are to be permitted in these environments (and we know they are from the recent judicial review, see 1.3 below) then these issues cannot be a reason to refuse planning permission in the much lower risk environment of a detached house.

1.3 Edinburgh Council acknowledges most complaints about secondary letting arise in tenemental or other shared residential space (not detached properties) and that they expect to allow STLs in tenements or shared main door accommodation (therefore this lower risk application should be approved)

There was a Judicial Review of the City of Edinburgh Council Short Term Lets Licensing Policy in June 2023. Insights from Lord Braid’s review provide new information which I ask the local review board to consider with a view towards granting permission. This information was not available until June 2023, which is why it was not presented in the application.

Andrew Mitchell (Regulatory Services Manager at Edinburgh Council) is quoted in the text of the Judicial Review, *“Most complaints were about secondary letting in a tenemental or “other shared residential space” and he continued, “I expect that STL licences will be granted for secondary letting in some tenements or in accommodation with a shared main door...I would expect any well run businesses who can show good management arrangements and no history of a problem to have reasonable prospects of obtaining a STL licence...My view applies to all types of STL, be it home sharing, home letting and secondary letting even in tenements or shared main door accommodation”*.

From this:

1

<https://www.gov.scot/binaries/content/documents/govscot/publications/research-and-analysis/2019/10/research-impact-short-term-lets-communities-scotland/documents/people-communities-places-research-impact-short-term-lets-communities-scotland/people-communities-places-research-impact-short-term-lets-communities-scotland/govscot%3Adocument/people-communities-places-research-impact-short-term-lets-communities-scotland.pdf>

- LDP Hou 7 and NPF Policy 30(e) do not present insurmountable barriers to short-term letting in tenements or other shared main door accommodation (let alone the lower risk environment of detached houses). There is no “de facto ban”.
- As shown in the data regarding complaints, tenements and main-door properties present a much greater risk of “materially detrimental effect on the living conditions and amenity of nearby residents” than an isolated detached house such as 10 Inverleith Terrace Lane. If short term letting is to be accepted in tenements and shared main-door accommodation, then it should be accepted in the lower risk environment of an isolated detached house.

1.4 Further detail about the situation of the house, which explains why nearby residents do not experience any detrimental effect on living conditions or loss of amenity

There are several reasons why nearby residents do not experience any detrimental effect on living conditions or loss of amenity (other than careful management):

- The location of the house is isolated on Inverleith Terrace Lane. The garden of the house begins at the (very) far end of my garden at 10/1 Inverleith Terrace, and is bounded by a high stone wall which limits any potential for disturbance.
- When someone is accessing the house, they enter the lane from Inverleith Row. The lane is bounded by two shops, they pass lockup garages and the “yard” of Tanfield commercial site over the wall. There are no other houses on the way to 10 Inverleith Terrace Lane, only the (far) bottom end of the gardens for Inverleith Terrace, isolated by high walls. While I have every sympathy with people living in tenements who have people coming and going frequently dragging suitcases on staircases, none of that is the case here. People come directly to the door of the detached house. Even if someone pulled a suitcase along the lane, there is literally no-one who could hear them. I wonder if there was a misunderstanding about the other “grey boxes” next to the house on the location plan - apart from 12 Inverleith Terrace Lane, the other gray boxes are garages and lockups, not houses.
- The assertion that the use will result in an increased frequency of movement compared to a residential use is untrue. Due to the nature of the property (suitable for families, high cleaning/linen cost), it attracts long bookings. The house accepted just 43 bookings in 2021 and 55 bookings in 2022, which is an average of less than one booking per week. It simply cannot be said that guests arriving or leaving once per week is in any way a material concern.
- The assertion that “additional servicing” needed for this property compared with a residence is untrue. The cleaner calls on average less than once per week, which is simply immaterial to anyone’s living conditions or amenity. The cleaner always calls at sociable hours, around 11am after guests have checked out at 10am.
- In fact, the property gets far fewer visits or deliveries than a residential house. At a typical residential property, each person receives an average 74 parcel deliveries per year (<https://channelx.world/2021/10/uk-has-most-parcels-per-person-in-the-world/>) and 228 pieces of Royal Mail per year (<https://channelx.world/2019/02/how-many-letters-do-royal-mail-deliver/>). The property does not routinely get deliveries or mail because nobody is living there. Therefore, there is less opportunity for disturbance to neighbours, which is borne out in their lived experience and statements of support.

- It is not true that Inverleith Terrace Lane has a “fairly low ambient noise level”. It is a busy lane as it leads to and from the Rocheid Path connecting to the Water of Leith. It experiences considerable traffic from the houses and office buildings at the far end of the lane. Groups of passers by talking amongst themselves continue well into the “wee hours”. From the house, we hear the sirens of emergency vehicles on nearby streets. We hear the bin collections on Inverleith Row that start as early as 6am, and the bin collections from Tanfield Yard that start as early as 5am. I encourage anyone who is unconvinced about the ambient noise level to spend some time in the lane. I will also be happy to make CCTV footage available that shows the extent of traffic (pedestrians, bicycles including tour groups, cars, vans and bin lorries) that pass the house from the early morning until late at night.

I ask that the local review board reviews all of the information provided above and accepts that the application complies with LDP Hou 7 and NPF 4 Policy 30(e) part (i).

2. Reason for review #2: proposal is not contrary to NPF 4 Policy 30(e) part (ii)

Let us turn to the second reason for refusal, “*The proposal is contrary to National Planning Framework 4 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*”.

The decision handling notice elaborates, “Loss of residential accommodation NPF 4 policy 30 (e) part (ii) requires that where there is a loss of residential accommodation, this will only be supported where the loss is outweighed by demonstrable local economic benefits. Paragraph 220 of the LDP acknowledges that tourism is the biggest source of employment in Edinburgh, providing jobs for over 31,000 people. The use of the property by guests and the required maintenance and upkeep of STL properties are likely to result in a level of job creation and spend within the economy which can be classed as having an economic benefit. The applicant's planning statement confirms that the application property, constructed in 2019, replaced a dilapidated garage and has never been used for longer term residential use. The statement submits that if planning permission was refused the applicant would not wish to sell or rent out for longer term tenancy, consequently not contributing to the city's housing stock. The statement continues to list the economic benefits which the short term use would bring as:- accommodation fees, business for local companies, business rates and guests using local amenities. The current lawful use of the property is for residential accommodation. Consequently, the use of the property as an STL would result in a loss of residential accommodation, which given the recognised need and demand for housing in Edinburgh is important to retain, where appropriate. The applicant's intention not to offer the property for sale or rent should the application be refused is not a material consideration as the intentions may change and the planning decision sits with the property and not the applicant. It is accepted that the use of the property by short term let guests will likely result in some economic benefit locally, and that there will be some positive impact on the local economy. However, residential occupation of the property also contributes to the economy, in terms of providing a home and the spend in relation to the use of the property as a home, including the use of local services and resultant employment, and the ability to make contributions to the local community. In this instance, it has not been sufficiently demonstrated that the loss of the residential accommodation is outweighed by demonstrable local economic benefits. As such, the proposal does not comply with NPF 4 30(e) part (ii).”

Similarly to reason #1, not all of the information presented in this section was in the initial planning application from July 2022 because Edinburgh Council only updated its guidance in April 2023 to state how LDP Hou 7 and NPF 4 Policy 30(e) would be applied. Even now there is a lack of guidance about how to address the presumptions in these policies and the reasons in the decision handling statement came as a surprise and are not true. I am also aware that there is an upcoming judicial review of the Edinburgh Council planning process. Some of this section refers to information in the report commissioned by the council by MKM Economics, "Economic Impact of Residential and Short-Term Let Properties in Edinburgh" which only became available in June 2023. Additionally, some of the content in this section refers to statements in Lord Braid's report from the Judicial Review of the City of Edinburgh Council Short Term Lets Licensing Policy which took place in June 2023.

From the decision handling statement, I understand that the requirement is to demonstrate that the "loss" of the residential accommodation is outweighed by demonstrable local economic benefits, and this is what I will show in this section.

The house can be shown to generate more local income, income tax, local spending, council tax/business rates and local jobs as a short term let than a residence

2.1 The house is substantially different to the "average" considered in the MKM Economics report commissioned by Edinburgh Council

As I was considering how to sufficiently demonstrate that the "loss" of the residential accommodation is outweighed by demonstrable local economic benefits, it made sense to search for material relating to this topic. I became aware that Edinburgh Council had recently commissioned a report² from MKM Economics, "Economic Impact of Residential and Short-Term Let Properties in Edinburgh". Predictably (considering that the council was paying for the report), the model developed by the team found a slight economic benefit overall from residential properties over short-term let properties. However, as noted in the report, *"Care needs to be taken with how the Economic Report is used. It is one source of information that can be considered when assessing the economic impacts of shortterm let planning applications. In respect of the NPF4 policy that the change of use of residential accommodation for short-term lets should only be supported where this is outweighed by "demonstrable local economic benefits", the Economic Report indicates that the conversion of residential accommodation would, generally, be expected to result in a loss of GVA, i.e. economic disbenefits. **Given it is considering generalities rather than the specifics of an individual case, it is likely that only limited weight can be attached to it as a material consideration when making planning application decisions. Each planning application requires to be considered on its own merits. Applicants may be able to provide evidence that specific changes of use will deliver demonstrable economic benefits.** The economic impacts are likely to vary depending upon the specifics of the property in question coupled with the overall tone of the market. For example, one aspect of the report is that it makes assumptions on occupancy rates. If the number of short-term lets in*

² Report is in Appendix 1 at <https://democracy.edinburgh.gov.uk/documents/s58449/9.1%20-%20Economic%20Impact%20of%20Residential%20and%20Short-term%20Let%20Properties%20in%20Edinburgh.pdf>

Edinburgh reduces, there may be potential that occupancy rates could increase. This could potentially increase the economic impact of an average short-term let. “

In the case of this particular property, the generalities considered by the report are very far away from the specifics of the property.

The MKM report estimates that a 2 bed property in this location would generate a Gross Annual National and Local Taxation of £17,952 and a Net Annual Local GVA Impact of £13,608 as a residential property or Gross Annual National and Local Taxation of £21,880 and Net Annual Local GVA Impact of £8,855 as a Short Term Let. See Figure 1 from the report below.

Edinburgh North and Leith - Residential				Edinburgh North and Leith - Short Term Let			
Unit Size	Net Local FTE Jobs	Net Annual Local GVA Impact	Gross Annual National and Local Taxation	Unit Size	Net Local FTE Jobs	Net Annual Local GVA Impact	Gross Annual National and Local Taxation
1 bed	0.19	£ 7,500	£ 7,290	1 bed	0.23	£ 4,765	£ 12,331
2 bed	0.34	£ 13,608	£ 17,952	2 bed	0.43	£ 8,855	£ 21,880
3 bed	0.53	£ 21,304	£ 24,712	3 bed	0.66	£ 13,437	£ 32,556
4 bed	0.68	£ 27,215	£ 35,104	4 bed	0.64	£ 13,044	£ 32,195
5 bed	0.84	£ 33,866	£ 47,523	5 bed	0.96	£ 19,624	£ 47,763

Figure 1 - table from Edinburgh Council commissioned report

However, the estimates in the report are very far from the actual values for this property.

For a start, this property is band F, whereas the report assumes the property band for a 2 bed property in Edinburgh North and Leith would be A-C.

If the property was a residence, the report assumes that 1.1 working adults would reside in this 2 bed property with an average salary of £37,461 so a combined income of £41,207. If that were true, it is unlikely that they could afford the estimated residential rent of £2,500 per month (£30,000 annually - estimate provided by Retties).

If the property was a short term let (which it is), we can use real data to compare with the estimates from the model in the report:

- The report predicts gross annual and national taxation of £21,880 and net annual local GVA impact of £8,855.
- The formula for calculating gross annual national and local taxation has not been shared, but the inputs include council tax plus short term rental revenue and daily expenditure by each visitor. The model assumes an average daily rate of £160.23 and 71% occupancy for a 2 bed property in North and Leith, which gives us an annual rental income of £41,523 (much less than the actual rental income of £65,881 for the property in 2022).
- The report estimates average spending per day for a visitor to Edinburgh North & Leith to be £97.50, and we are told that this includes accommodation costs. Again, since the property actually rents for anywhere between £275 and £550 per night, the model does not correctly predict the rental value for this property.

In summary, we can see that the generalities in the model do not apply to this specific property.

2.2 The house generates more local income, national tax, local tax and local spending as a STL than it would as a residence

Figure 2 shows a simple financial model that thoroughly demonstrates that the local economic benefits of having this property as a short term let far exceed those of having it as a residential property. In summary (based mostly on actual figures from 2022), the property as a short term let generates £153,922 local income compared with £36,262 if the property was a residence (and that’s generously assuming that it would be a long-term rental property rather than an owned property which was generating no rent at all). The annual local benefit of having the property as a STL is therefore £117,660.88.

10 Inverleith Terrace Lane		
	Short term let	Residential property
Gross local rental income (actual for STL in 2022, estimated for residence)	£65,881	£27,000
Net local rental income after 21% tax (as per MKM report)	£52,046	£21,330
Local income (visitor spending estimated)	£93,360	
Local income (resident spending estimated)		£12,000.00
Local income (cleaning & linen actual for STL in 2022)	£5,584.89	
Council tax, water, sewerage	£2,931.55	£2,931.55
Total local income	£153,922	£36,262
Annual local benefit of STL	£117,660.88	

Figure 2 - summary of economic benefit of 10 Inverleith Terrace Lane as a short term let vs a residence

Explaining how the model is produced:

- Gross local rental income is the actual rental income for the property in 2022. The estimated rental income as a residential property is based on an estimate of £2,500 per month from Retties with an assumed 90% occupancy. We must consider local rental income as a local economic benefit because I am a local landlord rather than an absentee/non-local landlord, and because the Scottish Government has produced its own report³, “Research into the impact of short-term lets on communities across Scotland” where it lists “Increased household income and STLs business earnings” as a recognised benefit.

³

<https://www.gov.scot/binaries/content/documents/govscot/publications/research-and-analysis/2019/10/research-impact-short-term-lets-communities-scotland/documents/people-communities-places-research-impact-short-term-lets-communities-scotland/people-communities-places-research-impact-short-term-lets-communities-scotland/govscot%3Adocument/people-communities-places-research-impact-short-term-lets-communities-scotland.pdf>

- Net local rental income is calculated after 21% tax. In fact I pay a higher rate of tax but the economic model commissioned by the council used 21% and so this is what I've used here. Even if we assumed a higher rate of income tax, it makes no material difference to the bottom line of the model. Although some income tax will become a "local benefit" as it is allocated to local spending, I have not included that in this model. If anything, it would widen the gap between the economic benefit of having the property as a short term let because the short term let generates more income tax.
- Local income (visitor spending estimated) is calculated based on 1,167 person-nights in 2022 (actual) and a spending rate of £80 per day. Other figures for visitor spending aren't available. VisitScotland's figures for spending per visitor per day include accommodation and are averages (not taking into account whether a property is "upscale" or not). £80 per person-night is a conservative estimate - I know from experience that my guests are taking expensive tours and often eating at Michelin star/Michelin guide restaurants so they are typically spending much more than this.
- Local income (resident spending estimated) is simply based on £1,000 per month of local spending for a couple or family staying in the property. People typically spend much less "living" than they do when they are visiting or on business travel. Going back to the report commissioned by the council, if the couple living in the property had an income of £41,207 and so frankly £1,000 per month of local spending after they already paid the rent is on the optimistic side.
- Local income (cleaning & linen actual for STL in 2022) is based on real spending with Polished Scot Limited in 2022. See Figure 3 below.
- Council tax, water and sewerage is based on the actual band F amount.
- The model assumes that the STL would be paying council tax rather than business rates (which is the same assumption as the MKM model commissioned by the council). Although I have applied, I have not yet received a valuation for business rates and have been paying full council tax for the time being.

The case is so clear that even huge errors in the estimates in the model wouldn't affect the bottom line outcome that the local economic benefits of the property as a short term let far exceed the local economic benefits of the property as a residence.

Your transactions [Download](#)

Date ↓	Type	Description	Paid in	Paid out
30 Nov 2022	TOMEK			-£349.06
11 Nov 2022	TOMEK			-£581.76
05 Oct 2022	TOMEK			-£465.41
31 Aug 2022	TOMEK			-£581.76
02 Aug 2022	TOMEK			-£698.11
30 Jun 2022	TOMEK			-£465.41
10 Jun 2022	TOMEK			-£698.11
05 May 2022	TOMEK			-£698.11
05 Apr 2022	TOMEK			-£349.06
04 Mar 2022	TOMEK			-£465.40
04 Feb 2022	TOMEK			-£232.70

Figure 3 - payments to Polished Scot (cleaning and linen) in 2022

In addition to the tangible/estimable economic impacts, there are positive non-economic impacts. As addressed in the section above, the neighbourhood is quieter and has fewer deliveries and less traffic thanks to the property's use as a short term let. My neighbours at number 9 Inverleith Terrace specifically asked in their original comment of support that permission be granted because they prefer it being a short term let and do not want to be "permanently overlooked". Since the property is at the end of my garden, my point of view as a neighbour (as well as the applicant) should also be a material consideration and I do not want the stress of having a tenant at the bottom of my garden who could potentially cause difficulty in the neighbourhood and would be near-impossible to get rid of compared with short-term rentals which are time-bound and carefully managed. The property makes a genuine, incremental and valuable contribution to local visitor accommodation which cannot be replaced like-for-like by an aparthotel or hotel. The house has an unusually high visitor rating of 4.97 stars across 121 reviews on Airbnb and there simply is no alternative family accommodation near the Botanic Gardens for visitors attending weddings (for example) or visiting family in the area.

I ask that the local review board considers this information and accepts that the application is not contrary to NPF policy (e) part (ii).

Reason for review #3: Addressing the objection from Inverleith & Stockbridge Community Council

The objection from Inverleith & Stockbridge Community Council came as a surprise. I have engaged with them and have been invited to join their next meeting on September 13th. I am hopeful that they will review this appeal and change their objection to a statement of support or at least withdraw the objection.

In addition to the points already addressed in this appeal, I noted issues with the objection.

The objection noted, "City Plan 2030 is also relevant and material, even though it is in draft form" but Edinburgh Council's own decision handling notice explained this cannot be considered material.

The objection makes the same incorrect assumptions about the number of comings-and-goings as the planning decision. I believe that this is thoroughly addressed in Reason 1 above. As explained above, the property type means that it has less than one group of guests per week on average and therefore just one visit from the cleaner per week. The property receives far fewer deliveries than a typical residential property, and so overall there are fewer comings-and-goings than a residential property.

The objection noted "Stockbridge and Inverleith Community Council are concerned at the spread of short term lets in our area e.g. the colonies being bought up by absentee landlords to let out as Air B and B". This is irrelevant to my application since my property is not a colony property nor am I an absentee landlord. This was a newly built property built at the bottom of my own garden where I continue to live today and carefully manage the property.

The objection noted the Scottish Government's statements, "everyone has a quality home that they can afford and that meets their needs" and Scottish Planning Policy on "socially sustainable places" and "supporting delivery of accessible housing". This is a 3-bed detached house in Inverleith worth around £1m. It's hardly the kind of property that could be described as affordable or accessible and its "loss" is not stopping anyone from getting onto the property ladder. I have every sympathy with STL legislation targeting properties in social housing or tenements which could otherwise be affordable options for buyers, but that isn't the case here. Surely it isn't the position of the government or council that we need to make it easier for millionaires to buy detached mews homes in Inverleith. When Andrew Mitchell is quoted in the recent judicial review explaining that some short term lets will be approved in tenements and shared-main-door properties, how can it be consistent to suggest that this short term let in a high-value detached property should not be approved?

I am hopeful that Inverleith & Stockbridge Community Council will change their objection to a statement of support or at least withdraw the objection. I also ask that the local review board takes into consideration the issues raised above with the objection.

Reason #4 - offer of conditions for planning

I have become aware that some planning applications are approved with conditions and I would like to engage with the local review board and Edinburgh City Council to understand whether the application could be approved with conditions. For example:

- Could the application be approved on the condition that visitors do not use the garden after 10pm? In fact, all visitors already agree to a strict no-party/noise policy and there has genuinely never been a problem in 3.5 years. However, I would be happy to accept restrictions on the use of the garden if that would enable planning permission to be granted.
- Could the application be approved on the condition that the permission is bound to me continuing to stay at 10/1 Inverleith Terrace as my primary residence and would

not survive the sale of either property? The council already noted that the property is well-managed, and this is a condition that I would be happy to accept.

- Can the local review board envisage another condition or conditions which would enable them to grant planning permission?

Reason for seeking review #5 - house is on the same land as my primary residence

It is understood that planning permission for change of use to short term let is not required by Edinburgh City Council if the property is the owners' primary residence. This topic was mentioned in the original application, but perhaps not made fully clear. I ask the local review board to take into consideration that I built this house in the garden of my primary residence and there are no separate title deeds (it is the same package of land). I ask that the local review board either (i) decide that the house at 10 Inverleith Terrace Lane can in fact be treated as part of my 'primary residence' and so no planning permission is needed, or at least, (ii) agree that the fact the house at 10 Inverleith Terrace Lane is on the same land as my primary residence should be taken into account as an unusual circumstance which can be a material consideration with a view towards granting permission.

Reason for seeking review #6 - long period of trouble-free operation

It is understood that planning permission for change of use is not required by Edinburgh City Council if the property has been operating as a short term let for more than 10 years, and instead a Certificate Of Lawfulness could be applied for. It is further understood that other councils in Scotland have adopted a much lower time limit and that there is an upcoming judicial review into the planning process of Edinburgh City Council where this will be reviewed. I ask that the local review board considers that the house has only ever been used as a short term let and has done so successfully and trouble-free for 3½ years, over 750 occupied nights and over 3,000 person-nights. This is more than enough time to establish that it is well-managed (as the original planning decision accepts), and indeed that it does not create any "*materially detrimental effect on the living conditions and amenity of nearby residents*". While this time period is less than the council's 10 year threshold and it is not currently possible to apply for a Certificate of Lawfulness, the ask of the local review board is to take in to account that the prolonged successful and trouble-free operation of the property as a short-term let should be a material consideration in favour of granting planning permission.



Hi Elizabeth

In Gina's absence, see e-mail below. I haven't had any confirmation that the applicant of 22/03634/FUL (10, Inverleith Terrace Lane) has sought a review of the decision. Also, I've checked the DPEA website and there is no record of this appeal. Can we trace it though the appeal ref no?

Thanks
Lesley.

From: Libby Heathcote <libby.heathcote@reiachandhall.co.uk>
Sent: Monday, August 21, 2023 10:05 AM
To: Lesley Porteous <Lesley.Porteous@edinburgh.gov.uk>
Cc: dpea@gov.scot; stockbridgeandinverleithcc@gmail.com; graeme.smith.uk@gmail.com
Subject: Planning Application Ref 22/0364/FUL (appeal ref 100637463-001)

 External email >

 First time sender >

Dear Lesley,

Regarding Planning Application Ref 22/0364/FUL we live at No 12 Inverleith Terrace Lane, 2 doors away from the property in question. We have only had positive experiences of those renting the mews at No 10 and we welcome the company on the lane as other than No 10 we are the only other residence. We have not experienced any detrimental effects on our living conditions or amenity.

I understand the appeal deadline was 17/08/2023, unfortunately I was on annual leave last week and missed this, please could you to accept this e-mail as an additional attachment of support to the appeal for 22/0364/FUL (appeal ref 100637463-001)? If you require this in a

different format or via the eplanning portal please let me know.

Your Sincerely

Libby Heathcote

Libby Heathcote

REIACH AND HALL ARCHITECTS

Reiach and Hall Limited registered in Scotland No 140947
8 Darnaway Street Edinburgh EH3 6BG

Tel: 0131 225 8444

Direct: 0131 322 0016

Mobile: 07814 470765

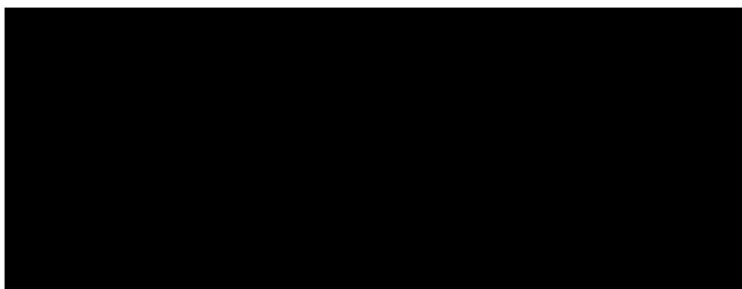
libby.heathcote@reichandhall.co.uk

www.reiachandhall.co.uk

[News and Updates](#)

Libby Heathcote

REIACH AND HALL ARCHITECTS



Kate Graham

9 Inverleith Terrace
Edinburgh
EH3 5NS

1st August 2023

Dear Edinburgh City Council,

REGARDING PLANNING APPLICATION 22/0364/FUL (AND APPEAL)

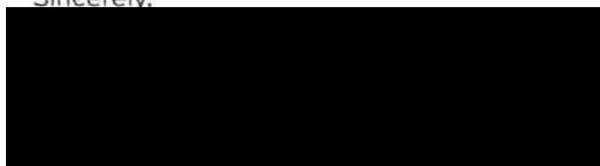
Your planning decision (refusal) of my neighbour's planning application contains multiple assertions which are untrue in my experience as an immediate neighbour of the property (my family live in the townhouse at 9 Inverleith Terrace)..

You stated that, "There is no guarantee that guests would not come and go frequently throughout the day and night and transient visitors may have less regard for neighbours' amenity than individuals using the property as a principal home", "The additional servicing that operating a property as an STL requires compared to that of a residential use is also likely to result in an increase in disturbance, further impacting on neighbouring amenity" and "The potential for noise described above would be significantly different from the ambient background noise that neighbouring residents might reasonably expect and will have a significantly detrimental effect on the living conditions and amenity of nearby residents".

I am writing to tell you that none of these statements describe my lived experience as an immediate neighbour of the property. We do not experience any detrimental effect on living conditions or amenity whatsoever. The property is accessed from the lane and we aren't even aware when guests leave or arrive or a cleaner visits the property.

You should amend your decision and grant my neighbour's appeal.

Sincerely,

A large black rectangular redaction box covering the signature area.

Kate Graham

Sam Williamson

10/2 Inverleith Terrace
Edinburgh
EH3 5NS

1st August 2023

Dear Edinburgh City Council,

REGARDING PLANNING APPLICATION 22/0364/FUL (AND APPEAL)

Your planning decision (refusal) of my neighbour's planning application contains multiple assertions which are untrue in my experience as an immediate neighbour of the property.

You stated that, "There is no guarantee that guests would not come and go frequently throughout the day and night and transient visitors may have less regard for neighbours' amenity than individuals using the property as a principal home", "The additional servicing that operating a property as an STL requires compared to that of a residential use is also likely to result in an increase in disturbance, further impacting on neighbouring amenity" and "The potential for noise described above would be significantly different from the ambient background noise that neighbouring residents might reasonably expect and will have a significantly detrimental effect on the living conditions and amenity of nearby residents".

I am writing to tell you that none of these statements describe my lived experience as an immediate neighbour of the property. We do not experience any detrimental effect on living conditions or amenity whatsoever. The property is accessed from the lane and we aren't even aware when guests leave or arrive or a cleaner visits the property.

You should amend your decision and grant my neighbour's appeal.

Sincerely,

Sam Williamson



Christine Meldrum

10/3 Inverleith Terrace
Edinburgh
EH3 5NS

1st August 2023

Dear Edinburgh City Council,

REGARDING PLANNING APPLICATION 22/0364/FUL (AND APPEAL)

Your planning decision (refusal) of my neighbour's planning application contains multiple assertions which are untrue in my experience as an immediate neighbour of the property.

You stated that, "There is no guarantee that guests would not come and go frequently throughout the day and night and transient visitors may have less regard for neighbours' amenity than individuals using the property as a principal home", "The additional servicing that operating a property as an STL requires compared to that of a residential use is also likely to result in an increase in disturbance, further impacting on neighbouring amenity" and "The potential for noise described above would be significantly different from the ambient background noise that neighbouring residents might reasonably expect and will have a significantly detrimental effect on the living conditions and amenity of nearby residents".

I am writing to tell you that none of these statements describe my lived experience as an immediate neighbour of the property. We do not experience any detrimental effect on living conditions or amenity whatsoever. The property is accessed from the lane and we aren't even aware when guests leave or arrive or a cleaner visits the property.

You should amend your decision and grant my neighbour's appeal.

Sincerely,

A large black rectangular redaction box covering the signature area.

Christine Meldrum

HMWKNWZTF8	REDACTED (privacy)	6	0	0	6	5/11/2021	7/11/2021	2	11/9/2021	E	490.29	12
HM2NXHAH4B	REDACTED (privacy)	3	2	0	5	31/10/2021	5/11/2021	5	26/7/2021	E	980.39	25
HMZFH542MH	REDACTED (privacy)	6	0	1	7	29/10/2021	31/10/2021	2	29/6/2021	E	517.67	14
HMK9AZAYS9	REDACTED (privacy)	3	2	0	5	27/10/2021	29/10/2021	2	18/10/2021	E	449.51	10
HMS9XD5TJT	REDACTED (privacy)	3	0	0	3	23/10/2021	27/10/2021	4	25/8/2021	E	863.74	12
HM3EEK8R8Y	REDACTED (privacy)	6	0	0	6	19/10/2021	23/10/2021	4	8/7/2021	E	840.61	24
HMFYK3ZJA4	REDACTED (privacy)	5	0	0	5	16/10/2021	18/10/2021	2	5/9/2021	E	465.12	10
HM8JSAHQ3F	REDACTED (privacy)	4	1	0	5	8/10/2021	11/10/2021	3	20/8/2021	E	723.00	15
HM23PMZ4WH	REDACTED (privacy)	4	0	0	4	1/10/2021	3/10/2021	2	21/7/2021	E	497.42	8
HMATBMT3HY	REDACTED (privacy)	4	2	0	6	24/9/2021	26/9/2021	2	8/6/2021	E	492.60	12
HMCZSEXR2S	REDACTED (privacy)	5	0	0	5	16/9/2021	19/9/2021	3	13/6/2021	E	696.01	15
HMOFRJFWYJ	REDACTED (privacy)	4	0	0	4	11/9/2021	14/9/2021	3	12/7/2021	E	693.12	12
HMFJKMW2HO	REDACTED (privacy)	2	0	0	2	6/9/2021	11/9/2021	5	6/9/2021	E	1,065.22	10
HMYXREAR45	REDACTED (privacy)	5	0	0	5	1/9/2021	5/9/2021	4	12/6/2021	E	867.60	20
HMDT388TRR	REDACTED (privacy)	6	0	0	6	29/8/2021	31/8/2021	2	26/8/2021	E	475.25	12
HMWMTMN4MF	REDACTED (privacy)	4	0	0	4	26/8/2021	29/8/2021	3	7/3/2021	E	1,136.56	12
HMBRDHRCSD	REDACTED (privacy)	1	0	0	1	23/8/2021	26/8/2021	3	11/8/2021	E	616.96	3
HMF4S8XK99	REDACTED (privacy)	5	0	0	5	21/8/2021	23/8/2021	2	1/6/2021	E	641.06	10
HMSYSJD28H	REDACTED (privacy)	4	0	0	4	17/8/2021	21/8/2021	4	14/2/2021	E	1,305.26	16
HM52YE3XQT	REDACTED (privacy)	4	0	1	5	12/8/2021	16/8/2021	4	30/3/2021	E	1,356.35	20
HMOQD5VWV99	REDACTED (privacy)	6	0	0	6	8/8/2021	10/8/2021	2	10/7/2021	E	470.33	12
HMPN3NMOCW	REDACTED (privacy)	5	0	0	5	6/8/2021	8/8/2021	2	27/2/2021	E	847.36	10
HMJAK9QDTF	REDACTED (privacy)	6	0	0	6	1/8/2021	5/8/2021	4	20/2/2021	E	1,242.60	24
HMJ4W55AMD	REDACTED (privacy)	5	0	0	5	23/7/2021	25/7/2021	2	5/6/2021	E	509.18	10
HMDJSH3FHN	REDACTED (privacy)	5	0	0	5	19/7/2021	21/7/2021	2	28/6/2021	E	379.04	10
HMPYKPSZTE	REDACTED (privacy)	6	0	0	6	15/7/2021	19/7/2021	4	24/5/2021	E	950.50	24
HMJ3QDWERD	REDACTED (privacy)	2	3	0	5	9/7/2021	15/7/2021	6	28/5/2021	E	1,298.51	30
HMOQR45A9E	REDACTED (privacy)	6	0	0	6	2/7/2021	4/7/2021	2	16/5/2021	E	490.10	12
HMYSWB24CD	REDACTED (privacy)	5	0	0	5	29/3/2021	31/3/2021	2	24/3/2021	E	413.74	10
HMREYFDHDC	REDACTED (privacy)	3	0	0	3	26/3/2021	29/3/2021	3	25/3/2021	E	701.79	9
HMZSYF5FWJ	REDACTED (privacy)	4	0	0	4	15/12/2020	27/12/2020	12	26/11/2020	E	2,281.79	48
HM4TDTWQX8	REDACTED (privacy)	4	0	0	4	17/11/2020	20/11/2020	3	16/11/2020	E	484.89	12
HM2PS245CK	REDACTED (privacy)	4	0	0	4	18/10/2020	24/10/2020	6	30/9/2020	E	882.25	24
HMW48RTYCO	REDACTED (privacy)	2	0	0	2	9/10/2020	11/10/2020	2	7/10/2020	E	428.98	4
HMEHH3Y55P	REDACTED (privacy)	1	0	0	1	8/10/2020	9/10/2020	1	2/10/2020	E	192.80	1
HMJ25HRTVW	REDACTED (privacy)	1	0	0	1	1/10/2020	4/10/2020	3	1/10/2020	E	583.22	3
HMZYNN44MQ	REDACTED (privacy)	3	1	0	4	24/9/2020	28/9/2020	4	23/9/2020	E	812.65	16
HMY2W952R	REDACTED (privacy)	6	0	0	6	18/9/2020	20/9/2020	2	13/8/2020	E	412.02	12
HMT4RFAECR	REDACTED (privacy)	6	0	0	6	14/9/2020	16/9/2020	2	5/9/2020	E	349.54	12
HMWZH8T2AD	REDACTED (privacy)	4	0	1	5	11/9/2020	14/9/2020	3	20/8/2020	E	543.88	15
HMSAJN854H	REDACTED (privacy)	5	0	0	5	3/9/2020	6/9/2020	3	25/8/2020	E	543.88	15
HMO2F2J58J	REDACTED (privacy)	5	0	0	5	28/8/2020	1/9/2020	4	13/8/2020	E	795.30	20
HMM9AYK4PH	REDACTED (privacy)	5	0	0	5	24/8/2020	27/8/2020	3	17/8/2020	E	523.06	15
HMXE5T3DFM	REDACTED (privacy)	1	2	0	3	21/8/2020	24/8/2020	3	29/7/2020	E	642.99	9
HMXJ9XF3HZ	REDACTED (privacy)	3	1	0	4	15/8/2020	21/8/2020	6	14/8/2020	E	1,088.36	24
HMBA5S43TZ	REDACTED (privacy)	3	3	0	6	10/8/2020	15/8/2020	5	25/7/2020	E	964.96	30
HMT5HFZRZF	REDACTED (privacy)	6	0	2	8	8/8/2020	10/8/2020	2	23/7/2020	E	460.79	16
HMPBTWKWMMR	REDACTED (privacy)	4	0	0	4	3/8/2020	7/8/2020	4	19/7/2020	E	791.44	16
HMSZ8YQJMB	REDACTED (privacy)	5	0	0	5	27/7/2020	1/8/2020	5	26/7/2020	E	853.14	25
HMEN949B5M	REDACTED (privacy)	3	1	0	4	23/7/2020	26/7/2020	3	22/7/2020	E	594.79	12
HMTT5QNZW5	REDACTED (privacy)	3	0	0	3	20/7/2020	22/7/2020	2	18/7/2020	E	378.85	6
HME5QDTRD5	REDACTED (privacy)	3	0	0	3	12/7/2020	15/7/2020	3	11/7/2020	E	554.30	9
HM3JT4N4WC	REDACTED (privacy)	2	0	0	2	9/6/2020	30/6/2020	21	7/5/2020	E	-	42
HMDQT2YK4K	REDACTED (privacy)	1	0	0	1	16/5/2020	19/5/2020	3	12/5/2020	E	-	3
HMAEYRCTHA	REDACTED (privacy)	2	1	0	3	15/3/2020	20/3/2020	5	3/3/2020	E	637.20	15
HMBEKSNZDH	REDACTED (privacy)	4	0	0	4	13/3/2020	15/3/2020	2	3/3/2020	E	386.56	8
HMCBJJRBAT	REDACTED (privacy)	6	0	0	6	7/3/2020	9/3/2020	2	22/12/2019	E	365.36	12
HM8XPC3B5A	REDACTED (privacy)	6	0	0	6	21/2/2020	24/2/2020	3	2/1/2020	E	424.16	18
HMXFDNCDH4	REDACTED (privacy)	4	0	0	4	16/2/2020	19/2/2020	3	13/2/2020	E	416.45	12
HMWANHRP5R	REDACTED (privacy)	6	0	0	6	13/2/2020	16/2/2020	3	1/1/2020	E	424.16	18
HMS5Q39DZS	REDACTED (privacy)	6	0	0	6	7/2/2020	9/2/2020	2	23/12/2019	E	328.72	12
HMK3DKJCT	REDACTED (privacy)	6	0	0	6	31/1/2020	2/2/2020	2	2/1/2020	E	353.79	12
HM9HEEFNH	REDACTED (privacy)	4	1	0	5	24/1/2020	26/1/2020	2	26/12/2019	E	315.23	10
HMKF5P2Z2Z	REDACTED (privacy)	6	0	0	6	17/1/2020	20/1/2020	3	10/1/2020	E	378.85	18
HM44AXWWSM	REDACTED (privacy)	5	1	0	6	31/12/2019	3/1/2020	3	24/12/2019	E	803.01	18
HMQJFN38CZ	REDACTED (privacy)	4	0	0	4	28/12/2019	31/12/2019	3	14/12/2019	E	466.58	12
HMNYNKTTQE	REDACTED (privacy)	4	0	0	4	27/12/2019	28/12/2019	1	17/12/2019	E	191.84	4
HMXOXOPH9S	REDACTED (privacy)	4	0	0	4	23/12/2019	27/12/2019	4	14/12/2019	E	669.02	16
Totals								675			£158,059.23	3057

Dear Ms Heathcote

The review of this decision has now been registered with the Council's Local Review Body. I have passed your e-mail to the team dealing with that review.

Regards
Lesley.

< External email >

< First time sender >

Dear Lesley,

Regarding Planning Application Ref 22/0364/FUL we live at No 12 Inverleith Terrace Lane, 2 doors away from the property in question. We have only had positive experiences of those renting the mews at No 10 and we welcome the company on the lane as other than No 10 we are the only other residence. We have not experienced any detrimental effects on our living conditions or amenity.

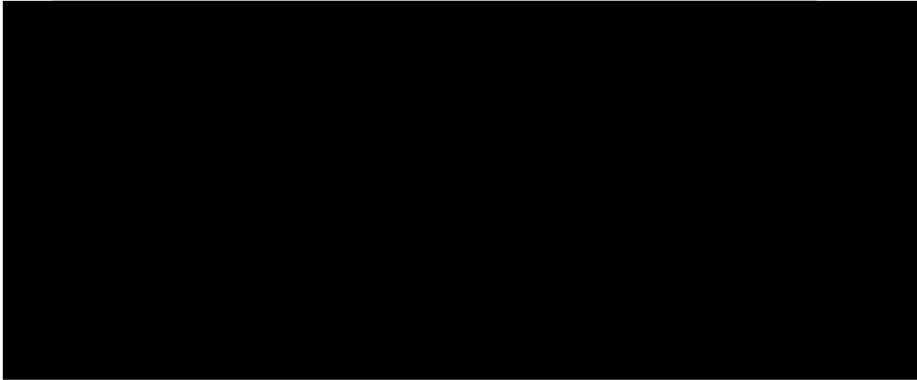
I understand the appeal deadline was 17/08/2023, unfortunately I was on annual leave last week and missed this, please could you to accept this e-mail as an additional attachment of support to the appeal for 22/0364/FUL (appeal ref 100637463-001)? If you require this in a different format or via the eplanning portal please let me know.

Your Sincerely

Libby Heathcote

Libby Heathcote

REIACH AND HALL ARCHITECTS



Libby Heathcote

REIACH AND HALL ARCHITECTS

