

Bill Murray Architect.
FAO: William Murray
6 Knowes Farm Cottages
Dunbar
EH42 1XJ

Mohammad Mahfooz.
208 Easter Road
EDINBURGH
EH7 5QH
EH42 1XJ

Decision date: 16 June 2023

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

To change the use of the existing flat to a flat for short-term letting.
At 110 Spring Gardens Edinburgh EH8 8EY

Application No: 23/00570/FULSTL

DECISION NOTICE

With reference to your application for Planning Permission STL registered on 3 April 2023, 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 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 01 - 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 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.

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 Sean Christie directly at sean.christie@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 STL
110 Spring Gardens, Edinburgh, EH8 8EY**

Proposal: To change the use of the existing flat to a flat for short-term letting.

**Item – Local Delegated Decision
Application Number – 23/00570/FULSTL
Ward – B14 - Craigentenny/Duddingston**

Recommendation

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

Summary

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 A – Application Background

Site Description

The application property comprises a one-bedroom, ground floor flatted dwelling at 110 Spring Gardens, Abbeyhill. The property has its own main door access. Although there is a variety of commercial uses located nearby, including a shop and take-away unit next to the property, the surrounding area is predominantly residential.

The site is not located within any protected areas.

Description Of The Proposal

Planning permission is sought for the retrospective change of use from residential to short term let (sui generis). No internal or external works to the property are proposed as part of this application.

Supporting Information

- NPF4 Planning Statement

Relevant Site History

16/02228/FUL

110 Spring Gardens

Edinburgh

EH8 8EY

Change of Use and Conversion of existing small Shop Unit into a small Flat.

Granted

3 August 2016

Other Relevant Site History

No other relevant site history.

Consultation Engagement

No consultations.

Publicity and Public Engagement

Date of Neighbour Notification: 5 April 2023

Date of Advertisement: Not Applicable

Date of Site Notice: Not Applicable

Number of Contributors: 4

Section B - Assessment

Determining Issues

This report will 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

a) 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 Productive Places Tourism Policy 30.
- LDP Housing Policy Hou 7.
- LDP Transport Policies Tra 2 and Tra 3.

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

Proposed Use

With regards to NPF 4 Policy 1, the proposals do not involve operational development and therefore, 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 relates 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 comprises a main door, ground floor unit within a tenement building. There are other residential flats located adjacent to and above the property. Although there are commercial uses located nearby, the area is predominantly residential with a low to medium degree of street activity in the immediate vicinity of the property.

The applicant's supporting planning statement asserts that the change of use will have a limited impact on local amenity given its small size and private access.

The use of the property as an STL would, however, introduce an increased frequency of movement to the property. The proposed STL use would enable multiple 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. Visitors may also have less regard for the security and maintenance of communal spaces.

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 disturbances, further impacting on neighbouring amenity.

This would be significantly different from the ambient background noise that neighbouring residents might reasonably expect and will have an unacceptable 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 property this will only be supported where the loss is outweighed by demonstrable local economic benefits.

The applicant's supporting planning statement does not provide any specific evidence of demonstrable economic benefits associated with the use of the property as an STL.

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 use of the property as an STL would, however, result in the loss of residential accommodation, which given the recognised need and demand for housing in Edinburgh, is important to retain where appropriate.

Furthermore, 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, as well as by making 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 arising from the STL use. As such, the proposal does not comply with NPF 4 30(e) part (ii).

Parking Standards

There are no parking requirements for STLs. Cycles can be parked inside the property. The proposals comply with LDP 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.

b) 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 total of four representations were received, with all four being objections. A summary is provided below:

material considerations

- Negative impact on local amenity due to noise, disturbance and anti-social behaviour. Addressed in part a).
- Negative impact relating to waste disposal. The applicant would have a agree a waste strategy with CEC Waste Services.
- Negative impact on maintenance/parking arrangements. Addressed in part a).
- Negative impact on security for neighbours. Addressed in part a).
- Potential overcrowding within small STL unit. Addressed in part a).
- Negative impact on local community and sense of place. Addressed in part a).

- Loss of residential accommodation and negative impact on housing affordability and supply. Addressed in part a).

non-material considerations

- The application is contrary to Scottish Planning Policy. This is no longer a relevant policy consideration.

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 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;

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.

Background Reading/External References

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

Further Information - [Local Development Plan](#)

Date Registered: 3 April 2023

Drawing Numbers/Scheme

01 - 02 - 03

Scheme 1

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

Contact: Sean Christie, Assistant Planning Officer
E-mail: sean.christie@edinburgh.gov.uk

Appendix 1

Consultations

No consultations undertaken.

Appendix 2

Application Certification Record

Case Officer

I have assessed the application against the City of Edinburgh Council's Scheme of Delegation (2023) Appendix 6 – Chief Planning Officer and the Statutory Scheme of Delegation (2023) and can confirm the application is suitable to be determined under Local Delegated Decision, decision-making route.

Case Officer: Sean Christie

Date: 6 June 2023

Authorising Officer

To be completed by an officer as authorised by the Chief Planning Officer to determined applications under delegated powers.

I can confirm that I have checked the Report of Handling and agree the recommendation by the case officer.

Authorising Officer (mRTPI): Lynsey Townsend

Date: 14 June 2023

Comments for Planning Application 23/00570/FULSTL

Application Summary

Application Number: 23/00570/FULSTL

Address: 110 Spring Gardens Edinburgh EH8 8EY

Proposal: To change the use of the existing flat to a flat for short-term letting.

Case Officer: Improvement Team

Customer Details

Name: Amaury Auvray

Address: 104 Spring Gardens PF1 Edinburgh

Comment Details

Commenter Type: Neighbour

Stance: Customer made comments neither objecting to or supporting the Planning Application

Comment Reasons:

Comment: If the application is for Airbnb or similar. I would recommend to increase the noise acoustic on the wall next to 104. We are concerned by short let that can bring noise through the year. We are also concerned by extended refurbishment hours. We are working from home and we can hear the noise through the wall.

Comments for Planning Application 23/00570/FULSTL

Application Summary

Application Number: 23/00570/FULSTL

Address: 110 Spring Gardens Edinburgh EH8 8EY

Proposal: To change the use of the existing flat to a flat for short-term letting.

Case Officer: Improvement Team

Customer Details

Name: Mr Paul Surgenor

Address: 6/5 Waverley Park Edinburgh

Comment Details

Commenter Type: Neighbour-Residential

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: I wish to object to this change of use because:

- 1) The application is contrary to Scottish Planning Policy on "socially sustainable places" and "supporting delivery of accessible housing"; and
- 2) The change of use would have unacceptable impacts on neighbourhood amenity, including pressure on bins, parking, residential amenity, community, and security/safety.

Further detail is provided as follows:

Edinburgh has a housing crisis and an accessible housing crisis. The Strategic Housing Investment Plan states the rapid growth in short term lets is creating further pressure on supply, rent levels and house prices in some areas as properties are purchased for short term let rather than long term rent or owner occupation.

The demand for main door housing in Edinburgh is so great that, incentivising any main door housing for short-term holiday let is contrary to Scottish Planning Policy on "supporting delivery of accessible housing". This is especially acute in city centre and busy mixed-use areas such as Abbeyhill, where most flats will share inaccessible stepped/communal entrances. The property at 110 Spring Gardens presents an opportunity to provide accessible city-centre accommodation.

Furthermore, main door properties have been found unacceptable for short-term letting when they are close to other residential properties and / or share communal spaces (See DPEA's no. 230-2190, 290-2005, 140-2013, 230-2161, and 230-2144). I believe there may be an agreement in place for some of the main door flats on Spring Gardens to access communal garden spaces within shared stairwells on either Spring Gardens or Waverley Park.

Due to the location of the property, additional pressure could be experienced on communal bins located on either Spring Gardens, Milton Street, or Waverley Park. While use of bins is a normal residential function, the number of guests in a small flat (and the frequency of turnover) may have some impact on the frequency of journeys to the bins and the volume of waste over time.

Pressure on parking: Spring Gardens and surrounding streets are dense, with limited parking. The applicant's short-term let guests may use several vehicles. Following a change to permit parking later this year, the property owner may attempt to use visitor permits to provide parking to guests. As noted in a 2019 DPEA regarding 33 Milton Street (ENA-230-2162), a site inspection at around 1300hrs found Milton and neighbouring streets "busy with few if any free parking spaces".

Residential amenity, including noise and security: While there may be "house rules" provided to guests, how guests actually behave during their stay/departure is not controllable by the host. The nature of short stay commercial visitor accommodation is such that a host is unlikely to be on site permanently to enforce their own rules. This would differ from a residential situation where a complainant could approach the occupier or the landlord directly and have some reassurance that behaviour would modify given owner occupation or the relatively lengthier nature of residential tenancies.

While there is no planning statement to confirm the intended occupancy of the short term let, a one bed of this size could theoretically sleep 4 people utilising a bed and sofa bed in the living area. There is no guarantee that guests staying in the flat would always be within sensible occupancy limits, in this way, the use of the flat would also differ from typical residential circumstances with the increased potential for noise and anti-social behaviour.

The application does not stipulate the frequency of guest change overs, it may be possible for this to be every day or at least every few days. The introduction of new people into the property. This can change the level of actual and perceived security for permanent residents in a manner that would not otherwise be the case under typical residential circumstances

In summary, significant impacts on neighbours include: increased antisocial behaviour, noise, disruption, intrusion by a frequent turnover of strangers, loss of community, loss of security and impacts on bins and parking.

Comments for Planning Application 23/00570/FULSTL

Application Summary

Application Number: 23/00570/FULSTL

Address: 110 Spring Gardens Edinburgh EH8 8EY

Proposal: To change the use of the existing flat to a flat for short-term letting.

Case Officer: Improvement Team

Customer Details

Name: Mariana Duarte

Address: 3/9 Milton Street Edinburgh

Comment Details

Commenter Type: Neighbour-Residential

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: For the purposes of building a community and fostering respect for the people around us, I don't think we should accept or encourage the approval of short term lets in majorly residential areas. Abbeyhill is already home to one large student accommodation building, soon to be two, which has already had a detrimental effect in the neighbourhood in terms of loudness, antisocial behaviour and small businesses shutting down. I believe that short term lets will only make this problem worse, as often tourists and short term letters are disrespectful of residents and the area.

In addition to this, it has been acknowledged that short term lets increase the rental prices in the area and make it more difficult for people who live in the city to actually find places to live that they can afford. I think if the person who owns this flat doesn't want to live there, they should either sell it or accept long-term renters that will be living within our community as tax-payers.

Comments for Planning Application 23/00570/FULSTL

Application Summary

Application Number: 23/00570/FULSTL

Address: 110 Spring Gardens Edinburgh EH8 8EY

Proposal: To change the use of the existing flat to a flat for short-term letting.

Case Officer: Improvement Team

Customer Details

Name: Ms OLD TOWN ASSOCIATION

Address: 1 Trunks Close, 55 High Street, Edinburgh EH1 1SR

Comment Details

Commenter Type: Amenity Body

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: This application should be refused as the use of a residential home for short-term letting means loss of residential accommodation. Short-term lets in a tenement results in noise and other disturbance for the other inhabitants, especially where there is shared access or shared space, as there is here. Short-term lets as a whole destroy communities and lead to a sense of insecurity amongst remaining residents. Not having residents also means fewer people to monitor the building and undertake maintenance.



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 100011356-006

The online reference is the unique reference for your online form only. The Planning Authority will allocate an Application Number when your form is validated. Please quote this reference if you need to contact the planning Authority about this application.

Applicant or Agent Details

Are you an applicant or an agent? * (An agent is an architect, consultant or someone else acting on behalf of the applicant in connection with this application)

Applicant Agent

Agent Details

Please enter Agent details

Company/Organisation:	<input type="text" value="Bill Murray Architect"/>		
Ref. Number:	<input type="text"/>	You must enter a Building Name or Number, or both: *	
First Name: *	<input type="text" value="William"/>	Building Name:	<input type="text" value="None"/>
Last Name: *	<input type="text" value="Murray"/>	Building Number:	<input type="text" value="6"/>
Telephone Number: *	<input type="text"/>	Address 1 (Street): *	<input type="text" value="Knowes Farm Cottages"/>
Extension Number:	<input type="text"/>	Address 2:	<input type="text"/>
Mobile Number:	<input type="text"/>	Town/City: *	<input type="text" value="DUNBAR"/>
Fax Number:	<input type="text"/>	Country: *	<input type="text" value="Scotland"/>
		Postcode: *	<input type="text" value="EH42 1XJ"/>
Email Address: *	<input type="text"/>		

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

Individual Organisation/Corporate entity

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"/>
First Name: *	<input type="text" value="Mohammad"/>	Building Number: <input type="text" value="208"/>
Last Name: *	<input type="text" value="Mafooz"/>	Address 1 (Street): * <input type="text" value="Easter Road"/>
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="Scotland"/>
Mobile Number:	<input type="text"/>	Postcode: * <input type="text" value="EH7 5QH"/>
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="110 SPRING GARDENS"/>
Address 2:	<input type="text"/>
Address 3:	<input type="text"/>
Address 4:	<input type="text"/>
Address 5:	<input type="text"/>
Town/City/Settlement:	<input type="text" value="EDINBURGH"/>
Post Code:	<input type="text" value="EH8 8EY"/>

Please identify/describe the location of the site or sites

Northing	<input type="text" value="674202"/>	Easting	<input type="text" value="327231"/>
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Description of Proposal

Please provide a description of your proposal to which your review relates. The description should be the same as given in the application form, or as amended with the agreement of the planning authority: *
(Max 500 characters)

To obtain Planning Permission to allow Short-Term Letting of this very small Flat.

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.

Acting on behalf of the Owner, we disagree profoundly with the reasons given for the Refusal. A full, written Statement will be attached to this Submission.

Have you raised any matters which were not before the appointed officer at the time the Determination on your application was made? *

Yes No

If yes, you should explain in the box below, why you are raising the new matter, why it was not raised with the appointed officer before your application was determined and why you consider it should be considered in your review: * (Max 500 characters)

Please provide a list of all supporting documents, materials and evidence which you wish to submit with your notice of review and intend to rely on in support of your review. You can attach these documents electronically later in the process: * (Max 500 characters)

Appeal against Refusal of Planning Permission to enable a Licence to be Granted.

Application Details

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

23/00570/FULSTL.

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

01/06/2023

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

16/06/2023

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: Bill Murray Architect William Murray

Declaration Date: 15/09/2023

Bill Murray Architect

6 Knowes Farm Cottages, DUNBAR,
E-mail address : bmarchitect@yahoo.com



East Lothian, EH42 1XJ.
Tel. 07861 309596.

The City of Edinburgh Council Local Review Body
G2, Waverley Court,
4 East Market Street,
EDINBURGH
EH8 8BG.

Ref : BMA/154.
15 September 2023.

Dear Sirs/Madams,

[APPLICATION FOR LICENCE TO ALLOW SHORT-TERM LETTING - 23/00570FULSTL.
FRONT DOOR FLAT, 110 SPRING GARDENS, EDINBURGH, EH8 8EY.
APPEAL AGAINST REFUSAL OF PLANNING PERMISSION, TO ENABLE A LICENCE TO
BE GRANTED.](#)

Further to the Refusal Letter dated 16 June 2023, I appeal against the Decision, on behalf of the Owner of the Flat. The Appeal is set out below.

1. First of all, I wish to state that the Reasons for Refusal bear little or no relevance to the circumstances surrounding this tiny Main Door Flat. On behalf of the Owner, I invite the Members of the Review Panel to visit the property to see for themselves that the Flat is perfectly suitable for the proposed use and would not pose any threat to the amenity of the surrounding area, mainly because it is too small to do so.
2. The proposal is not contrary to Local Development Plan Policy Hou 7, because it is only suitable really for letting to 2 people. In addition, the Flat is a Front Door Flat, with its own separate Entrance from the Street. There is no access to the Common Stair. 2 people in the Flat will have little or no effect on the living conditions and amenity of nearby residents.
3. The proposal is not contrary to National Planning Framework Policy 30 (e) in respect of Local Amenity and Loss of Residential Accommodation. Frankly, to suggest that it is so is complete and utter nonsense. The Flat is still Residential Accommodation, no matter if a Licence to allow for Short-Term Letting is subsequently agreed. The Owner is perfectly at liberty to arrange for a longer letting period, should he find a suitable couple willing to take this on.
4. The change of use of this property to an STL will have no impact whatsoever on the neighbouring amenity. The tiny Flat is only suitable for 2 people. There is no loss of the residential accommodation. It is still there. The Application has nothing to do with Tourism. The Owner wishes to have the property managed on his behalf, so that he can concentrate on being his wife's Principal Carer during her illness.

Yours faithfully,

BILL MURRAY.