



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

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

Thank you for completing this application form:

ONLINE REFERENCE 100609039-005

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="Gilberts"/>		
Ref. Number:	<input type="text"/>	You must enter a Building Name or Number, or both: *	
First Name: *	<input type="text" value="Douglas"/>	Building Name:	<input type="text"/>
Last Name: *	<input type="text" value="Thomson"/>	Building Number:	<input type="text" value="39"/>
Telephone Number: *	<input type="text"/>	Address 1 (Street): *	<input type="text" value="Grassmarket"/>
Extension Number:	<input type="text"/>	Address 2:	<input type="text"/>
Mobile Number:	<input type="text"/>	Town/City: *	<input type="text" value="Edinburgh"/>
Fax Number:	<input type="text"/>	Country: *	<input type="text" value="Scotland"/>
		Postcode: *	<input type="text" value="EH1 2HS"/>
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="Ms"/>	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="Hilary"/>	Building Number:	<input type="text" value="22"/>
Last Name: *	<input type="text" value="Smith"/>	Address 1 (Street): *	<input type="text" value="Victoria Road"/>
Company/Organisation	<input type="text"/>	Address 2:	<input type="text"/>
Telephone Number: *	<input type="text"/>	Town/City: *	<input type="text" value="North Berwick"/>
Extension Number:	<input type="text"/>	Country: *	<input type="text" value="Scotland"/>
Mobile Number:	<input type="text"/>	Postcode: *	<input type="text" value="Eh39 4JL"/>
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="6 STAFFORD STREET"/>
Address 2:	<input type="text" value="NEW TOWN"/>
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="EH3 7AU"/>

Please identify/describe the location of the site or sites

Northing	<input type="text" value="673581"/>	Easting	<input type="text" value="324463"/>
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## Description of Proposal

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

Change of use from flatted residential to short-term let accommodation.

## 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.

To all intents and purposes, there has not been a loss of a residential property. Since the 1950's the building has almost continuously been in commercial use. Consent was granted to convert the property back into residential use in June 2013 but sold soon afterwards to the applicants and then used continuously or short-term lets. It therefore unreasonable to refuse the application based on the loss of a residential property when it has never been used as such for nearly 70 years.

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)

We have sought to elaborate on the property's history of commercial use which was alluded to in the initial application. We feel this is relevant to the reason given for refusing the 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)

Review support statement.

## Application Details

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

22/06066/FUL

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

02/12/2022

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

23/05/2023

## 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

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: Mr Douglas Thomson

Declaration Date: 22/08/2023

# Notice of Review

Planning Application Reference 22/06/0666/FUL

6 Stafford Street, Edinburgh, EH3 7AU

Change of Use: Flatted residential to short-term let accommodation  
(in retrospect)

## 1.0 Decision Notice

The reason for refusal:

- 1. The proposal is contrary to National Planning Framework 4 Policy 30(e) (ii) in respect of Loss of Residential Accommodation, as the loss of a residential property has not been justified.*

No other reasons for refusal were given.

## 2.0 Basis or request for a review.

The basis of the request for a review is that, to all intents and purposes, there has not been a loss of a residential property.

Although the property was originally constructed as a dwelling, since the 1950's the building has almost continuously been in commercial use. Planning consent was granted to convert the property back into residential use in June 2013 (ref 13/01892/FUL – Appendix A) but sold soon afterwards to the applicants and used continuously thereafter for short-term lets.

The approved change of use design was further amended in July 2013 (ref: 13/02895/LBC) to the current layout which, as noted in the applicants support statement (Appendix B) is more suited to short term occupancy rather than permanent residency.

It therefore seems unreasonable to refuse the application based on the loss of a residential property when it has never been used as such for nearly 70 years.

The history of the property is detailed in the applicants support statement (Appendix B). The statement also makes valid points on the unsuitability of the property for general residential use and the contribution it makes to the local economy which further justifies the property remaining in use for short-term lets.

### 3.0 Appendix A.

Planning Consent for change of use from commercial to residential use.

W Hawkins.  
27 Ladysmith Road  
Edinburgh  
EH9 3EU

Trustee Of The European Pension  
Management Scheme.  
C/o Agent

Date: 26 June 2013

Your ref: 000064086-001

#### TOWN AND COUNTRY PLANNING (SCOTLAND) ACTS DEVELOPMENT MANAGEMENT PROCEDURE (SCOTLAND) REGULATIONS 2008

Change of Use (Office, Class 4 to Residential, Class 9) and alterations, including the installation of a new bathroom, kitchen, en suite, conservation rooflights to rear elevation, sash and case window upgrade and period style feature fireplace to livingroom.

At 6 Stafford Street Edinburgh EH3 7AU

**Application No:** 13/01892/FUL

#### DECISION NOTICE

With reference to your application for Planning Permission registered on 22 May 2013, this has been decided by **Local Fast Track Decision**. The Council in exercise of its powers under the Town and Country Planning (Scotland) Acts and regulations, now determines the application as **Granted** in accordance with the particulars given in the application.

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

#### **Conditions:-**

1. Details of the roof vents shall be submitted to and approved in writing by the Head of Planning and Building Standards before work commences on site. Note the roof vents should be flush with the roof surface.

#### **Reasons:-**

1. In order to enable the planning authority to consider this/these matter/s in detail.

### 3.0 Appendix B.

Support Statement from the applicants to agenda in support of review.

6 Stafford Street July 27th, 2023

Dear Dougie

As you know, Philip and I were really disappointed with Edinburgh Council's decision to refuse our planning application. We feel we should appeal and suggest we ask them to reconsider on the following basis. 1.

Residential Use –In practical terms we have not reduced the stock of residential dwellings. CEC have not given sufficient consideration to the history of the building and have relied upon the 2013 change of use from business to residential in making their decision. The house has not been a permanent residence since the 1950's when it was sold to the Ancient Order of Foresters and converted to office space. In 2013, the building was still being marketed as office space when the owners applied for planning permission to convert it to residential prior to selling. It is our understanding that at this time there was no distinction between residential use by the owner (either main home or second home) and residential use as a short term let. In point of fact after conversion to residential use the building has never been used as a permanent dwelling. In these circumstances it is disingenuous to say that we are removing a building from the stock of residential space, rather we are using a converted office as a second home and short term let. We have always been very open with CEC about our actions and intentions in terms of applying for business valuation etc. It is worth reiterating that if we had needed to apply for a change of use, and this has never been indicated to us, we would have done so at the same time as being reassessed on business rates.

2. Residential. The house as currently configured is not suitable as a modern dwelling CEC have not given sufficient consideration to the layout of the house and how this may impact on long term occupancy. Housing standards have changed markedly since the ground floor and basement area were split off from the residential area (around 1900). Today, the second bedroom in the attic, while it is suitable for a stay of a few nights, is not big enough to accommodate wardrobes and similar storage on a long term basis. Similarly, the kitchen is too small for permanent occupancy although it is fine for guests staying for a few nights as their comments attest. Furthermore, these points would have been obvious to the CEC planners when they approved the 2015 change of use.

3. Flatted. The house is a town house not a flatted residence The house is described as a 'flatted residence'. We do not agree with this term as it might imply the house is an apartment in a tenement. It is not. The house is a town house where part of the ground floor and basement were separated in Victorian times to accommodate a shop space. This is important as CEC have stated repeatedly their intention to refuse planning permission in tenements (flatted) properties therefore we would like the distinction to be clear

4. Unfair and untransparent planning process We understand that the original drive behind the licencing scheme for short term lets was to ensure the health and safety of local communities. We completely agree. Poorly managed properties that contribute only increased waste and rising antisocial behaviour should be sifted out of the market. It is in everyone's interest to have a varied offering to suit different budgets but with similar and agreed minimum standards. We felt we had complied with this when we took our first steps in the planning (and subsequent licensing) process. CEC published details of criteria that applicants for retrospective planning had to meet (no shared entrances, no complaints or antisocial behaviour etc) and we were pleased that the planners confirmed we complied with all of these criteria. But our application was rejected on the basis that the value of removing a residential property was not compensated by the property becoming a short term let. The definition of what is meant by value is unclear however, it is fair to say that on this basis, there is absolutely no way any such application could ever succeed. We feel that CEC have not acted in a fair, open and transparent manner in this. We feel angry that CEC did not provide sufficient information for us, as applicants, to weigh up our chances of success before committing significant time and money in making our planning application.



Background Although it's original purpose, and indeed for many years after, was residential, it was last occupied as a dwelling in the 1950's. Around 1900 the then owner, James Diston, converted part of the ground floor and basement to accommodate his butchers shop. This was still regarded as one property until around 1930 [to be checked] when the shop premises were sold separately. The shop and basement have been occupied by retail businesses ever since. The main part of the house also changed its use in the 1950's to commercial and has been used for many different purposes and, as far as we know, had a number of owners. In 2015, the then owners, applied for planning permission to return the property to residential use. They had unsuccessfully marketed the property as office space and, presumably, in a bid to maximise their investment, saw an opportunity to convert the house back to residential. The burgeoning short term let market would not have escaped their notice and the subsequent planning amendments, lay out and fit out of the property would support this being the case. The property was sold in 2015 and marketed as a short-term let. We purchased the property in August 2016 and started to trade as a short term let soon after.

We have invested time, effort and funds to ensure the property is in excellent condition and offers guests a unique experience of staying in the WHS of Georgian Edinburgh. A brief glance at the comments left by our guests show that our efforts are very much appreciated, also evidenced by the repeat customers. We are in the process of upgrading the property in terms of energy efficiency, currently on hold while the house's future use, and income, is decided.

We are good neighbours. Our guests are quiet (indeed lots comment on how remarkably quiet Stafford Street is despite being close to the city centre) and well behaved, we have never received any complaints about them.

Our management team ensures that the property is clean and well kept, removing and disposing of waste appropriately.

We suggest to our guests they use local businesses, explore some of the lesser known aspects of Edinburgh, effectively helping to spread the tourist footprint (and dollar) across the City. In addition, we use local tradesmen. It is an important point that the wealth brought into the area through letting our property, remains within the area, helping to support other small and medium sized businesses. This is an essential element of Community Wealth Building, a concept we support and much favoured in Scottish Government and other local government policies. The alternative scenario of guests using national and multi-national businesses for their accommodation will mean that communities such as those in Edinburgh's West End, who are most directly affected by tourism, will receive little or no benefit. Pain, and no gain. O

Our apologies that this message has become much longer than we had anticipated. I hope you can see that this is due to how strongly we feel about what is a very unfair, unbalanced approach to providing adequate, responsible and sustainable choice for tourists in Edinburgh.

Regards Hilary and Philip Smith