

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 100630711-003

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:	Lothian Plans		
Ref. Number:		You must enter a Building Name or Number, or both: *	
First Name: *	Stephen	Building Name:	
Last Name: *	Lothian	Building Number:	18
Telephone Number: *		Address 1 (Street): *	Laidlaw Gardens
Extension Number:		Address 2:	
Mobile Number:		Town/City: *	Tranent
Fax Number:		Country: *	Scotland
		Postcode: *	EH33 2QH
Email Address: *			

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="Stella"/>	Building Number:	<input type="text" value="9"/>
Last Name: *	<input type="text" value="Hughes"/>	Address 1 (Street): *	<input type="text" value="Hugh Miller Place"/>
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="EH3 5JG"/>
Fax Number:	<input type="text"/>		
Email Address: *	<input type="text" value="REDACTED"/>		

## 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="9 HUGH MILLER PLACE"/>
Address 2:	<input type="text" value="STOCKBRIDGE"/>
Address 3:	<input type="text"/>
Address 4:	<input type="text"/>
Address 5:	<input type="text"/>
Town/City/Settlement:	<input type="text" value="EDINBURGH"/>
Post Code:	<input type="text" value="EH3 5JG"/>

Please identify/describe the location of the site or sites

Northing	<input type="text" value="674935"/>	Easting	<input type="text" value="324505"/>
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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)

Planning application for Short Term Let(change of use) application.

## 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 Applicant disagrees with the reasons given for the decision notice and would like the review body to consider the points listed in the supporting statement before a final decision is made. There is a problem with the way short term let applications are dealt with. The applicant only lets out the property to tenants needing to live in that area from 1-2 months at a time. The applicant does not do holiday lets but it's clear that this is how the application has been perceived to be.

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)

It was made clear during the application that the property was not being used or let out as a holiday let but it seems to be rejected on the basis as a holiday let. There is no way to distinguish a difference and all are being viewed as the same.

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)

Supporting statement and letter from the letting agent

## Application Details

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

23/02576/FULSTL

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

23/06/2023

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

24/08/2023

## 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 Stephen Lothian

Declaration Date: 20/09/2023

## Appeal Statement for 23/02576/FULSTL

I hereby appeal against the Decision notice issued on 24/08/2023.

Firstly, I refute Reason for Refusal 1, which cites a “materially detrimental effect on living conditions and amenity of nearby residents”.

Reason 1. is a generic affirmation advanced without providing any evidence or reference to any specific concerns. It cites no detrimental effects whatsoever. It appears to be based on the mistaken assumption that any STL is a tourist holiday let in a property purchased by a buy-to-let operator. It does not appear to have taken into consideration the following facts:–

- a) The ground floor property not only has its own private entrance but that entrance is accessed from within its own private garden. Moreover, there are absolutely no communal areas shared with any other properties. These features of the property constitute a relevant consideration according to STL guidelines with respect to impact on amenity yet do not appear to have been taken into account
- b) Planning guidance states that “limited regard” should be accorded to the way the current owner manages or proposes to manage the property yet the Decision Notice suggests that no regard whatsoever has been accorded to this significant aspect of the application made in retrospect.
- c) The planning request provides an eight-year-long documented record of mixed use as a family holiday home and for occasional 2-6 month lets. The ample proof provided in the application of the respectful manner of use of the property over this extended period has not been challenged in the Decision or in the objections. It should in consequence be taken as a relevant consideration.
- d) The statement from the letting agent, provided in the original application, to the effect that over 80% of lets, averaging a four-month stay, have gone to people living and/or working locally, is a concrete example of benefits to the wider Edinburgh community and as such is a relevant consideration, yet it does not appear to have been taken into account.
- e) For these past eight years, there have been no holiday lets to tourists whatsoever at this property. Tenants have been either working or retired – a material consideration which explains the absence of any problems with noise or antisocial behaviour. This does not appear to have been taken into account.
- f) Tenants are required to obtain and return the keys to the letting agency during office hours. Tenants do not have use of a key box. Thus there is demonstrably no materially detrimental impact of noisy guest departures and arrivals at unsocial hours, which is a material planning consideration. This does not appear to have been taken into account.
- g) No neighbours’ objections have been made about current and past lets.

Secondly, I refute Reason for Refusal 2, regarding « unacceptable impact on local amenity” and “loss of a residential property”. This is a generic affirmation advanced without providing evidence and without citing any location-specific concerns. It mistakenly assumes the

application is from a buy-to-let operator. I wish to appeal Reason for Refusal 2. for the following reasons:-

- a) The **number of people** staying in a short term let is a material consideration according to the guidance, as greater numbers can impact in various ways on neighbours' amenity, on use of local shops and services. This is a small one-bed property. The maximum of two tenants can have infinitesimal or no impact on local amenity yet this does not appear to have been taken into consideration.
- b) The impact of short term lets on the character and amenity of this neighbourhood is not proven, nor does the Decision Notice cite any. Unlike the Old Town, with dozens of key boxes by street doors and some buildings with no permanent residents, Stockbridge Colonies is a robust, diverse and thriving community not within the sought-after central area for festival lets.
- c) **No loss** of residential accommodation is involved. The property has been owned by my family for three decades as a family holiday home, with occasional lets introduced over the past eight years to help cover costs.
- d) My parents, John and Violet Hughes, owned the property before me and moved to this property from 58 West Port, Edinburgh EH1 2LB. Our family has lived full time or part time in Edinburgh for over a century and our continuing connection with Edinburgh through this property is directly in line with national policies enhancing links with Scottish diaspora.
- e) The way in which this property has been and continues to be used enables a family with Edinburgh roots to return regularly and also offers much-needed opportunities for local people who for various reasons require a short term let.

**Conclusion:** for all of the above reasons, I wish to appeal a decision based on generic hypotheses that are contrary to all the evidence provided and mistakenly assume that all lets of 6 months or under must involve tourist holiday lets and must involve loss of residential property.

I would have wanted to be able to apply for STLs of **over** a month for this family property, but have no option but to be bundled with AirBnB-style buy-to-let businesses.

## Proposal Details

Proposal Name	100630711
Proposal Description	Short term Let Planning Application
Address	9 HUGH MILLER PLACE, STOCKBRIDGE, EDINBURGH, EH3 5JG
Local Authority	City of Edinburgh Council
Application Online Reference	100630711-003

## Application Status

Form	complete
Main Details	complete
Checklist	complete
Declaration	complete
Supporting Documentation	complete
Email Notification	complete

## Attachment Details

Notice of Review	System	A4
Appeal statement	Attached	Not Applicable
Letter from Agent	Attached	Not Applicable
Notice_of_Review-2.pdf	Attached	A0
Application_Summary.pdf	Attached	A0
Notice of Review-003.xml	Attached	A0



Stella Hughes  
9 Hugh Miller Place  
Edinburgh  
EH3 5JG

23rd May 2023

**RE: 9 Hugh Miller application for Planning Permission and Short Term Letting Licence.**

Dear Sir or Madame,

I am writing in relation to the above application and to detail the tenancies we have managed since September 2019.

Of the last six tenancies starting in September 2019, five were living and working in Edinburgh. The sixth one was an overseas visitor staying at the flat for three months.

There were three six month tenancies and the average stay was four months.

The five Edinburgh tenants needed to rent for the following reasons: renovation of own Edinburgh home; returnee from overseas house-hunting to settle locally; job transferred to Edinburgh; own home sold prior to departure overseas. None of these tenancies was a holiday let for less than a month.

Should you have any queries don't hesitate to contact me.

Your sincerely,

James Kerr  
Managing Director  
Ben Property  
3 Manor Place  
Edinburgh  
EH3 7DH

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