

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 100649352-001

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

Agent Details

Please enter Agent details

Company/Organisation:	Fouin + Bell Architects Ltd		
Ref. Number:		You must enter a Building Name or Number, or both: *	
First Name: *	Fouin	Building Name:	
Last Name: *	Bell	Building Number:	1
Telephone Number: *		Address 1 (Street): *	John's Place
Extension Number:		Address 2:	
Mobile Number:		Town/City: *	Edinburgh
Fax Number:		Country: *	City of Edinburgh
		Postcode: *	EH6 7EL
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="Mr"/>	You must enter a Building Name or Number, or both: *	
Other Title:	<input type="text"/>	Building Name:	<input type="text" value="Rachel's Farm"/>
First Name: *	<input type="text" value="A"/>	Building Number:	<input type="text"/>
Last Name: *	<input type="text" value="Montague"/>	Address 1 (Street): *	<input type="text" value="Buchlyvie"/>
Company/Organisation	<input type="text" value="Rachels Farm"/>	Address 2:	<input type="text"/>
Telephone Number: *	<input type="text"/>	Town/City: *	<input type="text" value="Stirlingshire"/>
Extension Number:	<input type="text"/>	Country: *	<input type="text" value="United Kingdom"/>
Mobile Number:	<input type="text"/>	Postcode: *	<input type="text" value="FK8 3NR"/>
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="38 DUDDINGSTON ROW"/>
Address 2:	<input type="text" value="BINGHAM"/>
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="EH15 3ND"/>

Please identify/describe the location of the site or sites

Northing	<input type="text" value="672518"/>	Easting	<input type="text" value="329683"/>
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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 TO SHORT TERM HOLIDAY LET 38 DUDDINGSTON ROW, EDINBURGH Planning references
22/06387/FULSTL

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.

Duddingston Row LRB Statement duddingston-38 Plan and Location 02

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)

See attached supporting statement

Application Details

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

22/06387/FULSTL

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

20/12/2022

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

22/09/2023

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 Fouin Bell

Declaration Date: 24/10/2023

**CHANGE OF USE TO SHORT TERM HOLIDAY LET
38 and 38A DUDDINGSTON ROW, EDINBURGH**

Submission to Local Review Body.

Planning references 22/06386/FULSTL and 22/06387/FULSTL

On behalf of Rachel's Farm

15 October 2023



**1 John's Place
Edinburgh
EH6 7EL**

Content

- 1.0 General introduction.**
- 2.0 The Reason for refusal.**
- 3.0 The reasons to overturn the current decision.**
- 4.0 Conclusion.**

1.0 General introduction.

- 1.1 The appellant is Rachel's Farm Ltd, who are a commercial property letting company, with a variety of short-term holiday lets throughout Scotland. They purchased this property in 2020. At the time of this acquisition, it was commercial office space, and had been used by the City of Edinburgh Council as a local day care centre. The original two single storey properties had been knocked together many years ago and were used as a single commercial unit. They were accessed directly from the street outside. This remains the case with no shared access or communal amenity space.
- 1.2 The appellant bought the property planning with a view to subdividing it into two units and conversion to residential holiday let use. As a commercial letting company it was the intention of the appeal to let properties out as family holiday accommodation. The applications were as covered under planning references 22/06386 and 06387/FUL. At the time of the applications the new Scottish Government Circular1/2023: Short Term Lets had not been adopted and the new Sui Generis use class had not been brought into play. As a result, the application for change of use to residential was the correct way to get change of use to holiday let.
- 1.3 Following consent, the property has been successfully let out for holiday let purposes and has never been used as mainstream residential.
- 1.4 As you are aware, new legislation was introduced in 2021, which changed the way short term holiday lets would be classified and licensed. This required all existing short-term holiday let properties to apply for change of use from Class 9 Residential to Sui Generis Short Term Holiday Let. These applications were required to be submitted prior to 1 October 2023.
- 1.5 For the avoidance of any doubt prior to these policy changes, any residential property could be used as a short-term holiday let and as a result this application was totally correct and legal.

2.0 The reason for refusal.

- 2.1 This application for change of use was refused on 22 September 2023. The reasons for refusal were as follows: -
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 term 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 property as a*

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

3.0 The reasons to overturn the current decision.

- 3.1 As stated above the property was a commercial building owned by the city and acquired by the appellant on the open market.in 2020. As a result, there is no loss of residential use.
- 3.2 We have reviewed the planning submission and note there were no objections to the application and since its conversation there have no issues with noise or disturbance to the neighbouring properties.
- 3.3 We note that that the current application was submitted prior to the adoption of NPF4. Notwithstanding this, as the property was a commercial property which was changed to holiday let, in accordance with the required policies at the time, and has never been used at any time as a mainstream house, there is no loss of residential property or indeed amenity resulting out of this application.

4.0 Conclusion.

- 4.1 This refusal notice is based on the introduction of a blanket policy change and supposition rather than the consideration of the application on its own individual merits.
- 4.2 The property was a commercial day care centre and has not traded as a mainstream residential unit for many years.
- 4.3 As a result, we would respectfully request that the Local Review Body reconsider this Refusal Notice and grant both the planning consents for this application.

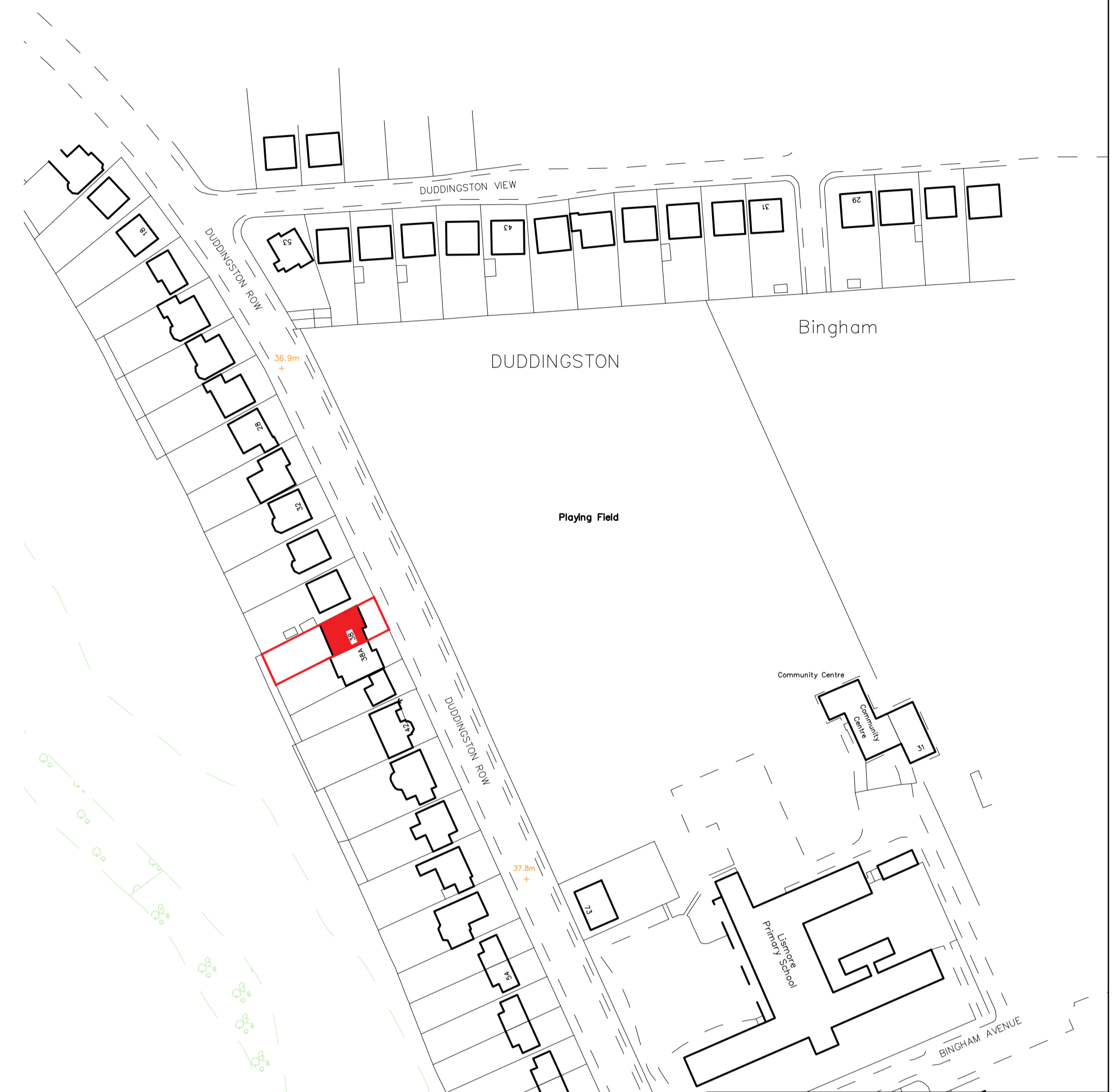
NOTE:
 All proprietary goods and materials are to be fitted in accordance with manufacturer's instructions, Codes of Practice and British Standards. All dimensions to be verified by the Contractor on site. Do not scale drawings, work to figured dimensions only.

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REVISION / DESCRIPTION / DATE	
A Location plan corrected	14/09/2023



Ground Floor Plan - 1:50 @ A1



Location Plan - 1:1250 @ A1

fouin + bell



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CLEARWATER RETREATS

PROJECT
 Change of Use to Short-Term
 Holiday Let
 38 Duddingston Row
 Edinburgh, EH15 3ND

SCALE @ A1	As Stated	DATE	December '22
DRAWN BY	GW	CHECKED	DB
DRAWING	Local Authority		

DRAWING
 Location and Floor Plans

PROJECT NUMBER	DRAWING NUMBER	REVISION
22-234	02	B