

Mr Duffy.  
143 Whitson Road  
Edinburgh  
EH11 3BP

**Decision date: 8 November 2023**

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

Change of use to short term let (In retrospect)  
At 141 Whitson Road Edinburgh EH11 3BP

**Application No: 23/04195/FULSTL**

**DECISION NOTICE**

With reference to your application for Planning Permission STL registered on 6 September 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 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 Policy 30(e) in respect of Local Amenity and Loss of Residential Accommodation, as the use of this dwelling as a short term let will result in an adverse 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, 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 a short term let (STL) will have an adverse 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 the 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.

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 Benny Buckle directly at [benny.buckle@edinburgh.gov.uk](mailto:benny.buckle@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](http://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](mailto: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  
141 Whitson Road, Edinburgh, EH11 3BP**

**Proposal: Change of use to short term let (In retrospect)**

**Item – Local Delegated Decision  
Application Number – 23/04195/FULSTL  
Ward – B07 - Sighthill/Gorgie**

## **Recommendation**

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

## **Summary**

The change of use of this property to a short term let (STL) will have an adverse 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 the 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.

## **SECTION A – Application Background**

### **Site Description**

The application property is a ground floor flat within a two storey semi-detached four in a block, on the north side of Whitson Road. The property has two bedrooms and is accessed via a private path from the street to its own private front door. Directly above the front door is the windows of the neighbouring property at the first floor level. The property has direct access to rear garden space.

Off street parking for one vehicle is provided at the property.

The immediate area is residential in character, with low levels of both pedestrian and vehicular traffic.

### **Description Of The Proposal**

The proposal is for the change of use to short term let (In retrospect).

### **Relevant Site History**

No relevant site history.

### **Other Relevant Site History**

No further relevant site history.

### **Consultation Engagement**

No consultations.

### **Publicity and Public Engagement**

**Date of Neighbour Notification:** 20 September 2023

**Date of Advertisement:** Not Applicable

**Date of Site Notice:** Not Applicable

**Number of Contributors:** 1

## **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 proposed change of use does not involve operational development resulting in physical changes to the property. 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 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*

Although the property has its own private main door access, it lies in close proximity to the neighbouring windows at the first floor level. The use of the property as a STL would allow visitors to come and go from the premises for inconsistent periods of time on a regular basis throughout the year in a manner dissimilar to that of a permanent resident. A transient visitor may also have less regard for neighbours' amenity than individuals using the property as a principal home. The direct access to outdoor amenity space creates an opportunity whereby STL users could further affect neighbouring residential amenity. The use as a short term let is not consistent with the existing neighbouring residential uses.

The proposed use would increase the ambient background noise levels beyond what residents would reasonably expect within the immediate and local area. The increase in frequency of movement to the property at unpredictable hours would damage the amenity of the immediate neighbours and adjacent properties.

A change of use would increase the level of ambient background noise in this context to beyond what is reasonably expected by neighbouring residents and will have a significant 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 property will only be supported where the economic benefits of the proposals are outweighed by demonstrable local economic benefits.

The current lawful planning use of the property is for residential accommodation. Given the recognised need and demand for housing in Edinburgh it is important to retain this, where appropriate.

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.

However, having the property in residential use would also contribute to the economy, through the use of a variety of local services and employment opportunities across the City. Long term residents also have the ability to make consistent and long-term contributions to the local community.

The proposal would result in the loss of residential accommodation. There is a recognised need and demand for housing in Edinburgh, therefore, it is important to retain the existing supply where appropriate.

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

Off street parking is available for one vehicle. There are no requirement for cycle parking for STLs. Cycles could 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 or the loss of residential accommodation. 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.

Independent economic impact assessment

An independent economic impact assessment was commissioned by the Planning Service, and this resulted in a report on the Economic Impact of Residential and Short-Term Let Properties in Edinburgh (the Economic Report). This was reported to Planning Committee on 14 June 2023. The Committee noted that the findings of the report are one source of information that can be considered when assessing the economic impacts of short-term let planning applications and that given the report 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. The study considered the economic impact of various types of properties in Edinburgh if used as a residential property as opposed to being used for short-term holiday lettings.

The Economic Report shows that there are positive economic impacts from the use of properties for both residential use and short-term let use. The Report found that in general the gross value added (GVA) effects are greater for residential uses than short-term lets across all property types and all areas. However, given it is considering generalities rather than the specifics of this individual case, only limited weight can be attached to it as a material consideration in the determination of this application.

Public representations

The application received one public objections.  
A summary of the representations is provided below:

*material considerations in objection*

- Objection that the short term let use would remove a long-term residential property from Edinburgh's housing stock. This has been assessed within section a).



- An objection that short term let use would have a detrimental effect on neighbouring residential amenity. This has been assessed within section a).

#### *non-material considerations in objection*

- Objections that do not relate to the application property.

### **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 the 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 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 Policy 30(e) in respect of Local Amenity and Loss of Residential Accommodation, as the use of this dwelling as a short term let will result in an adverse 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: 6 September 2023**

**Drawing Numbers/Scheme**

01

Scheme 1

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

Contact: Benny Buckle, Assistant Planning Officer  
E-mail: [benny.buckle@edinburgh.gov.uk](mailto:benny.buckle@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: Benny Buckle

Date: 2 November 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): Elizabeth McCarroll

Date: 7 November 2023

External email >

Contains topics of a financial nature >

To whom it may concern,

I am writing to comment in opposition to application reference number 23/04195/FULSTL at 141 Whitson Road Edinburgh EH11 3BP.

Edinburgh is facing a catastrophic housing crisis, with the latest Citylets report showing that over the past 10 years, rents in the city have increased by 80.6%, clearly well in excess of the incomes of residents. Where I live in Dalry, this crisis is felt particularly acutely, and I am quite certain that the same applies in the very similar area of Whitson. 1-bed flats in the neighborhood that would have been rented out at £650 per month only 2 years ago are currently fetching rents in excess of £1000. If it weren't for the Rent Freeze and the subsequent Rent Cap, sitting tenants in the area would have been facing 20-30% rent increases, which we are indeed observing whenever there is a change of tenant in a joint tenancy, which due to a glaring gap in current legislation allows a landlord to increase rents as much as they like.

It is well-established that short-term lets are a significant contributor to increasing rents and house prices, by allowing landlords to earn significantly more from their properties than any long-term tenant would be able to pay, and by bringing in significant competition from often absentee investors to everyone looking to buy a property to live in.

If we leave things to the "free market", the housing supply available to long-term residents will continue to dwindle, and it will indeed be lower-paid workers (like those who work in tourism) who will be at greatest risk of displacement from our city. At the same time, there are alternative ways of accommodating our tourists without this reducing the accommodation available to long-term residents, e.g. by expanding hotel capacity. And if the city still has to make a choice between marginally reducing tourist numbers and accommodating its own residents, I think it's completely reasonable that the latter is chosen. Even in a cold economic calculation long-term residents contribute way more to the economy of the city by the way of their productive output, taxes and spending, not to mention it is fundamentally "fairer" that people who need to live in the city to earn a living are given priority for housing to those who are here on holiday.

Granting planning permission to a property to operate as an STL (incl. via a certificate of lawfulness) means a property is essentially lost forever as viable accommodation for long-term residents. I believe in the acute housing crisis that Edinburgh is currently facing, making such a decision is unacceptable. On top of this, the vast majority of housing stock in Whitson is ex-council housing sold off through Right to Buy, so allowing STLs to operate there certainly adds insult to injury for the thousands of people sitting on waiting lists for social housing in the city.

Apart from their disastrous impact on housing availability, short-term lets often cause considerable nuisance to neighbours. There are 2 STLs in my stairwell in Caledonian Crescent and at least once a week I get a tourist trying to unlock my door because they've mistaken my flat for the one they're staying in. Once this happened at 11 pm at night, just as I was going to bed for an early start at work the next day. Every so often these flats convert into party flats, which is especially disturbing for the several old and vulnerable residents in our stair. While 141 Whitson Road seems to be a main-door property, a noisy group of guests can still generate considerable nuisance for residents in neighbouring homes, and even if this hasn't happened so far, there's no guarantee that it won't happen in the future.

As mentioned, short-term lets have had a disastrous impact on the availability of housing in our city and often cause considerable nuisance to neighbours. This is why I'm opposed in principle to their operation in the city (with very few exceptions), and especially opposed to them being granted planning permission which essentially takes the property off the housing market forever. I believe alternative ways should be sought to accommodate Edinburgh's tourists that do not prevent local residents from finding a home, and their owners should seek to earn income by letting to long-term residents instead.

Regards,

**Daniel Gospodinov**

