

Ms Garrard.
22 The Butts
Brentford
TW8 8BL

Decision date: 27 September 2023

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

For use as short term let (in retrospect).
At 6 Abbey Mount Edinburgh EH8 8EJ

Application No: 23/03614/FULSTL

DECISION NOTICE

With reference to your application for Planning Permission STL registered on 11 August 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 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 dwelling 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.

Please see the guidance notes on our [decision page](#) for further information, including how to appeal or review your decision.

Drawings 01 - 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 a short term let (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.

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 Craig Turnbull directly at craig.turnbull@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.

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Report of Handling

**Application for Planning Permission STL
6 Abbey Mount, Edinburgh, EH8 8EJ**

Proposal: For use as short term let (in retrospect).

**Item – Local Delegated Decision
Application Number – 23/03614/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 a short term let (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 A – Application Background

Site Description

The application property is a one bedroom apartment with a private entrance on the ground floor of a two storey house.

The property comprises a living room, kitchen/dining, one bedroom, and a bathroom.

The property is set within a private cul-de-sac with a gated entrance on the main thoroughfare known as Abbey Mount. The flat is entered through via a private garden to the front of the property leading to the main door.

The property is located in an area of mixed character.

Description Of The Proposal

The application seeks permission to change the residential use to a short term let apartment. No internal or external physical changes are proposed.

The applicant has advised that the property has been used as a short term let since 2018. The application is therefore retrospective.

Supporting Information

NPF 4 planning statement and supporting statement from neighbour.

Relevant Site History

No relevant site history.

Other Relevant Site History

20/05581/FUL

2 - 4 Abbey Mount

Edinburgh

EH8 8EJ

Change of use and alterations to form 11 short term let studio apartments and cafe

Granted 11 August 2021

Consultation Engagement

No consultations.

Publicity and Public Engagement

Date of Neighbour Notification: 27 September 2023

Date of Advertisement: Not Applicable

Date of Site Notice: Not Applicable

Number of Contributors: 2

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 property is located within a private cul-de-sac with a gated entrance on the main road known as Abbey Mount. From a shared driveway the property is accessed via a private front garden.

The applicant's planning statement notes that the cul-de-sac/driveway is in use 24/7 and the driveway has a mixed-use character. Two commercial garages used for storage are located at the end of the driveway, whilst further along the driveway and around the side of the house is the rear entrance for 11 STL units (Abbey Gate) and Fortitude cafe.

The two commercial units are situated approximately 15 metres to the east of the application property and the 11 STL units are located approximately five metres north of the application property. As such there is a fairly high ambient noise level and the introduction of an STL use in this location will not have a detrimental impact on the amenity of the wider surrounding area.

However, the application property adjoins two neighbouring residential properties. The application property comprises the ground floor of a two storey house. On the first floor of the two storey house is a residential property at 6A Abbey Mount. Additionally, the application property adjoins the rear wall of number 5 Abbey Mount which is in residential use.

The use of the property as an STL would introduce an increased frequency of movement to the property. The proposed STL use would enable 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 during the night, and transient visitors may have less regard for neighbours' amenity than individuals using the property as a principal home. The property also has access to a private garden to the front of the property. The use of this space by short term visitors may have detrimental impacts on the amenity of neighbouring residents within the tenement.

Additionally, the applicant submitted a supporting statement from the owner of the neighbouring property who notes that there has been no issues of noise or antisocial behaviour from people staying at the application property. The owner of the neighbouring property has no objection against the type of letting operation.

Planning permission is granted to property rather than individuals, which means that property can change hands and be operated in a different way than was intended by the applicant for planning permission. Because of this, when considering the pattern of activity associated with a use, only limited regard is given to how an applicant intends to manage the property.

The proposed use would have an unacceptable effect on the living conditions and amenity of the neighbouring resident at 6A Abbey Mount. The proposal does not comply with NPF 4 policy 30(e) part (i) and LDP policy Hou 7.

Loss of residential accommodation:

NPF4 policy 30 (e) part (ii) requires that where there is a loss of residential accommodation, this will only be supported where the loss is outweighed by demonstrable local economic benefits.

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 applicant's planning statement expresses that the use of 6 Abbey Mount for short-term letting contributes in many ways to the local economy including guests spending money sight-seeing/visiting the city's tourist attractions, on public transport, in nearby bars and restaurants, shopping on the high street, and taking part in an event such as the Fringe. Also, the applicant asserts that the accommodation fees generates income for a local small business and the STL use creates business for local cleaning and maintenance staff.

The use of the property as an STL would result in a 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

The property contains a shared driveway. There is no requirement for cycle parking for STLs. Cycles could be parked inside the property or within the private garden. 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. There are no material considerations that outweigh this conclusion. The proposal is unacceptable.

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

A summary of the representations is provided below:

Two objections

material considerations

- Noise from STL's. Addressed in section a).
- More suitable for a someone to live in the property and engage in the community. Addressed in section a).
- Loss of residential. Addressed in section a).
- STL use has an adverse impact on amenity of existing housing. Addressed in section a).

non-material considerations

- Surrounding community experiencing increase in student accommodation and STL's.

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 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 dwelling 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.

Background Reading/External References

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

Further Information - [Local Development Plan](#)

Date Registered: 11 August 2023

Drawing Numbers/Scheme

01 - 03

Scheme 1

David Givan
Chief Planning Officer
PLACE
The City of Edinburgh Council

Contact: Craig Turnbull, Assistant Planning Officer
E-mail: craig.turnbull@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: Craig Turnbull

Date: 21 September 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): Damian McAfee

Date: 27 September 2023

Comments for Planning Application 23/03614/FULSTL

Application Summary

Application Number: 23/03614/FULSTL

Address: 6 Abbey Mount Edinburgh EH8 8EJ

Proposal: For use as Short Term Let (in retrospect)

Case Officer: Improvement Team

Customer Details

Name: Mr DEREK KELLY

Address: 20 MONTROSE TERRACE EDINBURGH

Comment Details

Commenter Type: Neighbour-Residential

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: The Abbeyhill area is a close knit community that is increasingly being hollowed out by the proliferation of student accommodation and STL's. We do not need any more of them here. I feel that a property would be much better used to provide accommodation to someone who actually wants to live in the area and engage in the community rather than by adding to transient tourist trade. Further more, it has been my experience that people staying in short term lets are often antisocial, causing noise and littering as they have no investment in the local community.

Comments for Planning Application 23/03614/FULSTL

Application Summary

Application Number: 23/03614/FULSTL

Address: 6 Abbey Mount Edinburgh EH8 8EJ

Proposal: For use as Short Term Let (in retrospect)

Case Officer: Craig Turnbull

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: The Old Town Association objects to the loss of residential in the Old Town, particularly to short-term lets (STLs). STLs take residential property out of the housing stock, exacerbating the current housing shortage. STLs adversely affect the amenity of existing housing by constant comings and goings, with heavy luggage being dragged up and down stairs and by those staying being in holiday mode and inconsiderate of neighbours. STLs make residents feel less safe in their own homes as they are always meeting strangers in their shared access and common ground.

STLs can affect the maintenance of buildings as there are fewer residents to note faults and organise repairs as required.

Statement

Date: Tuesday, 22 August 2023, 23:41 BST

To whom it may concern,

My name is Roy Percy and I am the owner of No 6A Abbeymount EH8 8EJ, which is the apartment immediately above No 6 Abbeymount, and I am writing this to say that I have no objection to No 6 Abbeymount being rented out either as a short or long-term let.

The property at No 6 Abbeymount has been well maintained by Rachel Watson and has been rented out for a great many years since I first moved in, and there have been no issues with noise or antisocial behaviour from any of the tenants, whether they have been short or long-term residents.

Please do not hesitate to contact me if there are any questions regarding this matter.

Yours faithfully,

Roy Percy
43 Lady Road
Edinburgh
EH16 5PA

