

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 100656527-001

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

Applicant Details

Please enter Applicant details

Title:	Mr	You must enter a Building Name or Number, or both: *	
Other Title:		Building Name:	Pringle Head
First Name: *	John	Building Number:	5
Last Name: *	Braithwaite	Address 1 (Street): *	Pringle Bank
Company/Organisation	John Braithwaite	Address 2:	Warton
Telephone Number: *	[REDACTED]	Town/City: *	Carnforth
Extension Number:		Country: *	United Kingdom
Mobile Number:		Postcode: *	LA5 9PW
Fax Number:			
Email Address: *	[REDACTED]		

Site Address Details

Planning Authority:

City of Edinburgh Council

Full postal address of the site (including postcode where available):

Address 1:

29B WALKER STREET

Address 2:

NEW TOWN

Address 3:

Address 4:

Address 5:

Town/City/Settlement:

EDINBURGH

Post Code:

EH3 7HX

Please identify/describe the location of the site or sites

Northing

673707

Easting

324246

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 residential to short term let for 100 nights in a calendar year

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.

See supporting documents

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)

I have suggested a condition that could be imposed.

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)

Appeal statement.

Application Details

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

23/03697/FULSTL

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

19/11/2023

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

28/08/2023

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

Please indicate what procedure (or combination of procedures) you think is most appropriate for the handling of your review. You may select more than one option if you wish the review to be a combination of procedures.

Please select a further procedure *

Holding one or more hearing sessions on specific matters

Please explain in detail in your own words why this further procedure is required and the matters set out in your statement of appeal it will deal with? (Max 500 characters)

The refusal notice alleges the loss of a residential property but the proposed development would not, as a matter of fact, result in the loss of a residential property. This is a complex issue and certainly merits a hearing.

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 John Braithwaite

Declaration Date: 04/01/2024

APPEAL STATEMENT

Application No. 23/03697/FULSTL

Change of use from residential to short term let for 100 nights in a calendar year

29B Walker Street, Edinburgh EH3 7HB

1. 29B Walker Street is a three-bedroom basement flat at the corner of Walker Street and Drumsheugh Gardens. My Partner and I purchased the flat in September 2001 before Council policy was introduced to control the use of flats for STL purposes. It has been occupied, other than by ourselves, our families, and our friends for short periods, for extended periods by my Partner's daughter [REDACTED] It will continue to be occupied on this type of basis for the foreseeable future.

2. I submitted the refused application so that the flat could also be used for short term lets for no more than 100 days in the year. This additional use of the flat would provide accommodation for tourists. The description of the proposed use set out above should, in this regard, be 'change of use from residential to a mixed use of residential and short term let for 100 nights in a calendar year'.

3. The application was refused for two reasons; first, the effect of the proposed use on the amenities of neighbouring residents; and second, loss of residential accommodation.

Amenities of neighbouring residents

4. The principal concern expressed in the 'Report of Handling' is with regard to the comings and goings of visitors. An assessment of whether the comings and goings of occasional visitors would have an adverse effect on amenity must be by comparison with the flat being occupied on a permanent basis. The flat could be occupied, on any given day, by as many people on a permanent basis as could occupy it on a temporary basis. That visitors would come and go from the flat during the day and night more frequently than permanent residents is conjecture.

5. It is claimed that visitors would come and go “...in a manner dissimilar to that of permanent residents”. The only difference is that they would come to, and last go from, the flat, carrying luggage. Permanent residents would also come and go, on occasions, carrying luggage and would on many other occasions come and go carrying all manner of objects and shopping. It must be repeated that the number of permanent residents that could occupy the flat is the same as the number of visitors that could occupy the flat.

6. Even if planning permission were to be granted there would remain many days in the year when there would be no one staying in the flat. If the flat was occupied on a permanent basis there would be no days in the year when there would be no comings and goings. There is no material difference between the frequency and impact of comings and goings of permanent residents compared to the frequency and impact of comings and goings of our use and visitors using the flat for no more than 100 days in the year.

7. It is suggested in the ‘Report for Handling’ that “...transient visitors may have less regard for neighbour’s amenity than individuals using the property as a principal home”. This is, again, conjecture. It is, in fact, possible that transient visitors may have more regard for neighbour’s amenity. A noisy permanent resident will remain a noisy permanent resident whereas a noisy visitor will leave after a short period. This factor was not considered in the assessment but is, at least, a neutral factor.

8. Also not considered in the assessment is the location of the flat. Drumsheugh Gardens is a busy road that links Queensferry Road with Haymarket via Palmerston Place, and now that Manor Place between Chester Street and Melville Street is closed off, Walker Street is now the route for traffic between Chester Street and Shandwick Place that previously used Manor Place. There is considerable traffic, including lorries and buses, in the vicinity of the flat throughout the day and, though less so, through the night. Ambient background traffic noise masks any noise from activity associated with comings and goings to and from the flat.

9. Above the basement flat is a flat, 29 Walker Street, which has been used for several years for STL purposes. The entrance door into the flat is above and to the side of the entrance door into the basement flat. The basement flat at 27 Walker Street, which adjoins the appeal flat, has also been used for STL purposes. Certificate of Lawful Use applications (23/05843/CLESTL and

23/05802/CLESTL) have been submitted for both flats. Given that the City Council has granted many such applications in recent months it is likely that the two applications will also be granted. So, the nearest two properties to the appeal property are likely to remain in use for STL purposes. This factor was not taken into account in consideration of the application.

10. Taking all the above into account it can only be concluded that use of the basement flat for STL purposes, in a location where background noise is high and where the two nearest flats are likely to remain STL properties, would not adversely affect the amenities of neighbouring residents.

Loss of residential accommodation

11. The City Council can have no control over who purchases property in the City and when we purchased the basement flat we were happy to pay 4% of the purchase price, ADS Tax of about ██████████, to the Scottish Government in recognition of the fact that it is our second home. My partner and I will remain owners of the flat for the foreseeable future and it will continue to be occupied as outlined in paragraph 1. There is therefore no residential accommodation to be lost irrespective of the outcome of the application, and now the appeal.

Planning benefits

12. We recognise the need and demand for housing in Edinburgh, but this will not change irrespective of the outcome of the appeal. Furthermore, we were happy to contribute about ██████████ towards satisfying the need and demand for housing in the City. Our ownership and occasional occupation of the flat contributes to the City economy and this will remain.

13. It was acknowledged in the 'Report of Handling' that "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" and that "...it is recognised that there is an economic benefit to the City as a whole from the provision of tourist accommodation" (emphasis added).

14. The City economy will continue to benefit from our use of the property and this will remain irrespective of the outcome of the appeal. A positive

outcome would provide additional economic benefit from use of the property by tourists. This factor should be afforded significant weight.

Other matters

15. As detailed above we will retain ownership of the basement flat for the foreseeable future. If the Council is concerned that granting planning permission for a change of use from residential to a mixed use of residential and for STL purposes for 100 days in a year would result in such a use being retained in perpetuity by future owners of the property, then permission could be granted on a personal basis. A condition could be imposed to this effect and could be:

When the premises cease to be owned by Mr John Braithwaite and/or Mrs Gillian Granger the use hereby permitted shall cease.

Conclusion

16. STL use of the basement flat, as opposed to its permanent occupation, would not result in any adverse effect on neighbouring residential amenity and would not, given that we would retain ownership of the flat for the foreseeable future, result in any loss of residential accommodation. Furthermore, granting permission for STL use for 100 nights in a calendar year would boost the City economy, and imposing the above condition would ensure that once we no longer own the property it would become available for permanent occupation once again.

17. The proposed part use of the appeal property for STL purposes would not conflict with Local Development Plan Policy Hou7 or with National Planning Framework 4 Policy 30(e).