

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 100657526-001

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:	<input type="text" value="Mrs"/>	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="Jane"/>	Building Number:	<input type="text" value="136"/>
Last Name: *	<input type="text" value="Fearnhead"/>	Address 1 (Street): *	<input type="text" value="Lower Ham Road"/>
Company/Organisation	<input type="text"/>	Address 2:	<input type="text"/>
Telephone Number: *	<input type="text" value="██████████"/>	Town/City: *	<input type="text" value="Kingston upon Thames"/>
Extension Number:	<input type="text"/>	Country: *	<input type="text" value="Surrey"/>
Mobile Number:	<input type="text"/>	Postcode: *	<input type="text" value="KT2 5BD"/>
Fax Number:	<input type="text"/>		
Email Address: *	<input type="text" value="██"/>		

## Site Address Details

Planning Authority:

City of Edinburgh Council

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

Address 1:

FLAT 1

Address 2:

2 AINSLIE PLACE

Address 3:

NEW TOWN

Address 4:

Address 5:

Town/City/Settlement:

EDINBURGH

Post Code:

EH3 6AR

Please identify/describe the location of the site or sites

Northing

674090

Easting

324528

## 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)

Use of flat as a short-term let and Flat

## 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.

Lord Braid's ruling in the Judicial Review that was reported on 1st December 2023 found the local authority's interpretation of Scots law on holiday let 'control areas' was 'unfair and illogical' and that it was wrong for the council to introduce a blanket requirement for all owners of whole property short-term lets to obtain planning permission as part of their application for a licence.

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)

The Judicial Review had not reported at the time I applied for planning.

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)

The following composite motion was passed at the meeting of the City of Edinburgh Council today. Council: 1) Notes the decision of the Planning Committee on 23 February 2022 to designate the whole of the City of Edinburgh as a short term let (STL) control area, and the decision of 19 April 2023 to amend non-statutory guidance on STLs. 2) Notes that both committee decisions were unanimous, reflecting the strong cross-party consensus on the need to control the numbers o

## Application Details

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

100640503-002

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

25/08/2023

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

08/11/2023

## 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: Mrs Jane Fearnhead

Declaration Date: 15/01/2024

The following composite motion was passed at the meeting of the City of Edinburgh Council today (Thursday 14 December).

Council:

- 1) Notes the decision of the Planning Committee on 23 February 2022 to designate the whole of the City of Edinburgh as a short term let (STL) control area, and the decision of 19 April 2023 to amend non-statutory guidance on STLs.
- 2) Notes that both committee decisions were unanimous, reflecting the strong cross-party consensus on the need to control the numbers of STLs in Edinburgh.
- 3) Notes the STL (Planning) Judicial Review issued by Lord Braid on Friday 1 December 2023, further notes the briefing note circulated to members on 6 December, and that the Council's Planning service will consider the implications of the ruling in detail, including considering an appeal.
- 4) Notes Lord Braid's finding that the Scottish Parliament did not intend that Section 26B of the Town and Country Planning Act 1997 should have retrospective effect by requiring planning permission to be applied for where a secondary STL was in operation prior to the coming into force of the Short Term Lets Control Area; and that the judgement reduces the whole of the amendment to the 'Guidance for Businesses' agreed by Planning Committee on 19 April 2023, including several changes which were outside the specific scope of the judicial review.
- 5) Notes that the judgement could have significant implications for the council's approach to effective regulation of STLs.

Council therefore:

- 6) Agrees to reconvene the STL working group as soon as possible to consider the next steps for effective regulation of the STL sector in Edinburgh following the judgement, and on the practical implications of licensing powers in respect of potential breaches of planning control.
- 7) Requests that a report come to Planning Committee in one cycle (excluding any special Planning Committees) detailing the implications of the Judicial Review and what outcomes this will have on Short Term Let Planning Policy and the assessment of Short Term Let Planning applications, what implication this may have for the Council's Short Term Let Licensing Scheme, and potential amendments to the 'Guidance for Businesses' which comply with the judgement. This report should also be sent to the Regulatory Committee and the Short Term Lets Working Group for information.
- 8) Agrees that the Leader of the Council should urgently write to the Minister for Local Government Empowerment and Planning to:
  - a) seek clarity of the position of the Scottish Government on the principle of retrospectively requiring planning permission for STLs within a control area and,
  - b) call for an emergency Bill to be introduced to the Scottish Parliament to address the legislative deficiencies in Section 26B, and failing that to consider what changes to primary or secondary legislation or other options might be required so Edinburgh Council can continue with its originally intended approach, as agreed cross-party.

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