

Development Management Sub Committee

Wednesday 17 February 2021

**Application for Planning Permission 20/04531/FUL
at 3 Easter Kinleith Farm, Harlaw Road, Balerno.
Change the use of a cottage from a dwelling house to self-catering holiday accommodation for short term lets.**

Item number

Report number

Wards

B02 - Pentland Hills

Summary

Due to the nature of the site and the size of the property, the proposal will not have a significant and materially detrimental impact on the living conditions of nearby residents of the neighbouring residential properties.

The change of use will not detract from the landscape quality or rural character of the area.

The proposal is an acceptable change of use under the adopted Local Development Plan. There are no material considerations which outweigh this conclusion.

Links

[Policies and guidance for this application](#)

LDPP, LEN10, LEN11, LEN17, LHOU07, NSG, NSBUS, NSGCGB,

Report

Application for Planning Permission 20/04531/FUL at 3 Easter Kinleith Farm, Harlaw Road, Balerno. Change the use of a cottage from a dwelling house to self- catering holiday accommodation for short term lets.

Recommendations

1.1 It is recommended that this application be Granted subject to the details below.

Background

2.1 Site description

The application site is a detached cottage forming part of a group of three houses to the south of Easter Kinleith Farm. The site is accessed from Harlaw Road. The surrounding area is in agricultural and countryside use.

The site is within the green belt, Pentlands Special Landscape Area and the Pentland Hills Regional Park.

2.2 Site History

There is no relevant planning history for this site.

Main report

3.1 Description of the Proposal

The application proposes the change of use of the cottage to a short-term holiday/commercial visitor accommodation (SCVA). This is a sui generis use.

No external alterations are proposed.

3.2 Determining Issues

Section 25 of the Town and Country Planning (Scotland) Act 1997 states - Where, in making any determination under the planning Acts, regard is to be had to the development plan, the determination shall be made in accordance with the plan unless material considerations indicate otherwise.

Do the proposals comply with the development plan?

If the proposals do comply with the development plan, are there any compelling reasons for not approving them?

If the proposals do not comply with the development plan, are there any compelling reasons for approving them?

3.3 Assessment

To address these determining issues, the Committee needs to consider whether:

- a) the proposal is acceptable in principle;
- b) the development will have a materially detrimental effect on the living conditions of nearby residents;
- c) the development raises any issues in respect of car and cycle parking and road safety and
- d) any comments raised have been addressed.

a) Principle

Green belt, Special Landscape Area and Regional Park

The application site is situated in the green belt, Pentlands Special Landscape Area and the Pentland Hills Regional Park as defined in the adopted Edinburgh Local Development Plan (LDP). The proposal relates to the change in the occupation of the site from domestic residential use to a short term let.

LDP policy Env 10 (Development in the Green Belt and Countryside) states that development will only be permitted where it meets set criteria in addition to not detracting from the landscape quality and/or rural character of the area.

In cases of a change of use, the most relevant element of policy Env 10 is criteria b). This states change of use will only be permitted:

provided the building is of architectural merit or a valuable element in the landscape and is worthy of retention. Buildings should be of domestic scale, substantially intact and structurally capable of conversion.

The building is domestic in scale and entirely intact and the change of use would not involve any conversion. Whilst the building does not hold any particular architectural merit or form a valuable element in the landscape, there is no suggestion that the building is not worthy of retention.

As no physical changes are proposed there will be no visual impact on the landscape quality or rural character of the area.

The non-statutory supplementary Guidance on Development in the Countryside and Green Belt (2019) does not list short term lets as a particular countryside use or one which requires a rural location.

LDP policy Env 11 (Special Landscape Areas) states the planning permission will not be granted for development which would have a significant adverse impact on the special character or qualities of the Special Landscape Areas shown on the Proposals Map.

LDP policy Env 18 (Pentlands Hills Regional Park) states that development which supports the aims of the Pentlands Hills Regional Park will be permitted provided it has no unacceptable impact on the character and landscape quality of the Park.

The proposed change of use is compatible with criteria b) of LDP policy Env 10 and retains an existing domestic scaled building. The scale of development and lack of visual change means that it will not impact on the landscape quality or rural character of the area which is the key test for all proposals in the green belt and countryside areas.

The proposed change of use will not have a significant impact on the special character and qualities of the Pentlands or have an unacceptable impact on the character and landscape quality of the regional park.

Tourism

Paragraph 220 of the LDP acknowledges that tourism is the biggest source of employment in Edinburgh, providing jobs for over 31,000 people. Whilst there is not a specific LDP policy relating to the jobs created through the required care, maintenance and upkeep of SVCA properties, the economic benefits are a material planning consideration.

LDP policy Emp 10 (Hotel Development) states that hotel development will be permitted in locations within the urban area with good public transport access to the city centre.

Short term lets are not within use class 7 which includes hotels and as such this policy does not directly apply. However, as indicated in LDP paragraph 220, this policy broadly relates to tourism and accommodation. The site is not in the urban area and does not have good public transport access to the city centre. Guests are likely to rely on use of private vehicles to access the site. However, this is unlikely to result in a greater demand than that associated with the existing domestic use of the property.

b) Impact on residential amenity

The main policy that is applicable to the assessment of short-stay commercial visitor accommodation (SCVA) is LDP policy Hou 7 (Inappropriate Uses in Residential Areas) which states that developments, including changes of use which would have a materially detrimental impact on the living conditions of nearby residents, will not be permitted.

The non-statutory Guidance for Businesses states that an assessment of a change of use of dwellings to SCVA 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.
- The nature and character of any services provided.

There has been a number of appeal decisions which have helped to assess whether short stay visitor accommodation is acceptable or not. However, the majority of these cases relate to flatted properties within the urban area. The main determining issues in these cases relate to the following:

- The location of the property and, in particular, whether it is part of a common stair shared by residents. Typically, appeals are successful where the property has its own private access.
- The frequency of movement and likely disturbance for neighbours, and whether this is likely to be more than a full-time tenant occupancy. For flats, generally, the smaller the flat the less likelihood of disturbance to neighbours.
- The impact on the character of the neighbourhood. Again, this often relates to the size of the property and whether anyone renting it for a few days is likely to shop or use local services any differently from a long-term tenant.
- The nature of the locality and whether the property is located within an area of activity such as being on a busy road or near shops and other commercial services. As such, residents would be accustomed to some degree of ambient noise/ disturbance.

These appeals have also found that short stay visitor accommodation units can be acceptable in predominately residential areas.

The application site is part of a row of three residential properties and is in close proximity to a working farm whilst the wider area is a mixture of fields in agricultural use and general countryside.

The property itself is detached with its own access, garden ground and parking. The applicant has indicated that the property has three bedrooms, and this is not expected to change. There would be a maximum occupancy of five people.

The proposed use would enable new individuals 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. The development's rural location means that there could be the potential for disturbance to the living conditions of neighbouring occupiers more than would be expected and tolerated in a more urban location. However, the self-contained nature of the site, being a detached dwelling with its own parking and garden ground, will minimise this.

On balance, any disturbance to residential amenity is likely to be minor.

d) Transport

Policies Tra 2 and Tra 3 of the LDP sets out the requirement for private car and cycle parking. The car and cycle parking standards are contained in the Edinburgh Design Guidance.

The proposal has existing parking within the site which would remain unchanged. Cycle storage can be accommodated within the site.

There are no comments from the Roads Authority.

The proposal complies with LDP policies Tra 2 and Tra 3.

e) Public comments

There are no public comments.

Conclusion

Due to the nature of the site and the size of the property, the proposal will not have a significant and materially detrimental impact on the living conditions of nearby residents of the neighbouring residential properties.

The change of use will not detract from the landscape quality or rural character of the area.

The proposal is an acceptable change of use under the adopted Local Development Plan. There are no material considerations which outweigh this conclusion.

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

3.4 Conditions/reasons/informatives

Informatives

It should be noted that:

1. The development hereby permitted shall be commenced no later than the expiration of three years from the date of this consent.
2. No development shall take place on the site until a 'Notice of Initiation of Development' has been submitted to the Council stating the intended date on which the development is to commence. Failure to do so constitutes a breach of planning control, under Section 123(1) of the Town and Country Planning (Scotland) Act 1997.
3. As soon as practicable upon the completion of the development of the site, as authorised in the associated grant of permission, a 'Notice of Completion of Development' must be given, in writing to the Council.

Financial impact

4.1 The financial impact has been assessed as follows:

There are no financial implications to the Council.

Risk, Policy, compliance and governance impact

5.1 Provided planning applications are determined in accordance with statutory legislation, the level of risk is low.

Equalities impact

6.1 The equalities impact has been assessed as follows:

The application has been assessed and has no impact in terms of equalities or human rights.

Sustainability impact

7.1 The sustainability impact has been assessed as follows:

This application is not subject to the sustainability requirements of the Edinburgh Design Guidance.

Consultation and engagement

8.1 Pre-Application Process

There is no pre-application process history.

8.2 Publicity summary of representations and Community Council comments

No representations have been received.

Background reading/external references

- To view details of the application go to
- [Planning and Building Standards online services](#)
- [Planning guidelines](#)
- [Conservation Area Character Appraisals](#)
- [Edinburgh Local Development Plan](#)
- [Scottish Planning Policy](#)

Statutory Development

Plan Provision

Date registered 20 October 2020

Drawing numbers/Scheme 01,

Scheme 1

David R. Leslie

Chief Planning Officer

PLACE

The City of Edinburgh Council

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Links - Policies

Relevant Policies:

Relevant policies of the Local Development Plan.

LDP Policy Env 10 (Development in the Green Belt and Countryside) identifies the types of development that will be permitted in the Green Belt and Countryside.

LDP Policy Env 11 (Special Landscape Areas) establishes a presumption against development that would adversely affect Special Landscape Areas.

LDP Policy Env 17 (Pentlands Hills Regional Park) identifies the circumstances in which development will be permitted in the Pentlands Hills Regional Park.

LDP Policy Hou 7 (Inappropriate Uses in Residential Areas) establishes a presumption against development which would have an unacceptable effect on the living conditions of nearby residents.

Relevant Non-Statutory Guidelines

Non-statutory guidelines 'GUIDANCE FOR BUSINESSES' provides guidance for proposals likely to be made on behalf of businesses. It includes food and drink uses, conversion to residential use, changing housing to commercial uses, altering shopfronts and signage and advertisements.

Non-statutory guidelines DEVELOPMENT IN THE COUNTRYSIDE AND GREEN BELT, provide guidance on development in the Green Belt and Countryside in support of relevant local plan policies.

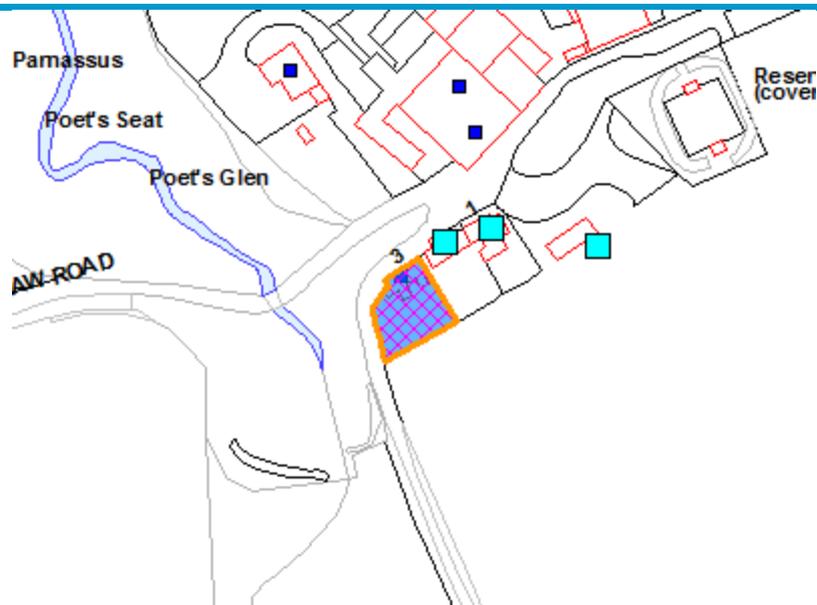
Appendix 1

**Application for Planning Permission 20/04531/FUL
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Change the use of a cottage from a dwelling house to self-
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Consultations

No Consultations received.

Location Plan



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