

APPLICANT: MICHAEL & CHERYL CRAN

RESPONSE TO REPRESENTATIONS

Application for a Change of Use from House to Short-Stay Commercial Visitor Accommodation.

18 Spring Gardens, Edinburgh, EH8 8HX

Date: December 2022

HolderPlanning

- 1.1 This document contains our response to the representations that have been made by parties to this Review.
- 1.2 We note that there have been 2 representations objecting to the proposed change of use and 4 representations in favour of it.
- 1.3 In our view, the most compelling submission made is that by the next door neighbour to 18 Spring Gardens, who shares the only party wall with the property. His comments are as follows (as directly quoted from an email made to the Review process):

“Mike and Cheryl Cran use their Edinburgh home a considerable amount. We know, for example, that they spent two weeks in October in the house plus three long weekends in November. Like last year, they will be spending Christmas and New Year in the house. The Christmas and New Year period would be particularly lucrative if they wished to let out the property and the fact that they choose to spend that time in the house demonstrates that they are not running this as a purely commercial activity. Their short term letting is on a relatively small scale and when they do have guests it is mostly family groups. You only have to read the reviews to gain an understanding of the type of people who stay there.

We must emphasise that the guests who use the house do not cause any disturbance; as we share a party wall we would hear if there were raucous gatherings or excessive noise and this has never been the case. Like the other properties in the development, we have two bedrooms, a dining room and a top floor studio overlooking the courtyard and have never experienced any noise or other disturbance from number 18's guests. There is definitely no loss of amenity as a result of guests staying at number 18.

There has been a suggestion that there is interaction between guests and residents in the courtyard. We have never seen anyone congregating in the courtyard; there is no reason to. As number 18 is directly opposite the entrance/exit to the development, anyone visiting the property does not have to pass in front of the other properties.

The Crans have our full support to continue using their home for short term lets.

P.S. This whole issue is the result of a vindictive campaign by one houseowner who happens to be the one who lives furthest away from the Crans and would thus be the least affected by any issues (if there had even been any). I find it almost unbelievable how much time and effort is being wasted as a result of this. I would be happy to discuss further as required.”

- 1.4 We note that there is only one objection to the Review, from the party referred to by the next door neighbour above. We have referred to that party in our main Review submission, making the point that they have been making misleading and vexatious complaints to the Council regarding the letting operation for a number of years now. Their most recent submission continues to make misleading and false allegations.
- 1.5 Moreover, an experienced Reporter has recently carefully considered the complainant’s case and has very firmly rejected their assertion that there is any harmful impact on their residential amenity. The Reporter reached this view after visiting the site, and carefully considering all of the relevant issues. Moreover, a number of near neighbours, including the one with a party wall, have written in support of the application.

- 1.6 This is despite the fact that the complainant has lobbied neighbours to object. The complainant has suggested that only two of the supporting neighbours are full time residents and that some are resident overseas. This is inaccurate. None live overseas and three are full time residents. One resident does a weekly commute, residing at weekends.
- 1.7 The complainant says the neighbour's responses were mixed. That is misleading as there is universal support from neighbours, albeit some who would prefer that the permission was temporary. This is because they are content with the way that the Cran's manage the property and understand that it is their intention to retire to the property about 3 years hence. As indicated in our Review statement, the applicant would welcome a condition which limits the permission to 3 years. An example of a competent way to deal with would be to apply a condition as follows:

This planning permission is granted for a temporary period of 3 years.

Reason: To limit the duration of the permission to a reasonable period of time, after which a future application can be considered in respect to the use's impact on the residential amenity of neighbours and any other relevant policies at that time.

- 1.8 The complainant has provided inaccurate information regarding dates of occupation. The Crans are scrupulous and honest in their affairs and are concerned that a vexatious party is allowed to provide such misleading information. The Cran's records are obtained from the websites bookings, which can be verified, and there have been no other bookings. It is notable that the complainant once accosted Mr Cran at the entrance to his home, swearing at the taxi driver who brought him there because the taxi was briefly in the shared parking area to drop Mr Cran off. Perhaps the complainant mistook Mr Cran for a guest. Aside from this highlighting that the complainant may be wrongly attributing the Cran's visits to guest visits, his abusive behaviour towards a taxi driver dropping off a fare demonstrates an unreasonably intolerant attitude to those around him.
- 1.9 The complainant says that the Reporter did not agree to view the complainant's CCTV footage of the applicant's property. We will leave the LRB members to form a view as to why the Reporter declined to view this footage, but it is clearly inappropriate for the complainant to film and retain images of the comings and goings of their neighbours. The complainant has submitted still photographs, which do not appear to indicate any significant issues, and are isolated in nature. The Reporter, who considered the information submitted by the complainant, including photographs, did not consider there to be any matters causing harm to their residential amenity.
- 1.10 The complainant says that their complaints are not vexatious and that there are various interactions between guests and neighbours in the courtyard. This claim is not verified by others and, if they have occurred, may well have involved the complainants themselves. In addition, we would suggest that the account of the Cran's next door neighbour is more reliable, who has stated that there have been no interactions they are aware of.
- 1.11 The complainant says there have been a number of complaints but does not mention that they have been the only complainant, making numerous complaints.
- 1.12 The complainant says that they are concerned that a change of ownership could make things worse. The applicant has indicated that it is willing to accept that the permission is temporary for 3 years.

For this reason, it is not accurate for the complainant to say that the letting is displacing another household, which in any case is not a planning policy consideration.

- 1.13 The other objection received for the Review process is from an organisation called PLACE, who describe themselves as a lobby group against short-term lets which they consider to be unlawful. They do not acknowledge that a Reporter has recently determined that the use is lawful. We are not aware that they have visited the site.
- 1.14 The very generalised comments made by PLACE lead one to the conclusion that they have not properly considered the particular circumstances of this case. They refer to number of appeal decisions on other applications which have been refused, which have no similarity to this case. All of these appeals relate to flats with shared internal stairs and/or where there has been clear evidence of anti-social behaviour and/or groups of guests into double figures, and complaints from a number of neighbours.
- 1.15 Although PLACE has referred to a number of appeal decisions, for some reason it has not mentioned the most relevant and recent appeal decision for 18 Spring Gardens itself, and where the Reporter concluded that the use as a short-term let had no harmful impact on nearby residential amenity.
- 1.16 In conclusion, therefore, the submissions made in response to the Review of this application do not raise any matters which suggest that this application is contrary to Policy Hou 2 of the LDP. Indeed, quite the contrary in our view.