

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 100621104-001

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="Mr"/>	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="Alasdair"/>	Building Number:	<input type="text" value="5"/>
Last Name: *	<input type="text" value="Lamont"/>	Address 1 (Street): *	<input type="text" value="Craigmount Terrace"/>
Company/Organisation	<input type="text"/>	Address 2:	<input type="text"/>
Telephone Number: *	<input type="text" value=""/>	Town/City: *	<input type="text" value="Edinburgh"/>
Extension Number:	<input type="text"/>	Country: *	<input type="text" value="United Kingdom"/>
Mobile Number:	<input type="text"/>	Postcode: *	<input type="text" value="EH12 8BN"/>
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:

30 ALMOND GREEN

Address 2:

BUGHTLIN

Address 3:

Address 4:

Address 5:

Town/City/Settlement:

EDINBURGH

Post Code:

EH12 8UA

Please identify/describe the location of the site or sites

Northing

673805

Easting

318269

## 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 (in retrospect). The entire property is currently used, and has been for the last 8 months, for short term lets.

## 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.

I am seeking a review from the LRB - The reasons I am seeking a review are detailed in the supporting document (001 – Appeal Details). In summary the Decision was 1) based on a different property from the property detailed in the Planning Application. and 2) was based solely on personal opinion of the Planning Officer as no supporting information, data or evidence is possessed by the council as evidenced by an FOIAS request. These and other reasons are detailed in 001 – Appeal Details

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)

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)

001 - Appeal Details 002 - Published Report 003 - Request for Information 004 - FOI Response

## Application Details

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

22/04846/FUL

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

26/09/2022

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

22/12/2022

## 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: Mr Alasdair Lamont

Declaration Date: 15/03/2023

## **Appeal against Refusal Decision 22/04846/FUL**

### **(001 – Appeal Supporting Document)**

I am appealing against the refusal of my planning application (Change of use from residential to short term let (in retrospect) - 22/04846/FUL - which was decided by Local Delegated Decision.

It should be noted that the application was registered by the council on 26 September 2022 with a statutory target of 25 November 2022, which was significantly missed - – the Refusal decision arriving on 22 December 2022.

The Refusal Decision was based on the Planning Officers Published Report – ‘Report of Handling’. (Supporting Document: 002– Published Report).

A request for further information to the assigned planning officer resulted in only the Report of Handling and therefore it can be assumed that the decision was only based on the content of this report.

In regard to the report:

#### **Section A – Site Description**

This states:

*‘The application site relates to a three-bedroom house at 30 Almond Green. Access is gained via a private main door from a footpath from Easter Road’.*

**This is incorrect** – the Planning Application is for a two-bedroom property (1 x Double, 1 x single room for a maximum capacity of three (3) persons) and is located in East Craigs some 7 miles from Easter Road. A three bedroomed property with potentially six or more residents is significantly different– therefore any further evaluation by the council based on this is flawed.

Planning legislation (Town and Country Planning (Scotland) Act 1997) is clear that the Development (property) evaluated by the Local Authority must be that detailed in the Planning Application.

The Council have therefore failed in their Statutory Duty as a Local Authority, and may be in breach of my Human Rights, and therefore the content of the report and evaluation cannot be relied on to make a Decision.

#### **Section B – Assessment**

Paragraph a) - Principle of development

The report states that the Application does not comply with LDP policy Hou 7 and therefore refused, for the following reasons:

1. The use of the property as a STL would introduce an increased frequency of movement to the house.
2. The proposed short stay 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.

3. There is no guarantee that guests would not come and go frequently throughout the day and night and transient visitors may have less regard for neighbours' amenity than individuals using the property as a principal home.
4. The additional servicing that operating a property as an STL requires compared to that of a residential use is also likely to result in an increase in disturbances, further impacting on neighbouring amenity.
5. The immediate proximity to neighbouring residential dwellings, creates a situation where such a use would bring additional noise and disturbance beyond what would be acceptable within a residential area.
6. The properties rear private garden further increases the opportunity to which the neighbouring amenity could be detrimental effected.

The information, data or other evidence used by the council to support and inform the above reasons for refusal was requested and initially rejected by the Planning Officer contrary to the Councils legal responsibility under the Freedom of Information (Scotland) Act (FOISA) – (see supporting document: 003 – Request for Information), A request to the Council's Information Rights Department for the information confirmed the Council has to provide this information, the response (Supporting Document - 004 – FOI Response) was that:

The information was “**not held or collected by the Council**”, and therefore does not appear to exist.

It is clear that the Council made the decision based on **NO** supporting information, data or evidence and therefore the only conclusion that can be ascertained is that this is **based solely on the personal opinion of the Planning Officer**. If Council decision is based on, and Edinburgh Council Policy allows that, personal opinion to be the sole basis of Council decisions then this calls in to question wider decision making and leaves the council open to legal challenge.

While it can only be ascertained from the report that the Planning Officer based his opinion on the property being close to Easter Road. In response to and to address the above points for the property in the Application:

There is no noise or disturbance issues at the property in the Application - this is supported by the facts - there has been:

- No reports of noise or disturbance related to the property following becoming a STL, a year ago, in February 2022 (or before this).
- The council cannot, when requested to, provide any evidence to supports that noise or disturbance will become an issue in the future, past indicators suggest the opposite.
- No neighbours/public representation were made. The opportunity was there to object or comment on the application, including any noise or disruption concerns. The planning officer took it on himself to ignore that there were no objections and appears to have manufactured reasons to fit his own agenda.
- The planning officer failed to contact neighbours (other than the legal required point above) if he felt that there was or likely to be any issues.
- The neighbour in the adjoining semi-detached house has stated they “are often unaware if there are guest in the property”, have our phone contact details to immediately inform of any issues and has never had the need to use these and have expressed no issue in it being an STL.

- We regularly discuss this with neighbours the running of the STL to ensure that noise, or other factors are never an issue. Feedback from them is that they seldom see guests but enjoy meeting them and providing information and advice in what to see in Edinburgh.

Addressing the Councils above points individually:

1. The frequency of movement to the house has significantly decreased since becoming a STL over one year ago. Prior to this, and for several years previous my wife's elderly (now deceased) parents resided in the property – they required significant care and medical attention – which meant that more than four visits each day by two carers plus additional regular visits by doctor and community nurses. Therefore, the Councils unsubstantiated opinion is simply not true pure fiction, and the council can provide no evidence to support this untruth.
2. It is not clear that STL residents would be “in a manner [that] is dissimilar to that of permanent residents” – the Council could not provide a basis, information or evidence for this statement when asked. It could be equally argued that STL residents are in fact similar – they leave in the morning to visit tourist sites, return in the evening to have a meal and retire to bed, Given the property is 6 miles from local tourist attractions (eg in the High Street) they are unlikely to return during the day, for example for lunch – this would be similar to a working resident. In fact, many of the STL guests are working people on temporary assignment in Edinburgh. In this case the Council's assertion is not evidence based and speculation.
3. See answer to 2 above, the Council response here is not based on any information data or evidence and is simple a council employee's unsubstantiated personal opinion. Given the property is distant from the city and other tourist attraction it is highly unlikely in STL guest frequency would be more than a permanent resident. (This may be more likely in Easter Road?? - but that's just my unsubstantiated opinion)
4. The accusation that my wife and I (who solely service the property) make increased noise and disturbances may be libellous. The entrance to the property is not visible to the neighbouring properties and in any event, we pass the property on our daily walk – therefore regardless of the residents (STL or permanent) the 'disturbance' level will be the same – the council objecting to my wife and I enjoying a public footpath may be a breach of our human rights. Inside the property the cleaning would be no more frequent than a permanent residence's home (at least our home). The only instance that this Council statement could be viable if I or my wife were to sound a trumpet on our approach to make neighbours aware of our presence, which we have no intention to do so.
5. The property is semi-detached and therefore the “immediate proximity to neighbouring residential dwellings” is only the adjoining house at No31 – by definition this suggested that the Council will only allow STL in detached properties as these are the only ones with a greater proximity from neighbours. Should properties with closer proximity to neighbouring properties e.g. Flats be granted planning permission this would be discriminatory and a risk to the Council of legal action.

6. The property having a rear garden causing increased disturbance with STL residents is just plain nonsense, a council worker personal opinion, and frankly clutching at straws (it should be noted that no supporting information could be provided under FOI by the Council to support this ridiculous claim). For example, it could be argued that permanent residents holding an outside party, due to the number of local guests, relations and family that they would invite, would cause considerable noise and disturbance in the rear garden compared with three STL residents who are unlikely to have other local guests available to attend. The Council's assertions in this regard are just laughable.

7.

### **Parking Standards**

The report states "There is no off street car parking available within the site..." while this may be the case in the Easter Road property the Planning Officer evaluated – the Application clearly includes the Parking Space in front of the property's private garage that is clearly shown on the map submitted as part of the Application.

While the report states that proposals comply with the LDP in this section, it does highlight the Council's incompetence in evaluating the Application and accompanying documents.

### **SPP - Sustainable development**

In this section the Council state – "The proposal complies with all thirteen principles outlined within paragraph 29 of the SPP. The proposal will therefore contribute to sustainable development."

In the 'Overall Conclusion' section the Council state "It does not comply with the objectives of SPP, as it will not contribute towards sustainable development".

This would appear to be contradictory and call in to question the competence of the report and the author who from the name on the report appears to be an inexperienced assistant planning officer who joined in May 2023 and had under 6 months experience following graduating from University when the application was submitted – note this reflects on the lack of supervision and support of the assistant planning officer and not on him personally. Overall, the report appears hurried, evaluates the wrong property, unlikely to have been peer reviewed and lacks any quality control – a poor reflection on the Council. Given I have paid a £600 fee for a fair evaluation, which I clearly have not received, the Council and Councillors should be embarrassed and is likely to be of public interest.

In conclusion the property while used as a STL not only supports tourists it is also used frequently by workers to the area in particular the Gyle, Edinburgh Park, the airport (including air crew) and more generally companies in the west of Edinburgh. The loss of which will impact the development and city growth, increasing costs to employers due to the alternative of high-cost hotels or travel from STL properties in West Lothian and Fife, as already being explored by employers/workers who use our STL. It should be noted that such use and increased travel from outside of the city would increase vehicle congestion, emissions and pollution levels in and around the city conflicting with council and Sustran objectives.

Given the above I believe that the Local Delegated Decision process, in this case, has failed, as the points above to support the Refusal has been based solely on an inexperienced Assistant Planning Officer's opinion, with zero information to support the report as evidenced by the FOIAS response. I appeal to the LRB to rectify these errors and grant planning permission.



# Report of Handling

**Application for Planning Permission  
30 Almond Green, Edinburgh, EH12 8UA**

**Proposal: Change of use from residential to short term let (in retrospect). The entire property is currently used, and has been for the last 8 months, for short term lets.**

**Item – Local Delegated Decision  
Application Number – 22/04846/FUL  
Ward – B03 - Drum Brae/Gyle**

## **Recommendation**

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

## **Summary**

The proposal will have a materially detrimental effect on the living conditions and amenity of nearby residents. It does not comply with LDP Policy Hou 7. There are no material considerations that outweigh this conclusion.

## **SECTION A – Application Background**

### **Site Description**

The application site relates to a three-bedroom house at 30 Almond Green. Access is gained via a private main door from a footpath from Easter Road. The property has access to a private garden.

### **Description Of The Proposal**

The application is for retrospective planning permission for the change of use from residential to short term let.

### **Supporting Information**

Planning Statement

### **Relevant Site History**

No relevant site history.

## Other Relevant Site History

No further relevant site history.

## Consultation Engagement

## Publicity and Public Engagement

**Date of Neighbour Notification:** 7 October 2022

**Date of Advertisement:** Not Applicable

**Date of Site Notice:** Not Applicable

**Number of Contributors:** 0

## Section B - Assessment

### Determining Issues

This report will consider the proposed development under Sections 25 and 37 of the Town and Country Planning (Scotland) Act 1997 (the 1997 Act):

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:

- the Scottish Planning Policy presumption in favour of sustainable development, which is a significant material consideration due to the development plan being over 5 years old;
- equalities and human rights;
- public representations; and
- any other identified material considerations.

### Assessment

To address these determining issues, it needs to be considered whether:

#### a) The proposals comply with the development plan?

The Development Plan comprises the Strategic and Local Development Plans. The relevant Edinburgh Local Development Plan 2016 (LDP) policies to be considered are:

- Local Development Plan Housing Policy, Hou 7.
- Local Development Plan Transport Policies, Tra 2 and Tra 3
- Local Development Plan Delivering the Strategy Policy Del 2

The non-statutory Guidance for Business is a material consideration that is relevant when considering LDP Policy Hou 7 and the Edinburgh Design Guidance is a material consideration when considering LDP Policies Tra 2 and Tra 3.

### Principle of development

The application site is situated in the Urban Area and City Centre Retail Core, as defined in the LDP.

The main policy that is applicable to the assessment of short term lets is LDP Policy Hou 7 (Inappropriate Uses in Residential Areas), which seeks to protect residential amenity.

The non-statutory Guidance for Businesses states that an assessment of a change of use of dwellings to STCVA 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.

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 STL properties, the economic benefits are a material planning consideration.

The application property is located on pedestrian path off of Almond Green. The character of the immediate area is entirely residential. Access to the property is gained via a private entrance. The property has access to a private front and rear. These gardens are in very close proximity to neighbouring properties.

The use of the property as a STL would introduce an increased frequency of movement to the house. The proposed short stay 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 throughout the day and night and transient visitors may have less regard for neighbours' amenity than individuals using the property as a principal home. The additional servicing that operating a property as an STL requires compared to that of a residential use is also likely to result in an increase in disturbances, further impacting on neighbouring amenity.

The immediate proximity to neighbouring residential dwellings, creates a situation where such a use would bring additional noise and disturbance beyond what would be acceptable within a residential area. The properties rear private garden further increases the opportunity to which the neighbouring amenity could be detrimental effected.

The proposal will have a materially detrimental effect on the living conditions and amenity of nearby residents. Therefore, it does not comply with LDP policy Hou 7.

### Parking standards

There is no off street car parking available within the site and no immediate on street parking, though the site does have access to off street and on street parking via the pedestrian footpath to Almond Green. The site is accessible by public transport via bus.

The proposals comply with the LDP Policies Tra 2 and Tra 3.

### **Conclusion in relation to the Development Plan**

The proposal does not comply with LDP Policy Hou 7 as the change of use of this property to a short-term visitor let would materially harm neighbouring amenity.

#### **d) There are any other material considerations which must be addressed?**

The following material planning considerations have been identified:

##### SPP - Sustainable development

Scottish Planning Policy (SPP) is a significant material consideration due to the LDP being over 5 years old. Paragraph 28 of SPP gives a presumption in favour of development which contributes to sustainable development. Paragraph 29 outlines the thirteen principles which should guide the assessment of sustainable development.

The proposal complies with all thirteen principles outlined within paragraph 29 of the SPP. The proposal will therefore contribute to sustainable development.

##### Emerging policy context

The Revised Draft National Planning Framework 4 was laid before the Scottish Parliament on 08 November 2022 for approval. As it has not completed its parliamentary process, only limited weight can be attached to it as a material consideration in the determination of this application.

On 30 November 2022 the Planning Committee approved the Schedule 4 summaries and responses to Representations made, to be submitted with the Proposed Cityplan 2030 and its supporting documents for Examination in terms of Section 19 of the Town and Country Planning (Scotland) Act 1997. At this time little 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.

##### Public representations

The application received no public representation.

## Overall conclusion

The proposal does not comply with the relevant policy of the development plan as it would have a materially detrimental effect on the living conditions and amenity of nearby residents. It does not comply with the objectives of SPP, as it will not contribute towards sustainable development and a sustainable community. There are no material considerations that outweigh this conclusion.

## Section C - Conditions/Reasons/Informatives

The recommendation is subject to the following;

### Conditions

### Reasons

#### Reason for Refusal

1. The proposal is contrary to Policy Hou 7 of the adopted Edinburgh Local Development Plan, in respect of Inappropriate Uses in Residential Areas. The use of the property as a short stay let will have a materially detrimental effect on the living conditions and amenity of nearby residents.

### Background Reading/External References

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

Further Information - [Local Development Plan](#)

**Date Registered: 26 September 2022**

### Drawing Numbers/Scheme

01 - 02

Scheme 1

**David Givan**  
**Chief Planning Officer**  
**PLACE**  
**The City of Edinburgh Council**

Contact: Benny Buckle, Assistant Planning Officer  
E-mail: [benny.buckle@edinburgh.gov.uk](mailto:benny.buckle@edinburgh.gov.uk)



## Appendix 1

### **Consultations**

The full consultation response can be viewed on the Planning & Building Standards Portal.

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**Re: Decision Notice for Application No 22/04846/FUL**

1 message

**Calum Lamont** <calum.lamont@gmail.com>

17 January 2023 at 12:20

To: Benny Buckle &lt;Benny.Buckle@edinburgh.gov.uk&gt;, informationrights@edinburgh.gov.uk

Benny,

Thank you for your email, however I find your response unsatisfactory. Providing the requested information should be relatively straightforward given its recent use to inform the council's report and planning decision.

The information I requested falls under the Freedom of Information (Scotland) Act (FOISA), you will be aware that requesters do not have to mention the Act or direct their request to a designated member of council staff. I have copied the council's Freedom of information team in to ensure visibility of the information request.

I look forward to receiving the requested information within the statutory 20 working day period from the date of you receiving my request, failure by the council to do so may result in an appeal to the Scottish Information Commissioner.

Kind regards

Alasdair Lamont  
On Mon, 16 Jan 2023 at 08:39, Benny Buckle <[Benny.Buckle@edinburgh.gov.uk](mailto:Benny.Buckle@edinburgh.gov.uk)> wrote:

Hi Calum

I appreciate that the information that you require is not within the report and that is disappointing to you. We do not however provide further feedback or consultation beyond the report to specific cases. If you have any general questions about the appeal process you may email the planning support help desk at: [Planning Response \[Planning Response\]\(mailto:Planning.Response@edinburgh.gov.uk\)](mailto:Planning.Response@edinburgh.gov.uk)

Many thanks

**Benny Buckle**

Planning Officer

**Working Monday – Friday (Hybrid)**Email: [benny.buckle@edinburgh.gov.uk](mailto:benny.buckle@edinburgh.gov.uk)



**From:** Calum Lamont [REDACTED] >  
**Sent:** 09 January 2023 12:59  
**To:** Benny Buckle <[Benny.Buckle@edinburgh.gov.uk](mailto:Benny.Buckle@edinburgh.gov.uk)>  
**Subject:** Re: Decision Notice for Application No 22/04846/FUL

Benny,

Thank you for the report you sent, however it does not address the request for information I have made in my earlier email i.e. Bullet 2.

Following review of the report sent, and confirmation that the refusal is primarily based on council only concerns of increased noise. I require the information used by the council to determine and support their decision and this is not provided in the report. Therefore the information requested in Bullet 2 can be summarised as follows:

1. Provide copies of the data, information or other evidence used by the council to determine that the current use of the property as a STL has increased the frequency of movement to/from the property in comparison to its previous use as longer term residential property, and evidence that this movement pattern is likely to change in the future
2. Provide the supporting evidence, information or data that the council used to determine that the arrival and stay to the property, in this planning application, significantly differs from its previous residential use, and what information data etc the council has used to determine that the frequency of movement to/from the property in this planning application has significantly changed from longer-term residential use in the past to that as a STL over 2022.
3. Provide copies of the information or data used to determine the council's supposition that "additional servicing in operating the property as an STL" over the last year has increased disturbances compared to that of its previous residential use.
4. Provide information used to support the council's supposition that the proximity of the semi-detached property as an STL creates or has created a situation of additional noise and disturbances to that that could be caused by longer term residents.
5. Provide information, data or evidence that supports the council's view that STL residents cause increased noise or disturbance in comparison to longer term residents when in a back garden.

In short the report provides the council's opinion that the planning proposal would increase noise or disturbance that would have a detrimental effect, to local residents, but does not provide any supporting information on how this opinion has been arrived at. The council must have used information, evidence or other data to arrive at this opinion, for this planning proposal, I therefore require copies of the information used by the council to determine and support their opinion for my Appeal.

Kind regards

Alasdair Lamont  
[REDACTED]

On Wed, 4 Jan 2023 at 13:28, Benny Buckle <[Benny.Buckle@edinburgh.gov.uk](mailto:Benny.Buckle@edinburgh.gov.uk)> wrote:

Hi Alasdair

Thank you for your email. Please find attached the report of handling. It details in more depth the position of the council.

Many thanks

**Benny Buckle**

Planning Officer

**Working Monday – Friday (Hybrid)**

**Email:** [benny.buckle@edinburgh.gov.uk](mailto:benny.buckle@edinburgh.gov.uk)

Planning and Building Standards | The City of Edinburgh Council | Waverley Court, **G.2**, 4 East Market Street, Edinburgh, EH8 8BG

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**From:** Calum Lamont [REDACTED] >  
**Sent:** 03 January 2023 17:02  
**To:** Benny Buckle <[Benny.Buckle@edinburgh.gov.uk](mailto:Benny.Buckle@edinburgh.gov.uk)>  
**Subject:** Fwd: Decision Notice for Application No 22/04846/FUL

Mr Buckle

I have received the attached refusal for planning permission and intend to appeal against this decision. I require some specific information regarding the decision as follows:

- Provide details of the amenities and living conditions identified by the council which will have a detrimental effect, (ie causing harm or damage), to nearby residents as a result of the planning proposal;
- Provide details and copies of the evidence used by the council to inform and support this decision, and which is specifically related to the amenities/living conditions identified.

Kind regards

Alasdair Lamont

----- Forwarded message -----  
**From:** <[planning.support@edinburgh.gov.uk](mailto:planning.support@edinburgh.gov.uk)>  
**Date:** Thu, 22 Dec 2022 at 14:17  
**Subject:** Decision Notice for Application No 22/04846/FUL  
**To:** <[REDACTED]>

Please See Attached

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**EIR Request Response (EDIR:40579)**

1 message

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**Information Rights Officer 2** [REDACTED] >  
To: [REDACTED]

6 February 2023 at 15:31

Alasdair Lamont

[REDACTED]  
  
Our ref: 40579

Dear Alasdair Lamont

Environmental Information (Scotland) Regulations 2004 - Release of Information

Subject: Decision Notice for Application No 22/04846/FUL

Thank you for your request for information of 09/01/2023 where you asked the following:

Following review of the report sent, and confirmation that the refusal is primarily based on council only concerns of increased noise. I require the information used by the council to determine and support their decision and this is not provided in the report. Therefore, the information requested in Bullet 2 can be summarised as follows:

1. Provide copies of the data, information or other evidence used by the council to determine that the current use of the property as a STL has increased the frequency of movement to/from the property in comparison to its previous use as longer term residential property, and evidence that this movement pattern is likely to change in the future
2. Provide the supporting evidence, information or data that the council used to determine that the arrival and stay to the property, in this planning application, significantly differs from its previous residential use, and what information data etc the council has used to determined that the frequency of movement to/from the property in this planning application has significantly changed from longer-term residential use in the past to that as a STL over 2022.
3. Provide copies of the information or data used to determine the council's supposition that 'additional servicing in operating the property as an STL' over the last year has increased disturbances compared to that of its previous residential use.
4. Provide information used to support the council's supposition that the proximity of the semi-detached property as an STL creates or has created a situation of additional noise and disturbances to that that could be caused by longer term residents.
5. Provide information, data or evidence that supports the council's view that STL residents cause increased noise or disturbance in comparison to longer term residents when in a back garden.

In short the report provides the council's opinion that the planning proposal would increase noise or disturbance that would have a detrimental effect, to local residents, but does not provide any supporting information on how this opinion has been arrived at. The council must have used information, evidence or other data to arrive at this opinion, for this planning proposal, I therefore require copies of the information used by the council to determine and support their opinion for my Appeal.

Your request has been processed and considered under the Environmental Information (Scotland) Regulations 2004 (EIRs). Our response is provided below.

The information regarding the specific statistics requested are not held or collected by the Council. Please note therefore, that the Council is relying on the exception under regulation 10(4)(a) of the EIRs and this constitutes a formal notice under regulation 13 in regard to information not held.

Under the Regulations, a request for information can be refused where one or more exceptions apply. Information to substantiate and support the councils position can be found publicly at <https://democracy.edinburgh.gov.uk/mgConvert2PDF.aspx?ID=42696>. Therefore, In this instance, the Council is claiming an exception under regulation 6 because the information is already publicly available and easily accessible.

To promote transparency and accountability, it is the Council's policy to publish all request details and responses made under the freedom of information legislation. This information is available at the following link: <https://www.edinburgh.gov.uk/homepage/10467/freedom-of-information-foi-disclosure-log>.

Your right to seek a review

If you are unhappy with the way we have dealt with your request, you can ask us to review our actions and decisions by writing to the:

Information Compliance

The City of Edinburgh Council

Waverley Court Business Centre 2:1

[4, East Market Street](#)

Edinburgh

EH8 8BG or;

Email: [information.compliance@edinburgh.gov.uk](mailto:information.compliance@edinburgh.gov.uk)

Please note that your request must be in a recordable format (email, letter, audio tape etc.), and that you have 40 working days upon receipt of this letter to ask for a review. You will receive a full response to your review request within 20 working days of its receipt. Please remember to quote the reference number above in any future communications.

If you are not content with the outcome of the review, you can ask the Scottish Information Commissioner to review our decision. You must submit your complaint to the Commissioner within 6 months of receiving our review response. The Commissioner can be contacted at:

The Office of the Scottish Information Commissioner

Kinburn Castle  
Doubledykes Road  
St Andrews  
Fife  
KY16 9DS

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

Information Rights Officer

Information Governance Unit

Level 2:1, Waverley Court, Edinburgh EH8 8BG Tel 0131 200 2340

[informationrights@edinburgh.gov.uk](mailto:informationrights@edinburgh.gov.uk) [www.edinburgh.gov.uk](http://www.edinburgh.gov.uk)

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