

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 100626926-002

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="ALAN"/>	Building Number:	<input type="text" value="9"/>
Last Name: *	<input type="text" value="MONTGOMERY"/>	Address 1 (Street): *	<input type="text" value="CLANRANALD AVENUE"/>
Company/Organisation	<input type="text" value="MONTGOMERY EMPIRE LTD"/>	Address 2:	<input type="text"/>
Telephone Number: *	<input type="text" value="REDACTED"/>	Town/City: *	<input type="text" value="PRESTONPANS"/>
Extension Number:	<input type="text"/>	Country: *	<input type="text" value="SCOTLAND"/>
Mobile Number:	<input type="text"/>	Postcode: *	<input type="text" value="EH32 9FP"/>
Fax Number:	<input type="text"/>		
Email Address: *	<input type="text" value="REDACTED"/>		

Site Address Details

Planning Authority:

City of Edinburgh Council

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

Address 1:

113 UPPER CRAIGOUR

Address 2:

MOREDUN

Address 3:

Address 4:

Address 5:

Town/City/Settlement:

EDINBURGH

Post Code:

EH17 7SE

Please identify/describe the location of the site or sites

Northing

670007

Easting

329180

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)

This is my appeal against decision notice

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.

This is an appeal against refusal for STL planning permission. My appeal report will be attached in 'supporting documents section' which report the disagreement to the refusal points set out in the notice.

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)

This is my appeal against reasons for refusal but this is also to state that i was guided down the 'material change of use 'route and due to further investigation, i now believe also that this application was for change of use not material change of use. I also have many disagreements with the reasons for refusal that i would like reviewed.

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)

my appeal report Evidence that i was acting as STL prior to control area enforcement date.

Application Details

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

100600099-001

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

19/09/2022

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

27/03/2023

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: Mr ALAN MONTGOMERY

Declaration Date: 08/05/2023

I appeal against the decision notice; based on the following

The LDP Policy Hou7 'inappropriate uses in Residential Areas' is cited as a reason of refusal'

The policy applies to mixed use areas with an important residential function and this appeal has issues with the principle of the change of use. I do not believe short term letting of my property would be materially detrimental to the amenity of other residents on the following points. I also do not believe this proposal is a material change of use, in retrospect it's a 'change of use', not material, perhaps perceived to be material due to the introduction of the control area.

- According to the council, the proposed use would entail large numbers of visitors staying at the premises for a short time, throughout the year, which would be dissimilar to that of a permanent resident. the following questions if any such differences would indicate that the STL use would be incompatible with the neighbouring residential use (which is made up of social housing) and ECC own property who let out.

(a) The location is on a busy road where the occupiers of the neighbouring properties are accustomed to the high ambient noise and disturbance, due to the high volume of traffic (including very frequent ambulances due to extreme proximity to the nearby ERI hospital) and thus would not state it is an area of quiet residential location.

(b) The building has direct access from the busy road.

(c) The accommodation is modest in size (53m²). more sized for couples and small families and therefore unlikely that there would be a noticeable difference in the daily number of occupant movement around the house between the lawful use and the proposed use.

(d) There are no proposed physical alterations to the building.

- Objections raised by council refer to the lack of affordable residential accomodation. Is there any development plan policies speciifc to the control of STLs?

- In terms of waste collection, there are private bins used in the same way as that of the residential occupants would use them. There is no definition in the LDP regarding this and therefore worries about lack of long term residents should not be addressed under the development plan.

- There were no objections from neighbours and indeed find my proposal acceptable.

- I have good and effective measures to control movement with 'house rules'.

- I seek advice as to what is meant by living conditions and understand this to mean 'the circumstances affecting the way in which people live, especially with regard to their well being. There may be a different definition in planning law or guidance however i have been unable to find such a definition.

- The use of the property as STL does not impact upon the essential utilities serving the building nor does it impact upon the fabric of the building in a manner that might affect an individual or collective well being.

-I assume that the reference to amenity is to residential amenity? I believe residential amenity is not defined in planning law but it is used to refer to the character of an area and elements that contribute to the overall enjoyment of an area. The report of handling clearly concludes that the proposal does not adversely impact on the amenity of surrounding area but solely on the amenity of the nearby residents, who (through the neighbourhood objection path) have not responded to my proposal and thus are in favour of it.

- The following material considerations should be taken into account -

Privacy - How would/does the proposal use affect privacy levels of nearby proprietors?

Affects - The nature and proposed STL characteristics does not result in an oppressive environment.

Noise/Disturbance - Would the proposed use result in unacceptable levels of noise? I submit that any impact arising from noise can be controlled by the impositions of conditions and limitation on a number of days in which a calendar year where the property can be used for the purpose of short term commercial visitor accommodation.

Design - How does the design of the building impact upon a reasonable standard of amenity. I submit that the design of the house, in particular the heavy stone thickness of the walls creates a barrier between adjoining properties, thus mitigating against any adverse impact on residential amenity.

- Although loss of residential property is within NPF policy (30e), the justification in 'additional documents' (22_04718_FUL-113_UPPER_CRAIGOUR-5746782) describes the STL provides short term letting to wheelchair bound renters (my house is a bungalow) and to traveling doctors/specialists/grieving family at the nearby hospital which I believe is a justified reason.

- The report on handling states that the guidance for business states in relation to short term commercial visitor accommodation that the council 'will not normally grant planning permission in respect of flatted properties where the adverse impact on residential amenity is greatest.' My house is not flatted and the use of the phrase 'not normally' in statutory planning policy and guidance is generally accepted to mean that there will be instances dependant upon the material considerations where permission will be granted usually but not always subject to conditions. I submit on balance and taking full account of the matters and material considerations set out above, planning permission should in this instance be granted to the following conditions; (a) that permission shall inure for the benefit of me, the applicant only (b) the applicant shall install a occupancy and noise monitor and shall ensure that noise levels from the property shall not exceed 80db.

- I would also like to point out that this property is not used solely for STL and family use of the property when working in Edinburgh.

Finally I would like to appeal against specific wording in the refusal decision notice

- *"The use as a short term let allow multiple parties of visitors to come and go from premises for inconsistent periods of time on a regular basis throughout the year in a manner dissimilar to that of a permanent resident"* Unsure what is meant by inconsistent periods of time? People who stay get up and go to work 9-5pm just like the neighbours do.







- *"Guests come and go at any time throughout the day and night impacting on the amenity of immediate residential occupants"* - However I have imposed strict check-in / Check-out times, otherwise yes they can come and go throughout the day and night, just like my neighbours can and a long term renter can.

- *"This increase in frequency of movement to the flat at unpredictable hours would have an unacceptable impact on neighbouring amenity."* - My property is not a flat, it is a house and the checkin/checkout allowed hours is not at unpredictable hours".

- *"Additionally, the extra servicing that is required for a STL compared to that of a residential use would further intensify the amount of disturbance"* - I can not see how the cleaner, getting out her car empty handed and walking up the footpath and in the front door would cause a disturbance. All cleaning appliances/products are already in my house. It is not like she is pulling mattresses in and out the house and carrying endless supply of equipment, She walks in empty handed and walks out with a holdall of linen, and disturbs no one, because they are all at work.

Lastly I have attached a booking calendar screen print which shows, longer term stays(which is typical with my property), I tend to get people who stay for plus 5 days at a time, not different people every night, thus its not similar to what one would see at a hotel.

April 2023 ▾

Mon	Tue	Wed	Thu	Fri	Sat	Sun
					1	2
	4	5	6		8	9
10		12	13	14	15	16
17	18	19	20		22	
24	25	26	27		29	30

Evidence below - of booking in Sept 2022

← Lyubomir



Lovely City Home Wi...

Past guest · 30 Sept–1 Oct...

Details

29 Sept 2022



To protect your payment, always communicate and pay through the Airbnb website or app. 17:40



Hosts can't see your profile photo until after your booking is confirmed. [Learn more](#)



Lyubomir 17:40

Hi Alan! I'll be visiting .for 1 night. is that ok



Request received · 2 guests, 30 Sept – 1 Oct 2022 17:40



Alan 17:42

No worries



Write a message





Guest paid

£85 x 1 night

Guest service fee

Total (GBP)



Host payout

1-night room fee

Show breakdowns

Host service fee (3.0% + VAT)

Total (GBP)



 **Transactions**



 **VAT Invoice**





Booking details

Guests

2 adults

[View](#)

Check-in

Fri, 30 Sept 2022

Checkout

Sat, 1 Oct 2022

Booking date

Thu, 29 Sept 2022

Confirmation code



[Show calendar](#)

