

Mr Moss.
48 Telford Road
London
SE9 3RD

Decision date: 31 January 2024

**TOWN AND COUNTRY PLANNING (SCOTLAND) ACTS
DEVELOPMENT MANAGEMENT PROCEDURE (SCOTLAND) REGULATIONS 2013**

Retrospective material change of use from home to short term let since 2017.
At Flat 4 195 Canongate Edinburgh EH8 8BN

Application No: 23/05307/FULSTL

DECISION NOTICE

With reference to your application for Planning Permission STL registered on 28 September 2023, this has been decided by **Local Delegated Decision**. The Council in exercise of its powers under the Town and Country Planning (Scotland) Acts and regulations, now determines the application as **Refused** in accordance with the particulars given in the application.

Any condition(s) attached to this consent, with reasons for imposing them, or reasons for refusal, are shown below;

Reason for Refusal:-

1. The proposal is contrary to Local Development Plan Policy Hou 7 in respect of Inappropriate Uses in Residential Areas, as the use of this property as a short term let will have a materially detrimental effect on the living conditions and amenity of nearby residents.
2. The proposal is contrary to National Planning Framework Policy 30(e) in respect of Local Amenity and Loss of Residential Accommodation, as the use of this property as a short term let will result in an adverse impact on local amenity and the loss of a residential property that has not been justified.

Please see the guidance notes on our [decision page](#) for further information, including how to appeal or review your decision.

Drawings 01, 02, 03, represent the determined scheme. Full details of the application can be found on the [Planning and Building Standards Online Services](#)

The reason why the Council made this decision is as follows:

The proposal complies with sections 64 and 59 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 as it will preserve or enhance the character or appearance of the conservation area, and does not harm the character of the listed building, its setting, or the setting of neighbouring listed buildings.

The change of use of this property to a Short Term Let (STL) will result in a loss of the residential accommodation and a negative impact to neighbouring amenity. Whilst it is recognised that there is an economic benefit to the City as a whole from the provision of visitor accommodation in this case it does not outweigh the loss of residential accommodation or the impact to neighbouring amenity. The proposal does not comply with Development Plan policy NPF4 policy 30(e) and LDP plan policy Hou 7. There are no material considerations that outweigh this conclusion. The proposal is unacceptable.

This determination does not carry with it any necessary consent or approval for the proposed development under other statutory enactments.

Should you have a specific enquiry regarding this decision please contact James Armstrong directly at james.armstrong@edinburgh.gov.uk.



Chief Planning Officer
PLACE
The City of Edinburgh Council

NOTES

1. If the applicant is aggrieved by the decision to refuse permission for or approval required by a condition in respect of the proposed development, or to grant permission or approval subject to conditions, the applicant may require the planning authority to review the case under section 43A of the Town and Country Planning (Scotland) Act 1997 within three months beginning with the date of this notice. The Notice of Review can be made online at www.eplanning.scot or forms can be downloaded from that website. Paper forms should be addressed to the City of Edinburgh Planning Local Review Body, G.2, Waverley Court, 4 East Market Street, Edinburgh, EH8 8BG. For enquiries about the Local Review Body, please email localreviewbody@edinburgh.gov.uk.

2. If permission to develop land is refused or granted subject to conditions and the owner of the land claims that the land has become incapable of reasonably beneficial use in its existing state and cannot be rendered capable of reasonably beneficial use by carrying out of any development which has been or would be permitted, the owner of the land may serve on the planning authority a purchase notice requiring the purchase of the owner of the land's interest in the land accordance with Part 5 of the Town and Country Planning (Scotland) Act 1997.

Report of Handling

**Application for Planning Permission STL
Flat 4 195 Canongate, Edinburgh, EH8 8BN**

Proposal: Retrospective material change of use from home to short term let since 2017.

**Item – Local Delegated Decision
Application Number – 23/05307/FULSTL
Ward – B11 - City Centre**

Recommendation

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

Summary

The proposal complies with sections 64 and 59 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 as it will preserve or enhance the character or appearance of the conservation area, and does not harm the character of the listed building, its setting, or the setting of neighbouring listed buildings.

The change of use of this property to a Short Term Let (STL) will result in a loss of the residential accommodation and a negative impact to neighbouring amenity. Whilst it is recognised that there is an economic benefit to the City as a whole from the provision of visitor accommodation in this case it does not outweigh the loss of residential accommodation or the impact to neighbouring amenity. The proposal does not comply with Development Plan policy NPF4 policy 30(e) and LDP plan policy Hou 7. There are no material considerations that outweigh this conclusion. The proposal is unacceptable.

SECTION A – Application Background

Site Description

The application property is a fourth floor two bedroom flat located on the north side of Canongate. The property shares its access to the street with three other residential properties via a communal stairwell.

The Canongate is of mixed character, featuring a mix of commercial units and residential properties. Public transport links are accessible from the site.

The application property forms part of a category B listed building, 195 and 197 Canongate, Shoemakers Land, LB28437, 14/12/1970 and is located within the Old Town Conservation Area and the Old and New Towns of Edinburgh World Heritage Site.

Description Of The Proposal

The application is for the retrospective change of use of the property from residential to short term let (sui generis). No internal or external physical changes are proposed. The applicant indicates in their description of proposal that the property has been operating as a short term let since 2017.

Supplementary information

NPF4 Supporting Statement
LDP Statement

Relevant Site History

No relevant site history.

Other Relevant Site History

No other relevant site history was identified.

Consultation Engagement

No consultations.

Publicity and Public Engagement

Date of Neighbour Notification: 3 November 2023

Date of Advertisement: 10 November 2023

Date of Site Notice: 10 November 2023

Number of Contributors: 4

Section B - Assessment

Determining Issues

Due to the proposals relating to a listed building(s) and being within a conservation area, this report will first consider the proposals in terms of Sections 59 and 64 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 (the "1997 Heritage Act"):

- a) Is there a strong presumption against granting planning permission due to the proposals:
 - (i) harming the listed building or its setting? or
 - (ii) conflicting with the objective of preserving or enhancing the character or appearance of the conservation area?

b) If the strong presumption against granting planning permission is engaged, are there any significant public interest advantages of the development which can only be delivered at the scheme's proposed location that are sufficient to outweigh it?

This report will then consider the proposed development under Sections 24, 25 and 37 of the Town and Country Planning (Scotland) Act 1997 (the 1997 Act):

Having regard to the legal requirement of Section 24(3), in the event of any policy incompatibility between National Planning Framework 4 (NPF4) & Edinburgh Local Development Plan 2016 (LDP) the newer policy shall prevail.

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:

- equalities and human rights;
- public representations; and
- any other identified material considerations.

Assessment

The application has been submitted in retrospect. The applicant indicates on the application form that the operation of the property as a short stay let commenced in 2017. This is before the 5 September 2022, which is when the Edinburgh short-term let control designation came into effect. As the designation does not have a retrospective effect it is necessary to consider whether the use of the property as a commercial short stay let is a material change of use.

The effect of granting planning permission would be to change the use from flatted dwellinghouse to short-term let. The use of a property as short-term let, as a result of the grant of planning permission, would constitute a material change in use of the property under Section 26 of the Town and Country Planning (Scotland) Act 1997, given the associated characteristics in short-term let use in this location and property type.

a) The proposals harm the listed building and its setting?

The following HES guidance is relevant in the determination of this application:

- Managing Change in the Historic Environment: Guidance on the principles of listed buildings
- Managing Change in the Historic Environment: Setting

Managing Change in the Historic Environment: Interim Guidance on the principles of listed building consent sets out the principles for assessing the impact of a development on a listed building.

Managing Change in the Historic Environment: Setting sets out the principles that apply to developments affecting the setting of historic assets or places including listed buildings and conservation areas. It includes factors to be considered in assessing the impact of a change on the setting.

There are no external or internal alterations proposed. As such, the proposal will not have an adverse impact on or cause harm to the listed building. The setting of the listed building and the setting of neighbouring listed buildings will be unaffected by the proposal.

Conclusion in relation to the listed building

The proposal does not harm the character of the listed building, or its setting. It is therefore acceptable with regard to Section 59 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997.

b) The proposals harm the character or appearance of the conservation area?

Section 64(1) of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 states:

"In exercise, with respect to any buildings or other land in a conservation area, of any powers under any of the provisions in subsection (2), special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area."

The Old Town Conservation Area Character Appraisal emphasises the survival of the original medieval street pattern; the wealth of important landmark buildings; the survival of an outstanding collection of archaeological remains, medieval buildings, and 17th-century town houses; the consistent and harmonious height and mass of buildings; the importance of stone as a construction material for both buildings and the public realm; the vitality and variety of different uses; and the continuing presence of a residential community.

As stated previously, there are no external changes proposed. The change of use will not impact on the character or appearance of the conservation area. Therefore, the proposal does not conflict with the objective of preserving or enhancing the character or appearance of the conservation area.

Conclusion in relation to the conservation area

The proposals comply with Section 64 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997.

c) The proposals comply with the development plan?

National Planning Framework 4 (NPF4) was adopted by the Scottish Ministers on 13 February 2023 and forms part of the Council's Development Plan. NPF4 policies supports the planning and delivery of Sustainable Places, Liveable Places and

Productive Places and are the key policies against which proposals for development are assessed. Several policies in the Edinburgh Local Development Plan (LDP) are superseded by equivalent and alternative policies within NPF4.

The relevant NPF4 and LDP 2016 policies to be considered are:

- NPF4 Sustainable Places Tackling the climate and nature crises Policy 1.
- NPF4 Productive Places Tourism Policy 30.
- NPF4 Historic Assets and Places Policy 7.
- Local Development Plan Housing Policy, Hou 7.
- Local Development Plan Transport Policies, Tra 2 and Tra 3

The non-statutory Listed Building and Conservation Area Guidance is a material consideration when considering NPF 4 Policy 7.

The non-statutory Guidance for Business (2021) is a material consideration that is relevant when considering LDP Policy Hou 7 and NPF4 policy 30.

The Edinburgh Design Guidance is a material consideration when considering LDP Policies Tra 2 and Tra 3.

Listed Building, Conservation Area and Edinburgh World Heritage Site

The impact on the setting of the listed building and on the setting of neighbouring listed buildings has been assessed in section a).

There are no external or internal works proposed and as such there will not be a significant impact on historic assets and places.

The proposal complies with NPF 4 Policy 7.

Proposed Use

With regards to NPF 4 Policy 1, the proposed change of use does not involve operational development resulting in physical changes to the property. The proposals will have a negligible impact on the global climate and nature crisis.

NPF 4 Policy 30 seeks to encourage, promote and facilitate sustainable tourism development which benefits local people, is consistent with our net zero and nature commitments, and inspires people to visit Scotland. Criterion 30 (e) specifically relate to STL proposals.

LDP Policy Hou 7 (Inappropriate Uses in Residential Areas), seeks to protect residential amenity.

Amenity

The use of this property as an STL would introduce an increased frequency of movement to the property through the shared stair, enabling 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.

Whilst the amenity impact of the proposed STL use to neighbouring residents living outside of the shared stair is sufficiently mitigated by the mix of uses and high ambient noise level in the surrounding area, the proposed use would have an unacceptable impact on residents that share the common stair.

The noise generated by the proposed use would be significantly different from the ambient background noise that neighbouring residents living within the building might reasonably expect, and consequently will have a significantly detrimental effect on their living conditions and amenity. There could also be a negative impact on community cohesion and residents' safety.

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 disturbance, further impacting on neighbouring amenity. However, this would be of lesser impact as it is likely that servicing would be conducted during the daytime.

The proposal does not comply with NPF 4 policy 30(e) part (i) and LDP policy Hou 7.

Loss of residential accommodation

NPF 4 policy 30 (e) part (ii) requires that where there is a loss of residential accommodation, this will only be supported where the loss is outweighed by demonstrable local economic benefits.

Paragraph 220 of the LDP acknowledges that tourism is the biggest source of employment in Edinburgh, providing jobs for over 31,000 people. The use of the property by guests and the required maintenance and upkeep of STL properties are likely to result in a level of job creation and spend within the economy which can be classed as having an economic benefit.

The current lawful use of the property is for residential accommodation. Consequently, the use of the property as an STL would result in the loss of this residential accommodation, which given the recognised need and demand for housing in Edinburgh it is important to retain, where appropriate.

Further, it is important to recognise that residential occupation of the property contributes to the economy, in terms of providing a home and the spend in relation to the use of the property as a home, including the use of local services, resultant employment, and by making contributions to the local community.

In this instance, it has not been sufficiently demonstrated that the loss of the residential accommodation is outweighed by demonstrable local economic benefits. As such, the proposal does not comply with NPF 4 30(e) part (ii).

Transport

No parking is proposed. This is acceptable as there are no parking requirements for STLs. The change of use of one property to a short term let will not result in a significant impact to traffic congestion in the local area.

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

Conclusion in relation to the Development Plan

The change of use of this property to an STL will have an unacceptable impact on neighbouring amenity. The loss of the residential accommodation has not been justified. Whilst it is recognised that there is an economic benefit to the City as a whole from the provision of visitor accommodation in this case it does not outweigh the loss of residential accommodation or the adverse impact on residential amenity. The proposal does not comply with the Development Plan policy NPF 4 policy 30(e) and LDP policy Hou 7.

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

The following material planning considerations have been identified:

Emerging policy context

City Plan 2030 represents the settled will of the Council, and it has been submitted to Scottish Ministers for examination. As such, limited weight can be attached to it as a material consideration in the determination of this application.

Independent economic impact assessment

An independent economic impact assessment was commissioned by the Planning Service, and this resulted in a report on the Economic Impact of Residential and Short-Term Let Properties in Edinburgh (the Economic Report). This was reported to Planning Committee on 14 June 2023. The Committee noted that the findings of the report are one source of information that can be considered when assessing the economic impacts of short-term let planning applications and that given the report is considering generalities rather than the specifics of an individual case, it is likely that only limited weight can be attached to it as a material consideration when making planning application decisions. The study considered the economic impact of various types of properties in Edinburgh if used as a residential property as opposed to being used for short-term holiday lettings.

The Economic Report shows that there are positive economic impacts from the use of properties for both residential use and short-term let use. The Report found that in general the gross value added (GVA) effects are greater for residential uses than short-term lets across all property types and all areas. However, given it is considering generalities rather than the specifics of this individual case, only limited 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

Two objections to the application, one support comment, and one neutral comment were received. A summary is provided below:

material considerations in objection

- Loss of residential accommodation. Assessed in section b).
- Negative impact to neighbouring amenity (noise). Assessed in section b).
- Negative impact to neighbouring amenity (safety). Assessed in section b).

material considerations in support

- No impact to neighbouring amenity. Assessed in section b).

non-material considerations

- Misuse of domestic appliances by guests may lead to flooding.
- Incorrect or lack of use of refuse and recycling facilities.
- The applicant's character and good relationship with other people living in the stair.
- The applicant organises/organised stairwell cleaning and building restoration works.
- The applicant contributes to the maintenance of the building.

Conclusion in relation to identified material considerations

The identified material considerations have been assessed above and do not raise issues which outweigh the conclusion in relation to the development plan.

Overall conclusion

The proposal complies with sections 64 and 59 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 as it will preserve or enhance the character or appearance of the conservation area, and does not harm the character of the listed building, its setting, or the setting of neighbouring listed buildings.

The change of use of this property to a Short Term Let will result in a loss of the residential accommodation and a negative impact to neighbouring amenity. Whilst it is recognised that there is an economic benefit to the City as a whole from the provision of visitor accommodation in this case it does not outweigh the loss of residential accommodation or the impact to neighbouring amenity. The proposal does not comply with Development Plan policy NPF4 policy 30(e) and LDP plan policy Hou 7. There are no material considerations that outweigh this conclusion. The proposal is unacceptable.

Section C - Conditions/Reasons/Informatives

The recommendation is subject to the following;

Reason for Refusal

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

2. The proposal is contrary to National Planning Framework Policy 30(e) in respect of Local Amenity and Loss of Residential Accommodation, as the use of this property as a short term let will result in an adverse impact on local amenity and the loss of a residential property that has not been justified.

Background Reading/External References

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

Further Information - [Local Development Plan](#)

Date Registered: 28 September 2023

Drawing Numbers/Scheme

01, 02, 03

Scheme 1

David Givan
Chief Planning Officer
PLACE
The City of Edinburgh Council

Contact: James Armstrong, Planning Officer
E-mail:james.armstrong@edinburgh.gov.uk

Appendix 1

Consultations

No consultations undertaken.

Appendix 2

Application Certification Record

Case Officer

I have assessed the application against the City of Edinburgh Council's Scheme of Delegation (2023) Appendix 6 – Chief Planning Officer and the Statutory Scheme of Delegation (2023) and can confirm the application is suitable to be determined under Local Delegated Decision, decision-making route.

Case Officer: James Armstrong

Date: 26 January 2024

Authorising Officer

To be completed by an officer as authorised by the Chief Planning Officer to determined applications under delegated powers.

I can confirm that I have checked the Report of Handling and agree the recommendation by the case officer.

Authorising Officer (mRTPI): Elaine Campbell

Date: 31 January 2024

Listed Building

The only legal part of the listing under the Planning (Listing Buildings and Conservation Areas) (Scotland) Act 1997 is the address/name of site. Addresses and building names may have changed since the date of listing – see 'About Listed Buildings' below for more information. The further details below the 'Address/Name of Site' are provided for information purposes only.

Address/Name of Site

**195 AND 197 CANONGATE,
SHOEMAKERS LANDLB28437**

Status: Designated

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Documents

There are no additional online documents for this record.

Summary

Category

B

Date Added

14/12/1970

Local Authority

Edinburgh

Planning Authority

Edinburgh

Burgh

Edinburgh

NGR

NT 26332 73763

Coordinates

326332, 673763

Description

17th century. Reconstructed, 1725 by the Incorporation of Cordiners and again, 1956 by Robert Hurd (see Notes). Substantial, 5-storey, 6-bay tenement with moulded cornice and blocking course; shop to ground. Roughly squared rubble with sandstone ashlar dressings. Slightly raised, chamfered margins. Regular fenestration to upper floors with narrower openings to far left. Curved corner to 4th floor, outer right. Carved panel to centre between 1st and 2nd floors. Central shop door way flanked by shallow-canted fixed-pane windows. Timber door to stair at far right, serving dwellings at upper floors.

Predominantly 12-pane glazing to timber sash and case windows to upper levels. Grey slate. End stack to W. Clay cans.

Statement of Special Interest

No 195-197 Canongate, also known as 'Shoemaker's Land', is an interesting and imposing example of a reconstructed 17th century tenement building within the Canongate. It is particularly notable for its considerable height and balanced proportions, adding interest to the N side of the Canongate. Additions to the building were made in 1725 when the Incorporation of Cordiners rebuilt the surviving westerly half of the tenement. The carved panel between 1st and 2nd floors is of particular interest, containing the emblem of the cordiners and is inscribed 'Blessed is he that wisely doth the poor man's case consider'. The Cordiners were tanners, curriers and shoemakers who derived their title from the French "Courdouanier" meaning "of Cordova", the source of the finest leather at that time. The tenement was further reconstructed in 1956 as part of Robert Hurd's award winning Canongate regeneration scheme which saw the revitalisation of numerous tenements including the adjacent 'Bible Land' and 'Moroco Land' (see separate listings).

The historic and architectural value of Edinburgh's Canongate area as a whole cannot be overstated. Embodying a spirit of permanence while constantly evolving, its buildings reflect nearly 1000 years of political, religious and civic development in Scotland. The Canons of Holyrood Abbey were given leave by King David I to found the burgh of Canongate in 1140. Either side of the street (a volcanic ridge) was divided into long, narrow strips of land or 'tofts'. By the end of the 15th century all the tofts were occupied, some subdivided into 'forelands' and 'backlands' under different ownership. Fuedal superiority over Canongate ceased after 1560. The following century was a period of wide-scale rebuilding and it was during this time that most of the areas' mansions and fine townhouses were constructed, usually towards the back of the tofts, away from the squalor of the main street. The 17th century also saw the amalgamation of the narrow plots and their redevelopment as courtyards surrounded by tenements. The burgh was formally incorporated into the City in 1856. Throughout the 19th Century the Canongate's prosperity declined as large sections of the nobility and middle classes moved out of the area in favour of the grandeur and improved facilities of Edinburgh's New Town, a short distance to the North. The Improvement Act of 1867 made efforts to address this, responding early on with large-scale slum clearance and redevelopment of entire street frontages. A further

Improvement Act (1893) was in part a reaction to this 'maximum intervention', responding with a programme of relatively small-scale changes within the existing street pattern. This latter approach was more consistent with Patrick Geddes' concept of 'conservative surgery'. Geddes was a renowned intellectual who lived in the Old Town and was a pioneer of the modern conservation movement in Scotland which gathered momentum throughout the 20th century. Extensive rebuilding and infilling of sections of the Canongate's many tenements took place, most notably by city architects, E J McRae and Robert Hurd (mid 20th century) with some early frontages retained and others rebuilt in replica.

List description updated at resurvey (2007/08).

References

Bibliography

John Gifford et al, Buildings of Scotland - Edinburgh, (1991) p212. Charles McKean, Edinburgh - An Illustrated Architectural Guide (1992) p30. Dictionary of Scottish Architects, www.scottisharchitects.org.uk (accessed 10.05.2007)

About Listed Buildings

Historic Environment Scotland is responsible for designating sites and places at the national level. These designations are Scheduled monuments, Listed buildings, Inventory of gardens and designed landscapes and Inventory of historic battlefields.

We make recommendations to the Scottish Government about historic marine protected areas, and the Scottish Ministers decide whether to designate.

Listing is the process that identifies, designates and provides statutory protection for buildings of special architectural or historic interest as set out in the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997.

We list buildings which are found to be of special architectural or historic interest using the selection guidance published in [Designation Policy and Selection Guidance \(2019\)](#)

Listed building records provide an indication of the special architectural or historic interest of the listed building which has been identified by its statutory address. The description and additional information provided are supplementary and have no legal weight.

These records are not definitive historical accounts or a complete description of the building(s). If part of a building is not described it does not mean it is not listed. The format of the listed building record has changed over time. Earlier records may be brief and some information will not have been recorded.

The legal part of the listing is the address/name of site which is known as the statutory address. Other than the name or address of a listed building, further details are provided for information purposes only. Historic Environment Scotland does not accept any liability for any loss or damage suffered as a consequence of inaccuracies in the information provided. Addresses and building names may have changed since the date of listing. Even if a number or name is missing from a listing address it will still be listed. Listing covers both the exterior and the interior and any object or structure fixed to the building. Listing also applies to buildings or structures not physically attached but which are part of the curtilage (or land) of the listed building as long as they were erected before 1 July 1948.

While Historic Environment Scotland is responsible for designating listed buildings, the planning authority is responsible for determining what is covered by the listing, including what is listed through curtilage. However, for listed buildings designated or for listings amended from 1 October 2015, legal exclusions to the listing may apply.

If part of a building is not listed, it will say that it is excluded in the statutory address and in the statement of special interest in the listed building record. The statement will use the word 'excluding' and quote the relevant section of the 1997 Act. Some earlier listed building records may use the word 'excluding', but if the Act is not quoted, the record has not been revised to reflect subsequent legislation.

Listed building consent is required for changes to a listed building which affect its character as a building of special architectural or historic interest. The relevant planning authority is the point of contact for applications for listed building consent.

Find out more about listing and our other designations at www.historicenvironment.scot/advice-and-support. You can contact us on 0131 668 8914 or at designations@hes.scot.

Images

There are no images available for this record, you may want to check Canmore for images relating to **195 AND 197 CANONGATE, SHOEMAKERS LAND**

Comments for Planning Application 23/05307/FULSTL

Application Summary

Application Number: 23/05307/FULSTL

Address: Flat 4 195 Canongate Old Town Edinburgh EH8 8BN

Proposal: Retrospective material change of use from home to short term let since 2017.

Case Officer: Improvement Team

Customer Details

Name: Mr Stuart Abbott

Address: 18 Kirkliston Road South Queensferry

Comment Details

Commenter Type: Member of Public

Stance: Customer made comments neither objecting to or supporting the Planning Application

Comment Reasons:

Comment: The property has been used as a STL for a number of years. As a former resident in flat No 3 which is sited directly below, the laminate wooden flooring in the property does mean that there is significant noise intrusion from the property. The use of this type of flooring is contrary to the requirements of the HMO guidance and whilst its appreciated that this guidance is not directly applicable, the intention of the clause in the guidance is directly transferable to this situation.

Comments for Planning Application 23/05307/FULSTL

Application Summary

Application Number: 23/05307/FULSTL

Address: Flat 4 195 Canongate Old Town Edinburgh EH8 8BN

Proposal: Retrospective material change of use from home to short term let since 2017.

Case Officer: Improvement Team

Customer Details

Name: Ms OLD TOWN ASSOCIATION

Address: 1 Trunks Close, 55 High Street, Edinburgh EH1 1SR

Comment Details

Commenter Type: Amenity Body

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: Use as a short-term let will remove this property from the housing stock and deny potential residents a home.

The property shares access with other residential property.

The property shares common space with its neighbours.

Use of a flat as a short-term let leads to a sense of insecurity as residents do not know who they will encounter on their common stair.

Users of short-term lets are often noisy and active at anti-social hours, including arriving and leaving with luggage at all hours.

Use as a short-term let leads to a lack of security as guests often leave access doors open.

In contrast, users of short-term lets have been known to secure the door to the common stair, locking residents out of their homes.

Users of short-term lets are often careless about the use of household appliances, leading to flooding and other nuisances.

Users of short-term lets are unaware of local regulations and often leave rubbish on the stair and misuse recycling bins.



William

We have no objections.

Craig



000 Planning Application

Thanks Craig

I think it is simply a matter of if anyone wanted to raise an objection. I have been short-term letting for 7 years without mishap and Trudi Armstrong, the Council tenant for 195/2, whom I have known for 20 years, is in support of my application, so I assume there shouldn't be any issues. Indeed, having such an active agent has resulted in issues with the building being resolved much more quickly than they have been in the past.

I appreciate your enquires. Do let me know if I need to do anything else.

Kind regards

Wil



Afternoon

As this is all new to us all, I will enquire and get back to you

Craig

Kind Regards





Dear Craig

I am required to send the notice to the owners of the other flats in the building as part of the planning application for the license. As the Council owns flat 2 I need to send the planning notice to the Council: the Council website provides no guidance on who this might concern. As you were the point of contact concerning the communal building works I assumed you would be the appropriate recipient or would know who to forward it to. In essence, yes, this is for info.

Kind regards

Wil



Morning,

I assume this is only being sent to us as a FYI as this needs to be sent to licensing?

Craig



Dear Edinburgh Council,

I understand Edinburgh Council owns the flat at 195/2 Canon gate, EH8 8BN. I have known the Council Tenant, Trudi Armstrong, for over 20 years; and whom is happy to support my application.

Please find attached the notice for 'change of use' for 195/4.

Kind regards

Wil Moss

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Administrative Headquarters
4 East Market Street
Edinburgh
EH8 8BG

12/09/2023

Dear Edinburgh Council

I am writing in support of William Moss's application for planning permission to change 195/4 Canongate to a short-term let, and for a short term let licence.

I am the longest-standing resident in the tenement of four flats and have thus known William for the twenty years he has been owner of the top floor flat. In the seven years of short-term rental use, I have not experienced any issues on the stairwell or antisocial behaviour in general from the occupants.

Wil has been proactive in maintaining a good relationship between all the tenement occupants and owners. He persuaded the other owners to commit to funding regular cleaning of the stairwell and was the co-ordinator with his wife for the external restoration works under the Edinburgh World Heritage grant scheme, greatly improving the appearance and longevity of the building façade and exterior. Furthermore, William has continued to be responsive in resolving maintenance issues as they have arisen.

In summary, I fully support William's application for planning permission and a short term let licence.



Trudie Armstrong