



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 100670394-001

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" value="Little Lanzerac"/>
First Name: *	<input type="text" value="Antoni"/>	Building Number:	<input type="text"/>
Last Name: *	<input type="text" value="Wisniewski"/>	Address 1 (Street): *	<input type="text" value="Glatton Ways"/>
Company/Organisation	<input type="text"/>	Address 2:	<input type="text" value="Glatton"/>
Telephone Number: *	<input type="text" value="REDACTED"/>	Town/City: *	<input type="text" value="Huntingdon"/>
Extension Number:	<input type="text"/>	Country: *	<input type="text" value="United Kingdom"/>
Mobile Number:	<input type="text"/>	Postcode: *	<input type="text" value="PE28 5RS"/>
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:

1F1

Address 2:

19 COMELY BANK ROAD

Address 3:

STOCKBRIDGE

Address 4:

Address 5:

Town/City/Settlement:

EDINBURGH

Post Code:

EH4 1DS

Please identify/describe the location of the site or sites

Northing

674682

Easting

324214

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 a short term let (in retrospect). At 1F1 19 Comely Bank Road Stockbridge Edinburgh EH4 1DS

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.

The applicant believes an appeal is justified for two principle reasons: (i) The planning authority has not provided any evidence to support the decision to refuse the application and has simply re-presented policy wording whilst simultaneously requiring the applicant to provide material evidence to the contrary. This represents a double standard; (ii) additional data are presented to strengthen the economic case for maintaining the subject property as a STL. Supporting document submitted.

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)

Analysis and presentation of economic benefits of maintaining 19 (1F1) as a short term let.

Application Details

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

23/05316/FULSTL

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

28/09/2023

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

26/04/2024

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 Antoni Wisniewski

Declaration Date: 23/07/2024

Analysis and presentation of economic benefits of maintaining 19 (1F1) Comely Bank Road (CBR) as a short term let

The following analysis is based on data taken from historic use of the subject property for short term letting (STL) over the period 01-Aug-22 to 16-Jul-24.¹

During that period there have been 62 short-term lets over a total of 334 nights and 151 guests² for a total of 786 person-nights.

Using 2023 International Tourism Performance data presented by Visit Scotland³, an average spend of £[REDACTED] per night per visitor is estimated⁴.

Estimated total spend for all guests staying at 19 (1F1) Comely Bank Road (CBR) from 01-Aug-22 to 16-Jul-24 = £[REDACTED] (annualized estimate £[REDACTED]). This is likely to be an underestimate since 37% of guests were from North America and the average spend of North Americans is x2.4 the average spend of European visitors⁶.

In addition, servicing and cleaning the apartment contributes towards the employment of individuals living in Edinburgh. The cost of cleaning services over this period was £[REDACTED] (exclusive of VAT).

The applicant is of the opinion that overall, and contrary to the opinion of the Planning Officer, the benefits to the local economy of the use of the subject property for STL exceed any putative adverse impact on local amenity (for which no evidence has been provided) and the potential loss of a relatively modest source of residential accommodation.

In addition, given the new licensing and planning requirements, it is reasonable to assume that this type and quality of STL accommodation will become harder for visitors to find, creating a barrier to visiting Edinburgh, particularly to overseas visitors⁷.

Principle argument

The planning process has been invoked as a means of introducing controls on the use of second homes as short-term lets (STLs) in Edinburgh and elsewhere in Scotland. Planning application guidance issued before and subsequent to various legal challenges did not categorically exclude specific kinds of properties from the

¹ Data on file with Applicant. Redacted version available on request.

² A maximum of 3 guests are permitted per letting period.

³ See: <https://www.visitscotland.org/research-insights/about-our-visitors/international/annual-performance-report>

⁴ 2023 International Passenger Survey (IPS) data: nights = 34,354,000 nights; spend = £3,593 million.

⁵ It is acknowledged that a proportion of the estimated spend will include accommodation costs

⁶ 2023 IPS data: North America visits 969,000, spend £1,417 million; Europe visits 2,331,000, spend £1,411 million

⁷ 80% of stays at 19 (1F1) CBR were guest from abroad

process based on *a priori* criteria, meaning that application for change of use from residential to STL was effectively invited from all comers. In practice though, it appears reasons for refusal are based purely on a literal application of policy code, an approach that could have been made clear from the outset. On the face of it, it seems misleading to invite applications for this category of change of use and applicants could have been saved much effort, time and expense from the outset.

The two reasons for refusal given are simply restatements of development and planning policies with no specific evidence shown how this conclusion was reached in this specific case⁸. It appears the burden of providing evidence of benefit and/or absence of disbenefit lies entirely on the shoulders of applicants, which suggests the application of double standards in planning matters.

⁸ See Planning considerations (c) Determining a planning application.
<https://www.gov.scot/publications/short-term-lets-planning/pages/4/>

“4.11 What is and is not a material planning consideration is not set out in legislation. This means that what constitutes a material planning consideration is a question of what is relevant to the consideration of a particular case. Each planning application is considered on a case-by-case basis; decisions made in other cases are not generally relevant to consideration of any particular case. Only those material planning considerations that apply to that particular application can be considered in determining whether it is approved or not.”