

Applicant or Agent Details

Applicant Agent

Agent Details

Organisation/Corporate entity

Applicant Details

Mrs	
Jane	41
Steele	Sydney Terrace
	Edinburgh
	UK
	EH7 6SR

Site Address Details

City of Edinburgh Council	
FLAT 5	
2 BARNIE TERRACE	
PORTOBELLO WEST	
EDINBURGH	
EH15 1BU	
674104	330152

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)

Retrospective change of use from dwelling to STL. At Flat 5, 2 Barnie Terrace, Edinburgh, EH15 1BU.

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.

Please refer to Attachment 1 and supporting Attachments 2, 3 and 4 setting out the Applicant's case for review.

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)

Attachment 1: Word document setting out Applicant's case for review. Attachments 2, 3 and 4: video clips providing illustration/context to the text in Attachment 1.

Application Details

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

23/06278/FULSTL

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

16/11/2023

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

02/07/2024

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

If there are reasons why you think the local Review Body would be unable to undertake an unaccompanied site inspection, please explain here. (Max 500 characters)

The exterior of the property is visible from the adjoining footpaths/roads but the common entrance, inner hallway and interior of the subject property are secure.

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 Colin Steele

Declaration Date: 01/10/2024

Attachment 1

Review Request: Flat 5, 2 Barnie Terrace, Portobello, Edinburgh, EH15 1BU

Proposal Reference: 100684604 Applicant Reference: CRS01/10/24

Request for local review of refusal of planning consent for retrospective change of use from residential to short term let. Application No: 23/06278/FULSTL. Decision dated 2nd July 2024

Reasons 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 4 Policy 30(e) in respect of Local Amenity and Loss of Residential Accommodation, as the use of this dwelling as a short term let will result in an unacceptable impact on local amenity and the loss of a residential property has not been justified.

Points the Applicant requests be considered in the review:

1. The application of the policy seeking to preserve residential amenity is “broad brush” and fails to take account of the nature/characteristics of the subject property nor the reality of the subject property’s use as a short term let without any issue arising.
2. The common entry of 2 Barnie Terrace is not like a traditional common “close” in that the stairwell is enclosed by self closing fire doors at each level, the hallways, stairs and landings are fully carpeted throughout. Additionally, the self closing entrance doors to individual flats are fully sealed fire doors and this specification means that there is little or no transmission of noise from the stairwell and the inner hallway to the dwelling interiors. Please refer to the video clip (Attachment 2) adding context to this point.
3. Related to 2 above, the interior of the dwellings all have self closing fully sealed fire doors that further reduces any potential noise transmission. In addition, all windows to the dwellings are double glazed sealed units that also reduce any potential noise intrusion from the exterior. Please refer to the video clip (Attachment 3) adding context to this point.
4. Furthermore, the position of the subject property on the first floor of the building, being the first flat one arrives at on that level means that occupants arriving and departing do not have to climb 3 flights of stairs and pass other properties in doing so. In addition, the position of the flat within a promontory means that the subject dwelling has 3 external walls (the 4th is to the common hallway) and does not directly adjoin any other dwellings laterally. Additionally, the subject dwelling sits directly above the common bin store, bike store and plant room meaning there is no other dwelling below with the only neighbour vertically being Flat 8 above. Please refer to the video clips (Attachments 2 & 4) adding context to this point.

5. The reality that the subject dwelling has operated as a short term let for 3 plus years without any complaints from or issues with neighbours attests to the fact that there has been no adverse affect on the residential amenity of surrounding properties. Furthermore, all of the neighbours were given notice of the refused application and no representations or objections were made to the planning authority.
6. Related to all of the above, the application of the policy fails to recognise the fact that the subject dwelling is not located in the “Royal Mile party zone” and our guests are mostly mature family groups or business people who have consideration of others’ peace and quiet. Furthermore, the Applicant positively vets out any potential “problem” guests using the profile function within Airbnb and by reference to other social media. The Applicant does not use a key box at the property and she or a member of her family meet all guests to ensure guests are indeed what they represented themselves to be and that there is no disturbance to neighbours on arrival from random intercom buzzing or otherwise.
7. The Applicant operates a minimum 2 night stay policy but the average stay is 3 nights thereby reducing frequency of arrival and departure.
8. It should be self evident that any operator of a short term let has every interest in ensuring “problem” guests who might cause disturbance are avoided because they are the same guests who are likely to cause damage to the accommodation.
9. In relation to the loss of residential accommodation reason for refusal, the application of this policy should take into account the circumstances of the local housing market in this area. The development of the Baileyfield North and South sites over the past 5 years has seen the addition of 654 residential dwellings to the housing stock across 1, 2 and 3 bedroom flats/houses and retirement units. It is the Applicant’s understanding that 25% of these are social/affordable homes. Accordingly, even ignoring other additions to the housing stock elsewhere in the neighbourhood, Portobello has seen very significant addition to the housing stock that has not been replicated in most other neighbourhoods in the control zone but particularly the more central Edinburgh areas where the preponderance of short terms lets undoubtedly impacted adversely on the residential supply.
10. cursory review of the market for long term let and sale dwellings in the Portobello area generally and Baileyfield specifically reveals a sustained availability of varied property types and this attests to there being no shortage of housing supply in this area.
11. Accordingly, the Applicant contends that the loss of the subject property to long term residential supply will have no adverse affect on residential supply in the area.
12. The Applicant contends that any housing policy should take into account the need for a balance of residential property types including short term let residential units and should interact with policies seeking to foster the local economy, particularly retail and restaurant businesses.
13. Firstly, most of the Applicant’s guests make contributions to the local economy in utilising local restaurant and shops, particularly at off peak periods for local residents.
14. Secondly, there is a shortage of short term accommodation in Portobello & Joppa with there being no hotels (the Premier Inn at Willowbrae and Kings Manor on Milton Road East are 1.7 and 1.9 miles away respectively) and very limited B&B provision. The Applicant’s guests are predominantly family groups and would find hotel accommodation, particularly in the City centre unaffordable whereas the subject property provides reasonably priced accommodation and allows the retention of visitors in the local Portobello area.