

Councillors will not water down short term lets guidance

Edinburgh councillors have voted against “watering down” guidance on new rules for short-term lets after housing activists warned wording drafted by officials would create an “enormous loophole” for hosts to avoid curbs.

A council meeting heard that a proposed summary of policies used to determine if a property is appropriate for use as a holiday let – which will inform operators if new restrictions apply to them – could undermine the council’s crackdown on short-term lets (STLs).

Many who run Airbnb-style accommodation in the capital will soon require planning permission and a licence, in an effort by the authority to regulate the market following a decade which has seen an explosion of STLs in the city – now home to around a third of all in Scotland.

The planning committee met on Wednesday to agree on updated non-statutory guidance for businesses which sets out the factors considered when determining whether a material change of use of a residence has occurred.

However the guidance, drawn up by officers following a public consultation held last year, was challenged by tenants’ union Living Rent. Members spoke at the meeting and urged councillors to make some changes.

Their main concern was the description of entire properties used as holiday rentals, as opposed to home sharing, as “permanent short-term lets”.

Living Rent member Eilidh Keay said: “The inclusion of the word ‘permanent’ creates an enormous loophole.

“An applicant could now simply claim that their STL will be shut down at some point in the future, meaning it’s no longer considered permanent, and the guidance no longer applies.

“Now, this may not be the intention of the amendment but it is its effect.

“If the scope needs to be clarified it can be done by the use of the word ‘secondary let’ which is already used in the other relevant legislation and guidance, and actually means what the officers have said they intend.”

She said engagement with the public showed it “could simply not be any clearer that city’s residents want strict regulation of Short Term Lets”.

“Please do not let us residents down by watering down this guidance,” she added.

“Edinburgh in the midst of a housing crisis. With less genuinely affordable homes on the market, sky-rocketing rents and the competition for rental places now forcing residents into rent bidding wars, the council must act urgently.”

An amendment tabled by the Greens to remove “permanent” from the guidance and other changes supported by Living Rent – such as referring to STLs “nearby” instead of in “close proximity” to residential properties when assessing how disruptive a holiday let could be to neighbours – was unanimously passed by the committee.

Afterwards Living Rent members hailed the move as “a huge step forward in the fight against the explosion of short term lets

in Edinburgh”.

Last September Edinburgh became Scotland’s first short-term let ‘control zone’ meaning any whole flat or house used as a holiday rental needs planning permission. Where a property is not considered suitable use as an STL by the council, the owner is expected to to cease operating.

A separate scheme will require all hosts in the city to apply for an STL licence by October – and have it in place July 2024.

It is hoped the cumulative effect of the measures will see hundreds, potentially thousands of properties returned from the holiday let market to permanent residential use.

Council planning convener Cllr James Dalgleish said: “Around a third of all short term lets in the country are here in Edinburgh which is why we have a control area in place in the Capital.

“It is our goal to implement fair and robust short-term let guidance, to make sure we have a sustainable approach going forward to balance the needs of our city, businesses and our residents.

“It’s important that those operating short term let accommodation can only do so if they have planning permission where this is needed.

“Going forward the guidance will make it clear how decisions will be made for all involved.”

by Donald Turvill, Local Democracy Reporter.

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