

Flat owner refused holiday let status despite neighbours support

Planners have refused to allow a short term holiday let to carry on operating despite both neighbours writing letters of support for the applicant.

Janet Bradbury applied to East Lothian Council for a Certificate of Lawfulness to allow her to carry on using her North Berwick flat as a holiday let.

But while neighbours told planning officers there had never been any issues with guests and there was more noise from the High Street outside than the flat, the council rejected her application.

Instead they said the decision to rent out the flat to short term visitors was a change of use and planning permission would need to be sought.

Ms Bradbury told the council she bought the flat on the High Street in 2018 as a retirement home but plans had changed and she began letting in two years later.

She said the two bedroom property had a ban on children under the age of 12 and pets staying and pointed to supporting statements from neighbours, one of whom shares a communal entrance, to back her.

One neighbour said: "In all the time the flat has been

occupied there have never been any incidences of people coming and going. There is more noise from the High Street than on the stair.”

A certificate of lawfulness can be issued for a short term holiday let if it has been used for that purpose continuously for ten years or it can be proved it is not a material change of use.

Ms Bradbury argued that the flat use was no different to how it would be if it was a long term rental or residential home.

However officers disagreed saying: “The use of the applicant’s flat as a unit of short term holiday let accommodation by a maximum of four guests would not be too dissimilar to the number of residents that could occupy the property in a residential use.

“However, as the flat is advertised on holiday rental platforms, coupled with the frequency of the arrival and departures of guests at various times and the movements associated with the changeovers between guest stays, this would lead to a different movement pattern which is incomparable with long term residential use.

“Based on this information, it is considered that the use of the applicant’s flat for short term holiday let accommodation constitutes a material change of use, requiring planning permission, where a lawful use cannot otherwise be demonstrated.”

By Marie Sharp Local Democracy Reporter