

Flat owner told that 'perceived security' issues are a concern over holiday let

Meeting short term holiday let guests in stairwells has an impact on the 'perceived security and amenity' of fellow residents, a flat owner has been told.

The owner of the second floor property on Haddington High Street had appealed to Scottish Ministers after East Lothian Council's planners refused to allow it to continue being let out lawfully.

An application for a Certificate of Lawfulness, which means there is no need for planning permission to operate, was rejected by officers who ruled it was a 'change of use'.

Now the Scottish Government Reporter has backed planners telling the owner of the flat that the impact of short term guests coming and going in the communal stairway in the building was not the same as if it was a residential home.

Rejecting the appeal the Reporter said: "The short term let use could

have effects on the perceived security and amenity of residents as a result of meeting transient visitors within the stairwell and at the communal access to the building.

"The frequent arrival and departure of guests, the associated cleaning and servicing by a third party as well as the potentially more frequent movements and activity within communal areas later in the evenings differs from a typical domestic use."

And they added: "The appellant has drawn my attention to various controls in place in relation to how the property is managed. Nevertheless, as the appellant does not reside at the property, they do not have complete control over the behaviour of guests and cannot prevent noise and disturbance from occurring."

Agents for the owner of the flat had argued that a certificate could be issued because no 'material change of use' had taken place.

They described the changes from residential to short term holiday let use as "mininal" as they urged the Reporter to uphold the appeal.

However the Reporter said: "Having assessed the evidence before me, I find that, on the balance of probability, the use of this property for short-term letting accommodation entails a materially different pattern of use than that associated with its occupation on a normal domestic basis.

"I conclude that it amounts to a material change of use which requires planning permission. As no planning permission has been granted, I find that use is not established and is not lawful."

By Marie Sharp Local Democracy Reporter