

# **Airbnb owner argues waves are noisier than holidaymakers**

**An Airbnb owner is battling to keep renting out his beach front flat after claiming the sound of waves crashing on the shore outside ruled out its need for quiet residents.**

East Lothian planners refused to issue a certificate of lawfulness for the top floor flat on Musselburgh's Edinburgh Road, arguing that it required planning permission.

They said the three bedroom property's frequent turnover of guests could not be compared to the comings and goings of long term residents. The local authority has refused planning permission for a large number of short term lets with communal stairwells because of concerns about the noise impact on neighbours, since new legislation requiring permission was introduced.

Appealing the decision not to grant the certificate, the applicants Montgomery Empire Ltd, argued that the flat's location near the town centre and at the beach created noise which already made it different to quiet residential living.

They said: "The location is on a busy road and directly beside the sea, where the occupants of the neighbouring properties are accustomed to the high ambient noise and disturbance due to the volume of traffic and waves and thus (we) would not state it is an area of quiet residential location."

Planning officers had refused the certificate saying the flat

was advertised on Airbnb and “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”.

They said the applicants had not demonstrated that the flat use as a holiday let was not a material change of use that does not require planning permission.

The appeal has been lodged with Scottish Ministers.

By Marie Sharp Local Democracy Reporter