

# North Berwick holiday let owner loses appeal

**A holiday flat owner has lost their appeal to keep operating despite claims less than one in five apartments in their block are residential homes.**

TM Lettings, who run the short term holiday flat in North Berwick's Royal Apartments, were refused a certificate of lawfulness to continue renting it out by East Lothian planners.

And their appeal to the council's Local Review Body was this week thrown out after councillors said just one residential home in the Station Road block raised concerns about the impact of the holiday business.

The applicants had argued that only six of the 34 units in the block were residential with the balance second homes, a number of which were used as short term rentals.

However at a meeting of the review body, Councillor Colin Yorkston questioned how many had to be permanent homes for their loss of amenity to be considered.

He asked fellow councillors: "Is it okay for one person to lose their amenity or does it have to be two or three?"

Refusing to support the appeal, Councillor Yorkston said: "For me it is a residential property. If it had been built and the whole block had been for short term holiday let I wouldn't have an issue with it.

"If I had bought a flat and found out a holiday let was next door or just below me I would not be impressed."

His views were backed by Councillor Kenny McLeod at the meeting however fellow review body member Councillor Donna Collins said she had sympathy for the holiday let owners saying: "It has been there for seven years and we have not had any police reports."

"I think comings and goings are the same as any other household and it has been there for seven years."

However meeting chairperson Councillor Liz Allan backed the officers decision to refuse the certificate, which would have allowed the owners to carry on operating without applying for a change of use to a holiday let through the council's planning process.

She said: "I am very conflicted. On the one hand it has been a short term let for seven years but I am also very mindful that we do have a shortage of one and two bedroom flats, particularly in places like North Berwick and we do have a crisis of housing."

"Getting the balance right is difficult but in this case I support the officers."

The review body rejected appeal by three votes to one with Councillor Collins support it.

By Marie Sharp Local Democracy Reporter