

Gullane short term let owner loses appeal over attic flat

The owner of a tiny short term holiday flat in the attic of a former care home has lost their fight to keep it operating.

Kirsty Baird appealed to Scottish Ministers after East Lothian Council planners refused to issue a Certificate of Lawfulness for her Gullane let.

The certificate would allow her to continue renting out the flat, known as Little Archer, without the need to apply for planning permission.

But while she argued that its use as short term accommodation for couples was no different to it being a permanent home, the Scottish Government Reporter disagreed.

In a ruling on the appeal he pointed out the small property, which has floor space of just 45 metres squared, was accessed through a key in a lock box.

And he said that although the owner said the flat had a 4pm check in the lock box meant there was not way to control the times people arrived.

Refusing the appeal the Reporter said that the use of the top floor flat for short term guests was not the same as a residential home.

They said: "Despite the small number of guests, guest changeovers and luggage being moved and the property being

cleaned as often as every 1-2 nights would be an increased level of activity than would be expected from long-term residents.

“Given the location of the property close to local amenities and hospitality venues, I consider that guests would be more likely to come and go throughout their stay and do so later in the evening, potentially generating noise and disturbance for neighbouring properties.

“While a check-in time of 4pm is indicated, the key code system would allow for arrivals and departures at all times of the day and night, creating disturbance for neighbours.”

The flat, in the former Muirfield Care Home, on Gullane High Street, is currently advertised for booking on Crabtree & Crabtree website.

In their findings the Reporter said that East Lothian Council’s planners had been right to refuse the certificate.

They add: “As no planning permission has been granted I find that use is not established and is not lawful.”

By Marie Sharp Local Democracy Reporter