

Airbnb owner loses appeal but can keep lock box

An Airbnb owner has lost his appeal to keep operating but been told he can keep his lock box in place.

The owner of the flat on Dirleton had asked Scottish Ministers to throw out an enforcement order demanding he stop renting it for short term lets and remove the key box.

But while the Scottish Government Reporter rejected his call for the notice to be quashed he did agree that the demand from East Lothian Council for the box to be removed was excessive.

In a ruling issued today, he said: "The council says that as the key lock box installed here facilitates the unauthorised use, its removal would assist in remedying the breach of control.

"However, the appellant says that the box was installed prior to the start of the property's use as short-stay accommodation and is associated as much with his own personal use of the property as with the use of the property by commercial short-stay residents.

"Given that, and because it seems to me that the requirement to remove the box is not necessary for the short-term let use to cease, I agree with the appellant."

The owner of the property, in The Red House, in the village, was refused a certificate of lawfulness allowing them to rent it out as a short term residential let without applying for a change of use by the council in November 2023.

They appealed the decision to Scottish Ministers who threw the case out last April but when the council issued an enforcement notice demanding they stop operating they appealed that as well.

They argued the enforcement notice was not competent because there was no breach of property law and that the three months notice given to the owner was too short.

However the Reporter threw out the arguments and said claims the owner needed more time because they had bookings was not accepted because they knew in November 2023 the flat was not compliant.

Amending the enforcement notice to delete the removal of the lock box, the Reporter rejected the appeal against it.

By Marie Sharp Local Democracy Reporter