

Successful North Berwick holiday flat 'unlawful'

A North Berwick holiday flat owner has been told its success has made it 'unlawful' after losing an appeal to keep operating.

The owner of the flat on the seaside town's High Street, had appealed to Scottish Ministers after they were refused a Certificate of Lawful Use by East Lothian Council.

They argued it was not needed as the second floor flat's use as a short term holiday let was no different to it being used as a residential home.

However the appeal has been dismissed after the Scottish Government Reporter ruled the high use of the flat during the year made it different and said it needed planning permission.

The Reporter said the flat had a 95% occupancy between April and October saying: "This degree of use and letting pattern of the property – being year-round and available for short stays – is likely to lead to a pattern of use that is different to long-term residents, with a greater frequency and number of comings and goings by visitors."

They added: "Due to the consistent use of the property throughout the year by guests staying on short term lets, the intensity of this use due to the length of stays and changeovers, and the potential for disturbance to neighbours, I consider the use of the property for short term letting that is set out in the application is a pattern of activity beyond that which is consistent with its occupation by permanent or

long-term residents.

“That use also exceeds what may reasonably be considered to be ancillary or incidental to any main residential use.”

The flat, known as Scott’s View is described as a two minute walk from the beach at North Berwick.

A change in legislation has meant operators of flats used as short term holiday lets have to apply for a change of use through local authority planning unless they are granted a Certificate of Lawful Use.

The Reporter said the use of the flat did amount to a “material change of use which requires planning permission”.

They added: “As no planning permission has been granted the use is not established and is not lawful.”

By Marie Sharp Local Democracy Reporter