

North Berwick holiday let appeal thrown out

The owner of a short term holiday let just a few steps from the beach has lost their fight to keep renting it out to families.

Julie Nulty said her top floor flat in North Berwick was popular with families and golfers and was in an area surrounded by holiday flats and B&Bs.

East Lothian planners rejected her bid for a Certificate of Lawfulness to allow her to operate the rental flat, which she bought three years ago and now an appeal to Scottish Ministers has also been thrown out.

Despite recognising that the flat was 50 metres from the beach and surrounded by holiday accommodation in the popular seaside town, the Reporter ruled it had a “residential ambience”.

In Ms Nulty’s appeal her agent said she bought the flat with her husband with the intention to use it as a holiday let describing the areas as “a residential neighbourhood with a large number of holiday lets”.

And they said signs were put up in the communal stairwell of the property reminding guests to be respectful to neighbours.

They applied for the certificate, which would mean there is no need to apply for a change of use of the property from residential to short term holiday let, arguing that the holiday use was no different to if their were long term tenants in the property.

However objectors to the application said the signs only served to back their claims the short term holiday use was a problem for them.

One said: "These signs should not be taken as evidence of short-term residents' compliance with the needs of long-term residents but rather the opposite: a response to frequent occasions when they are ignored."

The Reporter declined to visit the flat, which houses up to six guests, ahead of making their decision saying they had enough evidence to investigate the claims.

Rejecting the appeal, they said: "I consider that the use of the property as short-term let visitor accommodation entails a pattern of activity beyond that which is consistent with its occupation by permanent or long-term residents and exceeds what may reasonably be considered to be ancillary or incidental to its main authorised residential use.

"I conclude that it amounts to a material change of use which requires planning permission. As no planning permission has been granted, I find that use is not established and is not lawful."

By Marie Sharp Local Democracy Reporter