

Holiday let owner in Dunbar loses second appeal

Claims long term residents in a block of flats could cause more disturbance than short term guests have been dismissed by Scottish Ministers.

The owner of a holiday flat overlooking Dunbar, appealed after being refused permission to carry on operating it by East Lothian planners for a second time.

And in their appeal to Scottish Ministers agents representing applicant Susannah Lorimer, they challenged claims short term lets had a noise impact on residents sharing a main entrance.

They said: "The applicant emphasises that there have been no complaints from other residents and notes that longer term residents themselves may cause more disturbance than the property's guests."

The applicant, whose flat is on Cromwell Court, said it was rented out around 89 per cent of the year to a wide range of guests from Edinburgh Festival attendees to wedding guests, and people attending sporting events.

They applied for a Certificate of Lawfulness to carry on as a short term let, which would mean they do not require planning permission.

However the application, which was the second one lodged over the property over the last year, was refused.

The previous application saw the Scottish Government Reporter rule the proximity of the flat to the heart of the seaside town made it more likely guests would have an impact saying: "Given the access to the town centre and the local bars, restaurants and other attractions, I consider that guests are more likely to come and go from the property with greater frequency and are likely to generate more activity later in the evenings and at night time than neighbouring residents, at a time when residents may want a more peaceful atmosphere."

The second application which East Lothian planners also rejected, was refused again by the Reporter who said a lack of complaints was irrelevant to their decision.

They said: "As the appellant does not reside at the property, they do not have complete control over the behaviour of guests, and they cannot prevent noise and disturbance from occurring. The absence of complaints from other occupants of the block does not mean that no material change of use has occurred."

Ruling that the short term let use of the flat did constitute a change of use that required planning permission, the Reporter said: "As no planning permission has been granted, I find that use is not established and is not lawful."

By Marie Sharp Local Democracy Reporter