

REPORT TO: Licensing Sub-Committee

MEETING DATE: 14 September 2023

BY: Head of Corporate Support

SUBJECT: Civic Government (Scotland) Act 1982 (the 1982 Act)
(Licensing of Short-Term Lets) Order 2023
Application for Grant of a Licence to operate a Short-Term
Let (STL) at Papple Steading, Haddington, EH41 4QD

4B

1 PURPOSE

- 1.1 A licence application (Appendix 1) for the grant of an STL licence has been received from Papple Steading Ltd, to allow them to operate the properties at Papple Steading, EH41 4QD as a Short-Term Let (STL). The properties are:
- Papple Farmhouse – maximum occupancy 8
 - Grieve’s Cottage – maximum occupancy 8
 - Shepherd’s Bothy – maximum occupancy 2
 - Ploughman’s Bothy – maximum occupancy 2
- 1.2 Two objections from neighbours have been received on 14 May 2023 and 18 May 2023 regarding the Papple Steading accommodation. Relevant representations and objections require to be considered prior to the council taking a decision on the licence application, and it is therefore a requirement that this application is determined by the Licensing Sub-Committee and not through delegated powers.
- 1.3 The sub-committee is required to focus on the suitability of the property as an STL and to establish that the applicant is a fit and proper person to hold an STL licence (Schedule 1, Paragraph 5(3)(a)(ii)).

2 RECOMMENDATIONS

- 2.1 The Licensing Sub-Committee is asked to consider the application and the objections, and to determine whether the STL licence application for Papple Steading, EH41 4QD is to be granted; granted subject to conditions; or refused.

- 2.2 If the STL licence is granted, the sub-committee is asked to decide the period of the licence; the duration of the licence will be 3 years unless determined otherwise by the sub-committee.
- 2.3 If the STL licence is granted, the sub-committee is asked to agree that this be granted subject to the conditions and standards outlined in Appendices 2 and 3.

3 BACKGROUND

- 3.1 The Licensing of Short-Term Lets Order 2023 requires that where residential accommodation is provided by a host in the course of business to a guest, the accommodation is required to be licensed.
- 3.2 The STL application was received on 25 April 2023, and was dated 20 April 2023. Notices, under Paragraph 2 of Schedule 1 to the 1982 Act, were displayed at and around the property on 26 April 2023, and remained in place for the statutory minimum 21 days. These notices inform local residents of the licence application and give information regarding their right to submit objections and/or make representations in relation to the application.

Representations/objections received

- 3.3 The council has received objections from Fiona Constable (Appendix 4) and Emma Waddle (Appendix 5). The objections generally concern:
- The fitness and propriety of the applicant
 - The location, character, condition and type of accommodation
 - Potential for antisocial behaviour
 - The impact on services, the environment, neighbours privacy
- 3.4 No objections have been received from consultees.

Matters to be considered by the sub-committee

- 3.5 In determining the application, the sub-committee must restrict itself to grounds of refusal specified in the 1982 Act. This states that an application shall be refused if:
- The applicant and/or any agent specified by the applicant are, in the opinion of the sub-committee, not fit and proper to be authorised to permit persons to occupy any living accommodation as an STL (Schedule 1, (3))
 - The applicant and/or any agent specified by the applicant are disqualified by an order of a Court from holding an STL Licence. (Schedule 1, (5), (3))
 - The Sub-committee determines that the property is not suitable for occupation as an STL, or cannot be made suitable by including conditions on the STL Licence (Schedule 1, (5), (3)(c))

- In determining whether any property is, or can be made to be, suitable for occupation as an STL the sub-committee must consider:
 - The location, character or condition of the premises or the character or condition of the vehicle or vessel;
 - The nature and extent of the proposed activity;
 - The kind of persons likely to be in the premises, vehicle or vessel;
 - The possibility of undue public nuisance;
 - Public order or public safety; or
 - Any other good reason for refusing the application

Terms of an STL Licence

3.6 An STL licence may include such conditions as the sub-committee thinks fit.

3.7 Any condition included in a STL licence may specify a date from which that condition is to have effect.

Grant of Licence and Conditions

3.8 The duration of the licence will be 3 years (maximum) unless determined otherwise by the sub-committee.

4 POLICY IMPLICATIONS

4.1 Licensing of Short-Term Lets is a statutory obligation for East Lothian Council. This report is based upon Legislation and Scottish Government guidance for licensing STLs.

5 INTEGRATED IMPACT ASSESSMENT

5.1 The subject of this report does not affect the wellbeing of the community or have a significant impact on equality, the environment or economy.

6 RESOURCE IMPLICATIONS

6.1 Financial – none.

6.2 Personnel – none.

6.3 Other – none.

7 BACKGROUND PAPERS

7.1 Scottish Government Guidance published in March 2022 – Short Term Lets in Scotland Licensing Scheme, Part 2 Supplementary Guidance for Licensing Authorities, Letting Agencies and Platforms.

- Appendix 1 Application Form
- Appendix 2 Mandatory conditions
- Appendix 3 Additional conditions
- Appendix 4 Objection (Constable)
- Appendix 5 Objection (Waddle)

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DESIGNATION	Team Leader – Licensing and Landlord Registration
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DATE	2 August 2023

CIVIC GOVERNMENT (SCOTLAND) ACT 1982

APPLICATION FOR GRANT / RENEWAL OF SHORT-TERM LET LICENCE

PART 1: ABOUT YOU

Are you applying as an individual or corporate entity?

Individual

Corporate Entity

Fill in if you are applying as an individual:

Your full name _____

Date of birth _____

Place of birth _____

Home Address _____

_____ Postcode _____

Tel. No. _____ Email address _____

Please provide your **home address history for the last 5 years** with no gaps or overlaps, starting with the most recent. Please confirm the dates you resided at these properties (continue on a separate sheet if necessary):

Addresses (last 5 years)	Postcode	Date from (mm/yy)	Date to (mm/yy)

Agent(s) & Day to Day Manager(s)

Do you have or intend to appoint an agent or day-to day manager?

Yes No

If you answered yes, please provide details for your agent(s) or day to day manager(s).

Full name _____

Date of birth _____

Tel. No. _____ Email address _____

Addresses (last 5 years)	Postcode	Date from (mm/yy)	Date to (mm/yy)

Joint Ownership

Is your property jointly owned? Yes No

If you answered yes, please provide details for all joint owners.

Joint owner(s) (continue on a separate sheet if necessary):

Full name	Date of birth	Addresses (last 5 years)	Email	Tel. No.

Individuals, please go to Part 2.

Corporate entities

Corporate entities, please complete the relevant sections on the following pages.
Fill in if you are applying as a corporate entity (e.g. company, partnership, trust or charity)

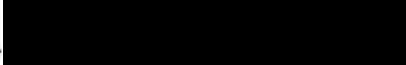
Corporate entity name PAPPLE STEADING LTD

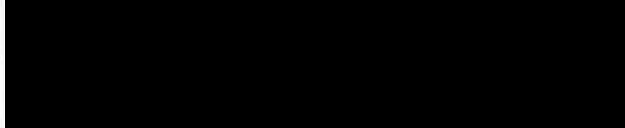
Limited company number (if applicable) SC664963

First name and surname VERITY SINCLAIR

Registered or principal office address PAPPLE STEADING,

HADDINGTON, EAST LOTHIAN EH41 4DD

Tel. No. 

Email address 

Names and private addresses and dates and places of birth of its directors, partners or other persons responsible for its management, including trustees in the case of charities (continue on a separate sheet if necessary).

Full name	Personal address	Place of birth	Date of birth
GEORGE MACKINTOSH	[REDACTED]	[REDACTED]	[REDACTED]
ERIANNE MACKINTOSH			

Please complete for all other named persons on the licence (e.g. any agent or day-to-day manager) (continue on a separate sheet if necessary):

Full name	Date of birth	Addresses (last 5 years)	Email	Tel. No.
VERITY SINCLAIR	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]

PART 2: APPLICATION AND LICENCE TYPE

(to be completed by all applicants)

Please select the application type:

First application (existing operator*)

First application (new operator)

New application (where property has been used as licensed STL previously)

Renewal

Change to existing licence

**This option is only available for applications made on or before 1 April 2023 by existing operators (ie those operating the premises in which a licence is being applied for as a short-term let on or before 1 October 2022).*

If you are applying to renew or alter your licence, please complete the following fields. If submitting a new application where the property has never been used as a licensed short-term let before, please proceed to '**The Type of Short Term Licence you require**' (below).

Existing licence number _____

Existing licence expiry date _____

If you are submitting a new application where the property has been used as a licensed short-term let before, please complete the following fields.

Previous licence number _____

Previous licence expiry date _____

Please select the type of short-term let licence you require:

Home sharing

Home letting

Home sharing & home letting

Secondary letting

If you do not own the property which is the subject of this licence application, do you have proof of permission from the owner(s):

Yes No N/A

If you are applying for a change to your existing licence, please indicate the reason for your request (e.g. a change of agent, changes to the property – e.g. an extension to increase maximum occupancy).

PART 3: PREMISES DETAILS

Premises Address RAPPLE STEADING. HADDINGTON

EAST LOTHIAN Postcode EH41 4DD.

Unique Property Reference Number (if known) 1236124133
1236124134

EPC Rating* C and F

**(if applicable – not required for home sharing or unconventional accommodation)*

Please select the type of premises:

Detached House Semi-detached house
Terraced House Flat
Unconventional accommodation

From the following options, please select the description that best describes your short-term let:

Self-catering B&B
Guest house Other form of home sharing
Home letting

Specify the number of rooms within the premises used as:

Bedrooms 10 Bed/Sitting rooms _____

Bathrooms 910 Kitchens 4

Lounges 4

Other (please specify) DINING ROOM, LIBRARY, STUDIO

Specify the maximum number of guests 20
(excluding children under 2 years of age)

Advise if you operated this premise as a short-term let prior to 1 October 2022

Yes

No

PART 4: CONVICTIONS

Has anybody named on the application been convicted of any offence? Please include details of any unspent convictions in the table below:

NAME	DATE	COURT	OFFENCE	SENTENCE

PART 5: APPLICATION CHECKLIST

Note – this check list must be fully completed in order to submit your application

I have enclosed the following (please tick to confirm (or enter N/A))	
Correct application fee	See East Lothian Council website ^{A390} Civic Licence Fees
Annual gas certificate (for premises with a gas supply)	Valid to: N/A
Electrical Installation Condition Report	Valid to: ✓ 24/05/26
Portable Appliance Testing Report	Valid to: ✓ 30/11/2023
Fire Risk Assessment	✓
Fire Service Safety Checklist	✓
Legionella Risk Assessment	✓ x 2
Planning permission (for premises within a control area or where requested by the licensing authority)	Planning application reference number: 17/00851/P
Floor plan	✓
EPC Certificate (for premises which are dwellinghouses)	Valid to: ✓ FEB 2030 & FEB 2033
Public Liability Insurance	Valid to: ✓ 18 th JULY 2023
Proof of consent from owner (if applicable)	N/A
Evidence of operation as a short-term let on or before 1 October 2022 (for existing hosts applying during transitional period)	✓

I have: (please tick to confirm (or enter N/A))	
Identified the owners and those involved in the day-to-day management of my premises	✓
Ensured that to the best of my knowledge all those named on my application are fit and proper persons	✓
Prepared information that will be available to guests at the premises including: (a) a certified copy of the licence and the licence conditions, (b) fire, gas and electrical safety information, (c) details of how to summon the assistance of emergency services, (d) a copy of the gas safety report, (e) a copy of the Electrical Installation Condition Report, and (f) a copy of the Portable Appliance Testing Report.	✓
Applied for planning permission (if required).	N/A
Noted the requirement to display my licence number and EPC rating on listings for my premises	✓
Proof that furniture and furnishings/the furniture and furnishings guests have access to, comply with fire safety regulations	✓
Read and understood the mandatory conditions that will apply to my licence	✓
Read and understood the additional conditions that will apply to my licence	✓

My premises (please tick to confirm (or enter N/A))	
Meets current statutory guidance for provision of fire, smoke and heat detection	✓
Meets statutory guidance for carbon monoxide alarms	✓
Meets the required regulations for private water supplies (for premises with a private water supply i.e not provided by Scottish Water)	N/A
Meets obligations with regard to the Tolerable and Repairing standard (applicable to dwellinghouses)	✓

PART 6: DECLARATION

East Lothian Council, as licensing authority, will use information it holds about you to determine whether you are a fit and proper person to operate a short-term let. In addition, licensing authorities to which you apply may share relevant information they hold about you with one another to help those authorities determine whether you are a fit and proper person to act as a landlord, or to act for a landlord. They may also share and seek relevant information with Police Scotland and, if appropriate, other relevant authorities.

Anyone who gives false information on this form, or fails to provide the information required by this form, is committing an offence which could lead to prosecution.

I declare that I have read and understood the mandatory conditions that apply to short-term let licences and East Lothian Council's additional conditions

I will comply with the requirement to display a site notice in accordance with paragraph 2 of Schedule 1 of the Civic Government (Scotland) Act 1982

I declare that the information given in this application is correct to the best of my knowledge

Signed



Print name

VERITY SINCLAIR

Date

20/04/23

DATA PROTECTION ACT 2018

Please note that the information given on this form may be stored electronically by this Authority for the purpose of licensing.

The Identity of the Data Controller under the Data Protection Act 2018 ("the Act").

East Lothian Council, John Muir House, Haddington, East Lothian EH41 3HA ("the Council")

The purpose or purposes for which the data are intended to be processed.

The Data will be processed in order for East Lothian Council to fulfil its statutory duty under the Civic Government (Scotland) Act 1982 in receiving, registering, determining and granting applications for licenses under the said Act. The Data will be shared with public bodies who require to be consulted about the application, such as the Police. It will also be shared with internal East Lothian Council services, particularly within the Environment Department who give advice to the Council as Licensing Authority, in respect of the application.

East Lothian Council is under a duty to protect the public funds it administers, and to this end may use the information you have provided on this form for the prevention and detection of fraud. It may also share this information with other bodies responsible for auditing or administering public funds for these purposes.

Further information can be obtained from:

Data Protection Officer
Licensing, Administration and Democratic Services
John Muir House
Haddington
dpo@eastlothian.gov.uk

SHORT-TERM LETS

MANDATORY LICENCE CONDITIONS

Agents

1. Only those named as a holder of the licence can carry out the day to day management of the short-term let of the premises.

Type of licence

2. The holder of the licence may only offer the type of short-term let for which the licence has been granted.

Fire safety

3. The holder of the licence must ensure the premises has satisfactory equipment installed for detecting, and for giving warning of—
 - (a) fire or suspected fire, and
 - (b) the presence of carbon monoxide in a concentration that is hazardous to health.
4. The holder of the licence must keep records showing that all upholstered furnishings and mattresses within the parts of the premises which are for guest use, or to which the guests are otherwise permitted to have access, comply with the Furniture and Furnishings (Fire Safety) Regulations 1988(a).

Gas safety

5. Where the premises has a gas supply—
 - (a) the holder of the licence must arrange for an annual gas safety inspection of all gas pipes, flues and appliances in the premises,
 - (b) if, after an annual inspection, any appliance does not meet the required safety standard, the holder of the licence must not allow a short-term let of the premises until the works necessary to bring the appliance to the required safety standard have been carried out.

Electrical safety

6. Where there are electrical fittings or items within the parts of the premises which are for guest use, or to which the guests are permitted to have access, the holder of the licence must—
 - (a) ensure that any electrical fittings and items are in—
 - (i) a reasonable state of repair, and
 - (ii) proper and safe working order,
 - (b) arrange for an electrical safety inspection to be carried out by a competent person at least every five years or more frequently if directed by the competent person,
 - (c) ensure that, following an electrical safety inspection, the competent person produces an Electrical Installation Condition Report on any fixed installations,
 - (d) arrange for a competent person to—
 - (i) produce a Portable Appliance Testing Report on moveable appliances to which a guest has access, and
 - (ii) date label and sign all moveable appliances which have been inspected.
7. In determining who is competent, the holder of the licence must have regard to guidance issued by the Scottish Ministers under section 19B(4) of the Housing (Scotland) Act 2006(a).

Water safety: private water supplies

8. Where the premises are served by a private water supply, the licence holder must comply with the requirements on the owners of private dwellings set out in the Water Intended for Human Consumption (Private Supplies) (Scotland) Regulations 2017(b).

Water safety: legionella

9. The holder of the licence must assess the risk from exposure to legionella within the premises, whether or not the premises are served by a private water supply.

Safety & repair standards

- 10.** (1) The holder of the licence must take all reasonable steps to ensure the premises are safe for residential use.
- (2) Where the premises are subject to the requirements of Chapter 4 of Part 1 of the Housing (Scotland) Act 2006, the holder of the licence must ensure that the premises meet the repairing standard.

Maximum Occupancy

- 11.** The licence holder must ensure that the number of guests residing on the premises does not exceed the number specified in the licence.

Information to be displayed

- 12.** The holder of the licence must make the following information available within the premises in a place where it is accessible to all guests—
- (a) a certified copy of the licence and the licence conditions,
 - (b) fire, gas and electrical safety information,
 - (c) details of how to summon the assistance of emergency services,
 - (d) a copy of the gas safety report,
 - (e) a copy of the Electrical Installation Condition Report, and
 - (f) a copy of the Portable Appliance Testing Report.

Planning Permission

- 13.** Where the premises is in a short-term let control area for the purposes of section 26B of the Town and Country Planning (Scotland) Act 1997(c) (“the 1997 Act”), the holder of the licence must, where the use of the premises for a short-term let requires planning permission under the 1997 Act, ensure that either—
- (a) an application has been made for planning permission under the 1997 Act and has not yet been determined, or
 - (b) planning permission under the 1997 Act is in force.

Listings

- 14.** (1) The holder of the licence must ensure that any listing or advert (whether electronic or otherwise) for the short-term let of the premises includes—
- (a) the licence number, and
 - (b) a valid Energy Performance Certificate rating if an Energy Performance Certificate is required for the premises, in accordance with the Energy Performance of Buildings (Scotland) Regulations 2008(a).
- (2) The holder of the licence must ensure that any listing or advert (whether electronic or otherwise) for the short-term let of the premises is consistent with the terms of the short-term let licence.

Insurance

- 15.** The holder of the licence must ensure that there is in place for the premises—
- (a) valid buildings insurance for the duration of the licence, and
 - (b) valid public liability insurance for the duration of each short-term let agreement.

Payment of fees

- 16.** The holder of the licence must pay any fees due to the licensing authority in respect of the licence on demand.

False or misleading information

- 17.** The holder of the licence must not provide any false or misleading information to the licensing authority.

Interpretation

- 18.** In this schedule—

“Electrical Installation Condition Report”
means a report containing the following information—

- (a) the date on which the inspection was carried out,
- (b) the address of the premises inspected,
- (c) the name, address and relevant qualifications of the person who carried out the inspection,

- (d) a description, and the location, of each installation, fixture, fitting and appliance inspected,
- (e) any defect identified,
- (f) any action taken to remedy a defect,

"Energy Performance Certificate"

means a certificate which complies with regulation 6 of the Energy Performance of Buildings (Scotland) Regulations 2008(b),

"Gas safety report"

means a report containing the following information—

- (a) the date on which the appliance or flue was checked,
- (b) the address of the premises at which the appliance or flue is installed,
- (c) a description of and the location of each appliance or flue checked,
- (d) any safety defect identified,
- (e) any remedial action taken,
- (f) confirmation that the check undertaken complies with the requirements of an examination of—
 - (i) the effectiveness of any flue,
 - (ii) the supply of combustion air,
 - (iii) subject to head (iv), its operating pressure or heat input or, where necessary, both,
 - (iv) if it is not reasonably practicable to examine its operating pressure or heat input (or, where necessary, both), its combustion performance,
 - (v) its operation so as to ensure its safe functioning,
- (g) the name and signature of the individual carrying out the check, and
- (h) the registration number with which that individual, or that individual's employer, is registered with a body approved by the Health and Safety Executive for the purposes of regulation 3(3) of the Gas Safety (Installation and Use) Regulations 1998(a),

"holder of the licence"

means any person to whom a short-term let licence has been granted or jointly granted,

"home letting"

means a short-term let consisting of the entering into of an agreement for the use, while the host is absent, of accommodation which is, or is part of, the host's only or principal home,

"home sharing"

means a short-term let consisting of the entering into of an agreement for the use, while the host is present, of accommodation which is, or is part of, the host's only or principal home,

"premises"

means the accommodation which is the subject of an application for a short-term licence or the subject of a short-term licence,

"repairing standard"

means the steps which the holder of the licence is required to take to comply with the obligations placed on the holder by Chapter 4 of Part 1 of the Housing (Scotland) Act 2006(b),

"secondary letting"

means a short-term let consisting of the entering into of an agreement for the use of accommodation which is not, or is not part of, the licence holder's only or principal home,

"short-term let"

has the same meaning as in article 3 of the Civic Government (Scotland) Act 1982 (Licensing of Short-term Lets) Order 2022,

"short-term let licence"

means a licence for a short-term let, and

"type of short-term let"

means one of the following purposes—

- (a) secondary letting,
- (b) home letting,
- (c) home sharing, or
- (d) home letting and home sharing.

SHORT-TERM LETS

ADDITIONAL LICENCE CONDITIONS

- 1.** If there is a material change of circumstance affecting the Licensee or the operation of the Short-term Let, the Licensee must inform the licensing authority as soon as possible. No alteration must be made to the property without the prior written consent of the authority.
- 2.** The licence holder must take steps to ensure that the property, fittings and furniture, including fire precautions, plumbing, gas and electrical installations, are maintained throughout the period of the licence to the standard required. The licence holder should hold all necessary certificates.
- 3.** To ensure an adequate electricity supply is maintained to the installed Fire Detection system, where credit card meters are in use, the Licensee will be responsible for ensuring that the meters remain in credit when the premises are unoccupied for any period exceeding 48 consecutive hours.
- 4.** The Licensee shall allow access to the premises at any reasonable time to the following officials for licensing purposes:
 - Any officer of East Lothian Council
 - Any officer of the Scottish Fire & Rescue Service
 - Any officer of Police Scotland
- 5.** The Licensee will be responsible for the day to day running of the premises, and for ensuring that guests comply with the terms of their Lease and in particular to deal effectively with any anti-social behaviour by guests to anyone else in the locality of the Short-term Let.
- 6.** Liquefied Petroleum Gas (LPG) shall not be used or stored on the premises.
- 7.** The licence holder shall comply with the current regulations regarding maximum re-sale prices of gas and electricity supplied, as appropriate.
- 8.** The licence holder should ensure that let rooms are fitted with a lever latch and secured with a suitable lock and thumb turn mechanism or other appropriate locking mechanism.

- 9.** The building should be maintained in a reasonable state of repair, having regard to its age, type and location. Garden and environmental areas should also be adequately maintained.
- 10.** Where a Short-term Let is in a shared building the licence holder must co-operate and participate in the general repair and maintenance of the building and the cleaning of common parts. Where the guests fail to participate in the cleaning of common areas or environmental areas, the licence holder will be expected to carry out the work.
- 11.** Adequate and suitable facilities must be provided for the storage and disposal of refuse. Where bins are provided to terraced and tenemental property they must be clearly identified by flat or property address. The licensee must ensure that the guests utilise the bins provided and ensure that refuse or bins are placed out on collection day and that bins are returned to the bin storage area following collection (where applicable).

Papple Steading Planning Ref 22/00485/P

Objection to Short Term Secondary Letting License

12.05.23

Dear Sir/Madam,

I am writing to raise an objection against the application for a short term let secondary license at Papple Steading EH41 4QD.

About me

I am the joint owner of the property at [REDACTED] We bought the property in 2012 as a home to semi-retire to and it is currently let on a private residential tenancy agreement, but we had a brief spell of short-term letting which taught me the hard way about the issues which holiday makers bring.

About the development

Mr Macintosh has developed the steading in two phases. The first phase of the development has been let out since summer 22 and offers 4 holiday lets for up to 20 people, with a further offer of a cart barn which is **partially open** offering activities for 60 people including football and table tennis.

Phase two of the development has planning permission (with conditions) for a further 9 holiday lets, a shop, a café for over 50 people, a sui generis bar, an auditorium to seat 150 people, conference facilities and a museum. **The nature and scale of this development will therefore have significant negative impacts on the local surroundings.**

One of the aims of licensing scheme set out by the Scottish Government is to assist with handling complaints and address **issues faced by neighbours effectively.**

The neighbours **have already faced several issues** relating to short-term letting to date and **these will be amplified and multiplied by Phase Two.** The holiday lets offer self-contained accommodation for 4-10 people, so **the total occupancy (13 units in total) is a real concern** to the local community who are **facing significant loss of amenity and social cohesion from this commercial development.**

In addition, **the churn created by up to 100 guests a week 360 days a year will bring significant negative environmental impacts.** The area has **valuable environmental capital** which the developer is exploiting. Papple Cottages and Little Papple are a group of residential properties in the heart of East Lothian countryside. All the fields surrounding the development and the cottages are owned by Papple Farm. The cottages are located within a Special Landscape Area – the Whittingehame to Deuchrie SLA (8) - as designated by East Lothian Council, and the development is adjacent to Papple Woods which form part of Biel Water Biodiversity Site.

Reasons for the Objection

There are reasonable grounds for this objection based on:

1.The applicant

Mr Macintosh has so far put through two extensive and detailed planning applications **without communicating these plans with the neighbours at any stage** and this has caused resentment and frustration within the local community. All that would be required would be for Mr Macintosh to walk 20 m across the road and to Papple Farm to the rear and put information through the letterboxes.

This has **never happened** and the latest notice for a short-term letting license only had the names of Mr Mackintosh and the manager Verity Sinclair **on a very small notice attached to a single post**. Failing to fully notify the neighbours about the extensive commercial development planned on their doorstep ignores the advice of the Scottish Government and should be simple **common courtesy towards the neighbours**.

Can the licensing board impose conditions which will result in the developer communicating regularly with his neighbours about his plans, so their voices are heard, and views exchanged?

The developer has already had private parties at which **fireworks** were in evidence and large **bonfires**, and he has created a **firepit** within the woods noted for their biodiversity. Noise and light pollution, cooking smells and fires all seriously affect the rich wildlife of the area which include badgers, owls, bats, hares, foxes and deer. There have been several roadkill incidents around the development and many episodes of careless driving since the development began. The **developer thinned Papple Wood without a felling licence which resulted in a warning letter from Forestry Scotland** earlier this year. This 'thinning' created space which allowed a good view of the accommodation, a giant plastic hare 'art installation,' various playground structures and a woodland walk – **none of which are conducive to a recognised Special Landscape Area and Biodiversity Site and all of which represent loss of amenity as well as demonstrating a lack of understanding of and consideration for nature**.

Can the licensing board impose conditions which will result in the developer working in harmony with nature and reducing the risk of fire? Can all bonfires, fireworks and barbeques be banned completely?

2. The location, character, condition, or type of accommodation

The current accommodation sleeps up to 20 people in 4 properties, one of which (Papple Farmhouse) sleeps 10 people. Phase Two will offer a further 9 self-contained properties sleeping approx. 4-6 people. The developer is **actively seeking large corporate groups** and an ongoing concern is that **this type of accommodation aimed at large groups** will also attract events such as weddings, hen and stage parties with the associated unwanted noise and anti-social behaviours completely unsuited to the local area. **The developer risks being accused of discrimination if he rejects applications for accommodation**.

How will the licensing board limit large groups and prevent the associated unwanted noise and anti-social behaviours completely unsuited to the local area created by them?

Can arrival and leaving times be restricted to working hours, with any evening events finishing by 10pm?

3. The possibility of undue public nuisance, public order or public safety

Phase Two includes an auditorium for 150 people which would lend itself to a wedding venue. In addition, **there are several outdoor courtyards from which sound carries, particularly as stone or equivalent hard surfaces may amplify noises and cause echo**. A noise survey from Sandy Brown in April 2022 measured the **current background sound level as 22dB which is described as 'barely audible'** - 15 decibels is the sound of a pin dropping. Currently, residents can clearly hear all manner of noise from the steading, loud voices, dog barking, machinery, cars, and delivery lorries coming and going, so open courtyards are a real concern. ***How will the licensing board license limit the impact of the noise these group celebrations would create especially from outdoor courtyards?***

Alcohol is implicated in an enormous amount of crime and disorder, including anti-social behaviour. **A sui generis bar is planned which could contribute to these unwanted behaviours**. People on holiday are not invested in the local area and are unlikely to consider the consequences of their behaviour. The high turnover of guests in short-term lets requires new people to learn and observe the proper behaviours and increases the chance of some people wilfully or negligently failing to behave appropriately.

How will the licensing board manage this 'sui generis' bar to prevent alcohol related unwanted behaviours? Should it be permitted?

4. The impact on privacy and security of neighbours

The constant presence of strangers in the local area is threatening to privacy and security and undermines the social cohesion of the local rural community. **Papple Steading has extremely limited space within its boundary and the likelihood of overspill onto the surrounding roads is high.** Guests staying at the facility can look directly onto residents' homes and gardens which represents a loss of privacy. The developer recently cut off branches from a tree in my garden without my permission and took it upon himself to cut back the deep vegetation along the verge fronting our property so exposing the boundary wall and making it less stable and secure. **This behaviour was completely unacceptable, intimidating and threatening. Residents have the right to privacy and to feel safe.** Animals graze in the fields all around the development and short-term letting requires new people to behave appropriately around them by keeping dogs on a leash for example.

How will the licensing board protect residents' privacy and security, as well as managing potential conflicts between guests and farming?

5. Impact on public services and residents' amenity

Holidaymakers produce **more household waste** than would be expected from residential use, leading to full or overflowing bins (leading to littering and vermin) and **regular pickups of waste from large HGVs.** 13 family sized properties will produce a lot of waste and recycling both daily and weekly.

This will lead **likelihood of increased noise and general disturbance from service vehicles arriving day and night.**

The **overcapacity of the site** raises further concerns about noise, congestion, and road safety.

How will the licensing board manage public services in order that residents will not experience increased noise and disturbance from delivery and waste services HGVs?

Can the licensing board set maximum occupancy at a level that minimises the impact on residents' amenity?

Thank you for considering my objection. There are **many conditions which could be added** to a short-term license for this sizeable development, which would help to protect residents' amenity and reduce the impacts created by a developer who is likely to place profit over nature and people.

Yours faithfully,

Fiona Constable

[Redacted signature area]

Short Term Lets

From: Licensing
Sent: 18 May 2023 15:59
To: Short Term Lets
Subject: FW: OBJECTION PLANNING REF 22/00485/P

From: Emma Waddle [REDACTED]
Sent: 18 May 2023 15:16
To: [REDACTED] Licensing <licensing@eastlothian.gov.uk>
Subject: OBJECTION PLANNING REF 22/00485/P

CAUTION: This email originated from outside of the organisation. Do not click links or open attachments unless you recognise the sender and know the content is safe.

Papple Steading Planning Ref 22/00485/P

MY OBJECTION TO SHORT TERM SECONDARY LETTING LICENSE

To whom it may concern

I would like to put forward my objection for the planning application for short term secondary license at Papple Steading EH41 4QD.

I own and reside at [REDACTED]. I moved to the area because of how quiet it was, such a beautiful escape from an otherwise hectic world, the wildlife, the darkness, the stillness which is so rare to find and this now is to be destroyed by a business man from the city who has come to our small place of outstanding natural beauty in order for him to capitalise on this and let's not kid ourselves MAKE MONEY!!!! It should not even be considered that this further planning go ahead, and this is my reason for my objection. We have had many noise issues since the 4 holiday lets have been operating since 2022, an endless amount of dead wildlife, illegal tree felling and untold amounts of litter and near misses with the increase in traffic. This proposed increase to 100 guests a week 360 days a year will bring significant negative environmental impacts and major negative health impacts on the residents who moved here to escape. In Papple you can hear a pin drop so the noise which would come from the endless celebrating and holiday makers at the Steading would have a huge impact, I have made bullet points of concerns which **MUST** be addressed.

- The impact on privacy and security of neighbours, strangers in the local area (6 cottages) especially when drink is involved.
- Increased noise levels, Papple is very quiet, you can hear a pin drop, we already hear everything from the steading, voices, music etc.
- Traffic, the roads are already too small for the tiny amount of traffic how will the infrastructure cope with more traffic?
- Light and noise coming from the steading, what time restrictions will be put on this, this is not fair to residents?
- Safety of wildlife and grazing farm animals
- Anti-social behaviour when the bar opens.

The applicant George Macintosh has never informed the residents of Papple of his intentions for further planning (nor in the past) this has caused some resentment and lots of frustration with the small community of 6 cottages. As a community we have been made to feel very unwelcome and are faced with hostility daily this is not acceptable and very unfair that our lives have been impacted and will continue to be impacted unless conditions are set for Mr Macintosh. We should have been informed about this earlier and given the correct amount of time to object, I have only seen the A4 piece of paper tied with string to a post on Mr Macintosh's land with no further details of dates etc and who to object to, is this even legal???? It seems that Mr Macintosh is above the law, even cutting down the neighbour's hedges and trees to make the roads seem wider for his venture to be approved!

I do hope you will consider the objections and the negative impact this money-making scheme will have on so many levels within Papple.

Kind regards

Emma Waddle.

Sent from my iPhone

NHS Coronavirus Information

**Keep using
Covid sense**

 NHS

gov.scot/coronavirus

