

NOTICE OF REVIEW 07 NOV 2023

Under Section 43A(8) Of the Town and County Planning (SCOTLAND) ACT 1997 (As amended) In Respect
of Decisions on Local Developments
The Town and Country Planning (Schemes of Delegation and Local Review) (SCOTLAND)
Regulations 2013
The Town and Country Planning (Appeals) (SCOTLAND) Regulations 2013

RECEIVED

IMPORTANT: Please read and follow the guidance notes provided when completing this form. Failure to supply all the relevant information could invalidate your notice of review.

PLEASE NOTE IT IS FASTER AND SIMPLER TO SUBMIT PLANNING APPLICATIONS ELECTRONICALLY VIA <https://www.eplanning.scot>

1. Applicant's Details		2. Agent's Details (if any)	
Title	Ms	Ref No.	
Forename	Katherine	Forename	
Surname	Seale	Surname	
Company Name		Company Name	
Building No./Name		Building No./Name	
Address Line 1	8b Bellfield Ave	Address Line 1	
Address Line 2		Address Line 2	
Town/City	Musselburgh	Town/City	
Postcode	EH21 6QU	Postcode	
Telephone		Telephone	
Mobile		Mobile	
Fax		Fax	
Email		Email	
3. Application Details			
Planning authority	East Lothian Council		
Planning authority's application reference number	23/00714/P		
Site address	1B Shorthope Street, Musselburgh EH21 7DB		
Description of proposed development	Change of use of flat to short term holiday let (Retrospective)		

Date of application

Date of decision (if any)

Note. This notice must be served on the planning authority within three months of the date of decision notice or from the date of expiry of the period allowed for determining the application.

4. Nature of Application

- Application for planning permission (including householder application)
- Application for planning permission in principle
- Further application (including development that has not yet commenced and where a time limit has been imposed; renewal of planning permission and/or modification, variation or removal of a planning condition)
- Application for approval of matters specified in conditions

5. Reasons for seeking review

- Refusal of application by appointed officer
- Failure by appointed officer to determine the application within the period allowed for determination of the application
- Conditions imposed on consent by appointed officer

6. Review procedure

The Local Review Body will decide on the procedure to be used to determine your review and may at any time during the review process require that further information or representations be made to enable them to determine the review. Further information may be required by one or a combination of procedures, such as: written submissions; the holding of one or more hearing sessions and/or inspecting the land which is the subject of the review case.

Please indicate what procedure (or combination of procedures) you think is most appropriate for the handling of your review. You may tick more than one box if you wish the review to be conducted by a combination of procedures.

- Further written submissions
- One or more hearing sessions
- Site inspection
- Assessment of review documents only, with no further procedure

If you have marked either of the first 2 options, please explain here which of the matters (as set out in your statement below) you believe ought to be subject of that procedure, and why you consider further submissions or a hearing necessary.

I am submitting further written documents due to the councils decision on the application. Council states the flat "is incompatible with and harmful to the amenity of the occupants of other flatted properties" I am submitting further documents to show otherwise.

7. Site inspection

In the event that the Local Review Body decides to inspect the review site, in your opinion:

- Can the site be viewed entirely from public land? ~~NO~~
- Is it possible for the site to be accessed safely, and without barriers to entry? ~~NO~~

If there are reasons why you think the Local Review Body would be unable to undertake an unaccompanied site inspection, please explain here:

The property has a coded gate that can not be accessed unless you have the code, therefore the property can not be viewed from public land.

8. Statement

You must state, in full, why you are seeking a review on your application. Your statement must set out all matters you consider require to be taken into account in determining your review. Note: you may not have a further opportunity to add to your statement of review at a later date. It is therefore essential that you submit with your notice of review, all necessary information and evidence that you rely on and wish the Local Review Body to consider as part of your review.

If the Local Review Body issues a notice requesting further information from any other person or body, you will have a period of 14 days in which to comment on any additional matter which has been raised by that person or body.

State here the reasons for your notice of review and all matters you wish to raise. If necessary, this can be continued or provided in full in a separate document. You may also submit additional documentation with this form.

I am seeking a review of my application as I believe the councils decision to reject my application does not affect the neighbors as the council states. I have provided a document with a statement & signatures from 1A & 1C neighbors, confirming they give their acceptance for the flat to continue to be rented as a short term rental. 1D lives in Portugal for most of the year and I unfortunately haven't been able to get in contact with her via the number she provided me.

I have a great relationship with all the owners in the flat and they have been very happy for the flat to continue being used as a short term rental as I pay for the communal stairway & garden to be cleaned and maintained. This I do at a cost to myself and do not burden the other flats with this.

Since taking ownership of 1B Shorthope Street, I have improved the communal space tremendously. The stairwell was plastered and painted and the carpets cleaned (bad smell of dog from the past owner).

The garden was pruned heavily, new seed put down for the lawn, garden beds created to give the space shape, pressure washed all the cement pathways which were covered in thick moss. Organised new council bins for everyone with a broken lid. And installed a new coded gate to prevent people from the street using the garden as their own, which was posing a big security risk. I continue to arrange for the garden to be mowed & leaves swept & for the communal stair way to be vacuumed and dusted fortnightly. I am adding to the building & by no means making things worst for the other residents.

Have you raised any matters which were not before the appointed officer at the time your application was determined?

Yes No

If yes, please explain below a) why your are raising new material b) why it was not raised with the appointed officer before your application was determined and c) why you believe it should now be considered with your review.

9. List of Documents and Evidence

Please provide a list of all supporting documents, materials and evidence which you wish to submit with your notice of review

1. Owner signature form
2. Location 1B Shorthope Street - Reply to Council

Note. The planning authority will make a copy of the notice of review, the review documents and any notice of the procedure of the review available for inspection at an office of the planning authority until such time as the review is determined. It may also be available on the planning authority website.

10. Checklist

Please mark the appropriate boxes to confirm that you have provided all supporting documents and evidence relevant to your review:

- Full completion of all parts of this form
- Statement of your reasons for requesting a review
- All documents, materials and evidence which you intend to rely on (e.g. plans and drawings or other documents) which are now the subject of this review.

Note. Where the review relates to a further application e.g. renewal of planning permission or modification, variation or removal of a planning condition or where it relates to an application for approval of matters specified in conditions, it is advisable to provide the application reference number, approved plans and decision notice from that earlier consent.

DECLARATION

I, the applicant/agent hereby serve notice on the planning authority to review the application as set out on this form and in the supporting documents. I hereby confirm that the information given in this form is true and accurate to the best of my knowledge.

Signature:



Name: katherine seale

Date: 31/10/23

Any personal data that you have been asked to provide on this form will be held and processed in accordance with Data Protection Legislation.