



Client: East Lothian Council Planning Department

Property: 46A High Street North Berwick EH39 4HQ

Appeal against Planning Refusal

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Introduction

1.1 Description

This document is the basis of an appeal against the Planning Refusal to operate 46A High Street North Berwick as a Short Term Let (STL).

The application number is 23/01254/P.

1.1.1 Scope of the Appeal

The scope of this appeal is to make a case for 46A High Street North Berwick to continue as a Short-Term Holiday Let as it has been since May 2015.

2 Executive Summary

2.1 Basis of the Planning Refusal

ELC Planning Department stated that the refusal was based on the following documents:

The holiday let use of the flatted property is incompatible with and harmful to the amenity of the occupants of other flatted properties used as residential dwellings within the residential building of 46 High Street, North Berwick and as such is contrary to part e) of Policy 30 of National Planning Framework 4 and Policy RCA1 of the adopted East Lothian Local Development Plan 2018

2.2 Extract from Policy 30 of National Planning Framework 4

(e) Development proposals for the reuse of existing buildings for short term holiday letting will not be supported where the proposal will result in:

(i) an unacceptable impact on local amenity or the character of a neighbourhood or area; or

(ii) The loss of residential accommodation where such loss is not outweighed by demonstrable local economic benefits.

2.3 Basis of our Appeal

- (i) Our property has been operating as a Holiday Let since May 2015 long before the National Planning Framework was introduced.
- (ii) In the 9 years that we have been operating there has been no record of anti-social behaviour or complaints from the neighbour below. This proves that there has been no unacceptable impact on local amenity or character of a neighbourhood.
- (iii) We will cite other properties in North Berwick that have been granted Planning Approval that are like ours.
- (iv) Section (ii) of the National Planning Framework makes reference to loss of residential accommodation however ELC Housing stated the following in the Planning Report *“The Council's Housing Strategy & Development Service state that the change in use of this property from a long term residential dwelling to a short term let is not a significant loss because (i) the property has been a short term let since 2015; and (ii) the property has an estimated annual occupancy rate of over 6 months. Accordingly, the Council's Housing Strategy & Development Service raise no objection to this retrospective planning application”*.
- (v) Section (ii) of the National Planning Framework refers to demonstrable local economic benefits. *The East Lothian Economic Development Strategy 2012-22 identifies tourism as one of the strengths of the East Lothian economy and a source*

of employment opportunities in the future and the adopted East Lothian Local Development Plan 2018 states that a range of hotel, guest house and other accommodation attracts visitors and encourages them to stay and benefit the economy of East Lothian. The adopted East Lothian Local Development Plan 2018 states that all leisure and tourism related development proposals, including visitor attractions, hotels, and **holiday accommodation**, will be assessed against all relevant Local Development Plan policies. North Berwick has the Marine Hotel which is unaffordable to many families holidaying in the Town and there is a general shortage of cheap holiday accommodation. STL's provide significant financial contribution to the town and help to support Fringe by the Sea, Scottish Open Golf, ELC Tennis Tournament amongst many other events in the town.

- (vi) Our property has an annual occupancy rate of 65% therefore for 35% of the year the flat lies empty. If the flat was to be returned to a residential let, then significantly more traffic in the common stairwell would exist.
- (vii) Our final point refers to a flat in the High Street that was sold recently. A couple from Durham bought the property, and they intend to use it as a holiday home for them and their family. This would result in the property being occupied for circa 6 weeks in the year. The Town exists on tourism and has been well known as a tourist destination for centuries. STL properties maintain the structure of North Berwick and contribute significantly to the growth and economic development and provide affordable accommodation for families.

3 Detail of the Appeal

3.1 History of our Property

We have been operating as a Short-Term Holiday Let since May 2015. The property was initially let through Coast Holiday Lets and then North Berwick Holiday Homes. We have been operating through Airbnb and some private holiday lets since 2018. We achieve a 66% occupancy rate and average 70 lets throughout the year. We would say that most of our lets are families and a small percentage of couples having long weekends out with the peak holiday season.

3.2 Anti-Social Behaviour

In the 9 years we have been operating we have had no incidents of anti-social behaviour from any of our guests. Our one and only neighbour occupying 45 High St is willing to provide written confirmation substantiating our claim.

3.3 Other Similar Properties in North Berwick operating as a STL.

Our flat has a common entrance that splits into 2 separate stair cores. There is only one flat the is affected by foot traffic in the common stairwell.

We would ask you to consider 39C Westgate North Berwick that achieved Retrospective Planning approval to operate as a STL which has a common stair. Planning application 23/01525/P. This property is very similar to ours in that there is another resident that may be affected by holiday guests entering and leaving the block. We would that our property will operate in a similar manner.

3.4 Loss of Residential Accommodation

ELC Housing Department stated that they had no objection for us to operate as a STL. Therefore section (ii) of Policy 30 National Plan Framework 4 should not apply to our application.

3.5 Local Economic Benefits

As stated, we have on average 70 families staying in our property at say 4 persons per stay. We have 66% occupancy which equates to 241 nights. If you were to take an average spend in retail/pubs and restaurants of £50/person/night that would equate to nearly £50,000 going into the local economy. This helps to maintain small businesses in the Town.

3.6 Disturbance to Neighbours

We would suggest that if our property was a residential let occupied by a family of four it would create a far greater to our solitary neighbour as they would be using the common stair 365 days in the year.

Our STL operation only operates for 241 days in the year therefore there is 124 days in the year where there is no foot traffic in the common stair.

3.7 History of Property Sales in North Berwick

The value of properties in the Town remains very high and our valuation of our property is in the region of £340,000. Therefore, it is unlikely that first time buyers will be able to afford to buy 46A High Street.

So, we find that recent property sells indicate that affluent buyers from London are now buying properties like ours to use as a second home for holiday use. That could result in the property being occupied for circa 6 weeks in the year resulting in a significant loss of revenue for the Town.

3.8 Recent Media Reports

It has been reported that with the continuing loss of affordable holiday accommodation the properties that exist can put up their prices. We can see this happening in Edinburgh with hotels doubling their room rate.

It has also been confirmed by Airbnb and other operators that the search hits for holiday lets for East Lothian has reduced in recent months. Potential customers are looking for cheaper accommodation in the North of England and elsewhere, therefore the reduction in STL's is already having an impact on the local economy.

North Berwick has always been a holiday town and STL's provide affordable accommodation for families choosing to stay in the UK.

4 Conclusion

We would ask that East Lothian Council consider our appeal to continue to operate as a STL and grant us with Retrospective Planning Approval based on the points listed within this report.

The fact and degree of the change that has taken place at 46A High Street is minimal when compared with a permanent residential use, it is our view that the “development” as set out in section 26 of the Planning act did not take place here when the change was initiated on the 30th of July 2016. We were operating as a STL over one year earlier.

It follows that if no material change of use has taken place, no development has taken place.

As explained in Appendix F of Planning Circular 10/2009, unless the Council has reason to reach a different conclusion, the logical outcome of this appeal is to grant retrospective planning for this property.

In addition, we harmoniously integrate with the first floor flat below and the retail unit Time and Tide on the ground floor. We co-ordinated trades to repair a water main leak and also organised a serious roof leak recently. Both repairs were co-ordinated and paid for by us, demonstrating how well we integrate with other owners in the block.

5 Appendices

5.1.1 Appendix 1



Our top floor flat with only one flat underneath