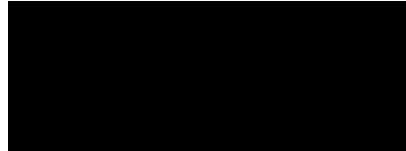


Clerk to the Local Review Body  
Committee Team  
Communications & Democratic Services  
John Muir House  
Haddington  
East Lothian  
EH41 3HA  
22<sup>nd</sup> June 2024  
Application No. 23/01433/P

Mrs Karen Baird



Dear Clerk

I am writing to request that the Planning Authority reviews my case under section 43A of the Town and Country Planning (Scotland) Act 1997

**Please review the decision to Refuse Retrospective Planning Permission for change of use of flat at 6a Forth Street Lane, North Berwick, EH39 4JB for use as a Short Term Holiday Let.**

I am so incredibly disappointed and aggrieved that I followed all the instructions within the timescales required at a great cost of £1,770 only to have my application refused on the basis of 'mights and maybes' in relation to the one flat above, despite not having incurred a single complaint or cross word in the 8 years that I have offered the flat for holiday let in the times in summer that myself and my family have not been using it.

I have outlined my experience of the process below and then offered my reflections around the reason for refusal for your consideration.

Process -

**25th September 2023** - Short Term Holiday Let Licence Fee paid to ELC - £390

**28th September 2023** - Application for Short Term Holiday Let Licence (STL) Application submitted & received by ELC for property at 6a Forth Street Lane - North Berwick - EH39 4JB

**20th October 2023** - ELC website still reads that - ELC has NOT designated any Control Areas which would require Planning Permission for change of use to a Holiday Let however this will be reviewed.

However it also stated that if 'one' applies for STL without Planning Permission then ELC will refuse to consider the Application

I email the Planning Department for clarification -

**25th October 2023** - I received an email from the Environment Reception at ELC asking for a long list of additional questions to the STL Application to be answered BEFORE they could make any comment on whether Planning Permission would be required

**NO mention of / or reference to Clause - e) of Policy 30 of NPF4 & Policy TC2 ( which becomes the clause on which Refusal of Planning permission is based )**

**1st December 2023** - I submit Planning Application via e-planning portal  
cost - £650

**4th December 2023** - My hand drawn Floor Plans are rejected - must come from Architect / Planning Office

Cost of professional plans - £400

Copy of my Title Deeds for further info required by Planning - Cost £180.92

Additional long list of questions also received in this email despite my already having answered most of the points in the email of 25th October.

**Still NO mention of / or reference to Clause - e) of Policy 30 of NPF4 & Policy TC2 ( which becomes the clause on which Refusal of Planning permission is based )**

**5th February 2024** - I submitted the professional Plans and additional information via e-planning portal as requested

This submission required an additional payment to be made - before the portal would accept the application - for the Application being Retrospective

Cost - £150

**28th March 2024** - I received an email containing an 'Officer Report' which states -  
Planning Application for change of use to Short Term Holiday Let - REFUSED  
Appeal can be submitted by 28th June 2024 otherwise Trading must cease

**I would like to highlight that in the Planning Assessment -**

NO Public Objection to this Application

NO objections from Neighbours in Flat Above (shared entrance) or Below (separate entrance)

NO objection from the Council Anti-social Behaviour Team in 8 years operating as a Holiday Let

NO objection from Police Scotland - No incidents in 8 years operating as Holiday Let

NO objection from Council Road Services

SUPPORT from Council Economic Development Service due to local economic benefits delivered by all types of short term holiday lets in East Lothian

**REASON for REFUSAL is given as -**

The Holiday Let use of the flatted property is incompatible with and harmful to the amenity of the neighbouring flatted property used as a residential dwelling within the residential building and as such is contrary to part e) of Policy 30 of National Planning Framework 4 and Policy TC2 of the adopted East Lothian Local Development Plan

**I would like to offer the following reflections in response to this -**

The Refusal is based on potential disturbance to the Flat above our property -

**1** - The Flat above is not owner occupied - It is offered as a long term let and has been occupied by several different parties over the last few years - therefore the people coming and going are also not consistent

**2** - We share an entrance hall and one flight of 14 stairs to our property's front door - The resident of the flat above then proceeds up a further 2 flights of stairs before reaching the front door of that property - the front door of that property is therefore hidden from view from the front door to our property.

**3** - The building was built 1890 - it is a solid building of stone construction with relatively high ceilings - Our property is sandwiched in the middle and you cannot hear people moving around in either the upstairs flat nor the downstairs flat - Music has to be played very loudly for any sound to be heard.

Likewise voices cannot be heard at all unless people are shouting loudly.

**4** - We clean the Hallway weekly - touching up paintwork and paying for the carpet to be professionally cleaned every 6 months – We also maintain 2 sensor lights on the flight of shared stairs - the upstairs resident benefits from all of this.

**5** - We have a good relationship with the current upstairs resident [REDACTED] and she is happy to state that she has no complaints around disturbance, noise or security.

**6** - Our property has only 2 bedrooms - the majority of those who rent it are couples and mostly middle aged - it doesn't have enough space for any kind of noisy party.

**7** - Rubbish leaving the property is one kitchen bin bag - usually hardly half full as people generally eat out - I know this as the cooker is seldom used.

**8** - We clean the property ourselves so there is NO cleaning company coming and going.

**9** - Total cost of Application has been £1770 and at no point in the application process has reference been made to - e) of Policy 30 of National Planning Framework 4 and Policy TC2 of the adopted East Lothian Local Development Plan where we may have been able to ascertain that our application was most likely to be rejected.

**10** - In Edinburgh the Court found that it was unlawful to ask people to apply for retrospective planning permission – so my question is - Why is this going ahead in North Berwick / East Lothian ?

**11** - I watched Prime Ministers questions from the Scottish Parliament 2 weeks ago – Kate Forbes was taking the questions - Christine Graham asked a question around the Short Term Holiday Let process, highlighting the impact on tourism in Scotland - Kate Forbes answered that the legislation was brought in to ensure higher standards of accommodation are provided for visitors and that the whole process is under review and findings would be announced later in the summer - therefore - Why is ELC issuing Refusals and instructions to Close Down Holiday Let individuals before this review is delivered ?

And we have always provided a very high standard of accommodation at 6a Forth Street Lane - we have always had in place - the fire alarms, carbon monoxide alarms, fire extinguishers, annual gas inspections, PAT testing and all useful & local information for our guests

I have been a Superhost on Airbnb for many years which means that guests must continually rate the property and service above 4.5 out of 5.

**12** - If Retrospective Planning is again Refused on my Appeal - Our property will sit empty when we are not using it which means hundreds less ice creams, coffees, restaurant lunches & dinners will be purchased by those who would have stayed in our apartment.

This seems to me unnecessary when the refusal reasons relate to only one flat above which is not owner occupied.

And - it states in the Officer Report that flat lets such as ours Support the Councils Economic Development Strategy for providing accommodation for the multitude of visitors who would like to come and experience beautiful North Berwick and wider East Lothian area.

**13** – My husband and I consider ourselves part of the North Berwick community and believed we were helping contribute to that community by offering our flat for holiday let when we are not using it ourselves.

We feel that the Refusal for us to continue is based on 'mights and maybes' for disturbance to the flat above that just aren't based on the last 8 years of holiday let experience.

This is not a huge income generating business for us - it merely allows us to pay the mortgage on this flat and continue to contribute to the North Berwick community.

I would very much appreciate to know how this appeal will be heard / considered ?

I look forward to your reply

Yours Sincerely

Karen Baird