

[REDACTED]
[REDACTED]
[REDACTED]

Clerk of Local Review Body
Committee Team
Communications and Democratic Services
John Muir House
Haddington
East Lothian
EH41 3HA

RE: Planning Refusal – APPEAL – 19A, High Street, Haddington, EH41 3ES

Dear Sir/Madam,

I write in sadness and surprise at the Planning decision, for Application 23/01496/P.

I wish to appeal against the planning department's decision to refuse retrospective planning permission on the following grounds:

The SOLE reason planning was denied, as expressed in the planning decision was, *"The holiday let and local worker 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 19 High Street and as such is contrary to part e) of Policy 30 of National Planning Framework 4 and TC2 of the ELLDP. No material planning considerations outweigh this conflict with the Development Plan."*

However, it is clear that the Planning Department did not speak to either of our neighbours. [REDACTED] who is the only owner occupier in the Block [REDACTED], has subsequently written us a letter of support. The neighbours at [REDACTED] are tenants and we have not been able to catch up with them. As we write to the "democratic services", surely those who are "affected" should be at least spoken to. An assumption that a short let is detrimental to life in a tenement is tantamount to an outright planning ban, which I believe was ruled unlawful by Lord Braid in the Judicial Reviews of 2023.

It should be noted that East Lothian Council granted the property a licence on November 17th 2023 (EL00171F) for 3 years. This at least suggests that the Council Licensing Team saw nothing wrong with our application. Further, in the planning determination, no other factors (other than that named above) ran contrary to any planning or licensing requirements.

I quote now from our Planning Refusal Letter:

“As set out above, no alterations have been undertaken to the property, either internally or externally, to facilitate the retrospective change of use and none are proposed through this application. Accordingly, the proposal does not have a detrimental impact on the character and appearance of this part of the Haddington Conservation Area or an appreciable impact on the building as a Category B listed building of special architectural or historic interest. Nor does the proposal have an impact on the site of archaeological interest under ref: MEL6592 in which it is situated on. On these considerations, the proposal does not conflict with Policy 7 of NPF4 or with Policies CH1, CH2 or CH4 of the adopted East Lothian Local Development Plan 2018”

“The Council's Housing Strategy & Development Service state that the change of use of this property from a long-term residential dwelling to a short term let is not considered a significant loss to residential housing stock because the property consists of a one bed or two bedroom; as originally built. Consequently, the Council's Housing Strategy & Development Service raise no objection in respect of this application.”

“The Council's Economic Development Service Manager advises that there are demonstrable local economic benefits delivered by all types of short-term holiday lets in East Lothian and that existing provision of this type of accommodation must be retained, protected and supported where there is no demonstrable impact on local amenity, the character of the area or loss of residential accommodation.”

“Therefore, the Council's Economic Development Service Manger supports this retrospective planning application stating that the change of use of the flat to short term holiday let accommodation supports the strategic goals and objectives of the Economic Development Strategy 2012-2022 and the intent and outcomes of part e) of Policy 30 of NPF4.”

As mentioned, it appears that there is one over-riding, single reason why the planning team decided to refuse Retrospective Planning and this is based on erroneous assumptions that the flat being used as an STL is “s incompatible with and harmful to the amenity of the occupants of other flatted properties used as residential dwellings within the residential building of 19 High Street”. Previously, we had a young family as tenants and they worked shifts (the male adult worked at a supermarket and the female, worked various shifts at a childcare operation and was flexible in order to minimise their own childcare needs. The male would often leave before 6am or come home after 11pm. As they worked different shift patterns, there was clearly more “comings and goings” from either 2 or 3 workers working at the same location and role (our current Monday to Friday guests) or a family visiting the area who leave in the morning and come home later. The Planning Department’s misconception that STL use creates more “traffic” in the stair is completely and demonstrably false. Yet, it is the golden pill that they stand behind for their “Change of Use” refusal.

Despite the Planning Department’s insistence that a Material Change of Use has occurred, we still dispute this. No more people ever stay there than a small family. The traffic created by running it as an STL is no more – but potentially less - than a young family. The planning team’s assumption is

simply based on anecdotal falsehoods. We would like to know how, in this respect, the running of 19A as an STL is “harmful to amenity of the occupants of other flatted properties in 19, High Street”. We have confirmation from [REDACTED], that this is also not the case! I do not believe the Council Planning Department has the required evidence to say that it does.

We also wish to draw your attention to the fact, that despite being in a mixed use block (downstairs is a chemist), above us we have tenants and above them an owner occupier, our guests do NOT pass any other residential flat to access ours.

The flat is professionally managed by husband’s company, Evergreen Property, who have been operating for 10 years this September. They manage many flats and pride themselves on the professionalism shown to neighbours as well as guests. The cleaning is carried out by my own company, Landlords’ Little Helper, based in Leith. We have been operating for over 7 years and all cleaners and other staff that may attend the flat, are sensitive to potential issues that Councils and Planning Departments may have regarding the loss of amenity for other occupants of the building and it is built into extensive training for them to be courteous and to even clean up communal areas if needed.

Lastly, the owners and residents of 19, High Street are working together to secure the outer door to the close from the High Street. Our guests and other residents have recently had the unfortunate experience of a group of young people coming in to the communal area, behaving inappropriately and leaving all their fish and chip wrapping on the floor – they could not even use the bins! A cooperative approach is needed to stop these things happening again and we are working with [REDACTED] to find a secure way forward.

We would love the opportunity to speak further about how we feel that, as an STL and STL owners, the neighbours are happier (not angry as the planning department believe) than having tenants. And we are happy to meet with anyone at any time to discuss further.

We are upset, a bit bitter and very disappointed that, despite approaching Planning voluntarily to dot the i’s and cross the t’s that the application has been rejected on one ill-informed ground. We are also upset that we spent the money on the Planning Application, jumped through the many hoops and over the many hurdles to try and run and locally important service, for it to be dismissed on a pre-judged statement not based on the views or beliefs of our neighbours.

We look forward to hearing from you in due course,

Mrs Jennifer and Mr Barry Burton

Enc:

- Letter of Support from Neighbour at [REDACTED]
- Letter of Support from current mid-week guests (regular Monday – Friday since November 2023 and currently booked until start of August)
- Licence Certificate from ELC issued 17th November 2023



Letter of support

2 messages

[REDACTED]

23 May 2024 at 19:38

To whom it may concern

I am a resident owner of [REDACTED] in [REDACTED]. We have lived here for a number of years and have been in regular contact with the owner of [REDACTED] in the building. We are aware that the property has been run as a short term let since May 2022. We are happy with the property operating as a short term let and haven't had any problems with the guests, and haven't been disturbed by them. The property is well managed, and if there were any problems I know exactly how to get hold of the owners (Jen Burton) and the management company (Evergreen Property) so they can quickly resolve any problems.

I was surprised to hear that the Council had refused the planning permission for the property to be a short term let property as it really has made no difference to us as residents in the block, and I can't envisage it causing a problem in the future.

Yours sincerely,

[REDACTED]

Residents & Owners of [REDACTED]

[REDACTED]

23 May 2024 at 19:40

Perfect

Thanks

[Quoted text hidden]

26/04/2024

Serviced Accommodation – Haddington

To Whom it May Concern

A Alexander & Son (Electrical) Ltd have been renting a serviced apartment in Haddington via Evergreen Property since 2023.

We are working on a new build care home in the area and require quality accommodation for operatives working on site. Due to the long-term nature of the project; hotels/bed and breakfast style accommodation are not ideal as operatives are restricted to one room, with no cooking facilities etc. which is why we opt to use serviced apartments etc.

As a contractor, we find the availability of accommodation like this invaluable to us as a company and our employees working away from home.

Yours faithfully



Stewart Alexander

Managing Director

A Alexander & Son (Electrical) Ltd

East Lothian Council



CIVIC GOVERNMENT (SCOTLAND) ACT 1982

East Lothian Council, in terms of the Licensing of Short-term Lets Order 2022, hereby license:

Owner name Jennifer Louise Burton

Owner address [REDACTED] Postcode [REDACTED]

Manager name Barry Burton

Manager address [REDACTED] Postcode [REDACTED]

Being the owner of the premises and the person responsible for the day-to-day management of the premises respectively, and who have knowingly given permission for the use of the premises, or part thereof at:

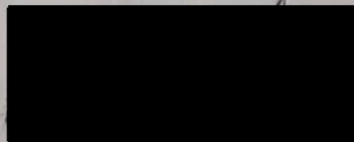
Short-term Let address 19A High Street, Haddington, East Lothian Postcode EH41 3ES

as a Secondary letting Short Term Let

This licence permits the occupation of the premises, or part thereof, for up to 4 persons and children under the age of 2 years, is subject to the provisions of the Act and also East Lothian Council's conditions and standards for Short-term Lets which are attached to this licence, as detailed overleaf.

The licence is valid from 17 November 2023 to 16 November 2026

Licence Number EL00171F



Signed _____

Service Manager – Governance

on behalf of the issuing authority: East Lothian Council
John Muir House, Haddington, East Lothian, EH41 3HA

THIS LICENCE IS NOT TRANSFERABLE

Email: stl@eastlothian.gov.uk