

CIVIC GOVERNMENT (SCOTLAND) ACT 1982

# APPLICATION FOR GRANT / RENEWAL OF SHORT-TERM LET LICENCE

## PART 1: ABOUT YOU

# 2b

Are you applying as an individual or corporate entity?

Individual

Corporate Entity

Fill in if you are applying as an individual:

Your full name CALUM M<sup>C</sup>CANN

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/vv)	Date to (mm/vv)

### 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 REBECCA M WEBSTER WADDELL

Date of birth [REDACTED]

Tel. No. [REDACTED] Email address rebecca@hotelaroundtown.com

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

**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.
ANN CATRINE MCCANN				
CALUM MCCANN				

**Individuals, please go to Part 2.**

**Corporate entities**    *N/A*

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 \_\_\_\_\_

Limited company number (if applicable) \_\_\_\_\_

First name and surname \_\_\_\_\_

Registered or principal office address \_\_\_\_\_

\_\_\_\_\_

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
N/A			

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.

## 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).

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### PART 3: PREMISES DETAILS

Premises Address 204 NEW STREET , 14 HARBOUR VIEW

MUSSELBURGH Postcode EH21 6EL

Unique Property Reference Number (if known) \_\_\_\_\_

EPC Rating\* C

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

Please select the type of premises:

Detached House	<input type="checkbox"/>	Semi-detached house	<input type="checkbox"/>
Terraced House	<input type="checkbox"/>	Flat	<input checked="" type="checkbox"/>
Unconventional accommodation	<input type="checkbox"/>		

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

Self-catering	<input type="checkbox"/>	B&B	<input type="checkbox"/>
Guest house	<input type="checkbox"/>	Other form of home sharing	<input type="checkbox"/>
Home letting	<input checked="" type="checkbox"/>		

Specify the number of rooms within the premises used as:

Bedrooms 2 Bed/Sitting rooms \_\_\_\_\_

Bathrooms 2 Kitchens \_\_\_\_\_

Lounges 1 (ONE)

Other (please specify) \_\_\_\_\_

Specify the maximum number of guests 4  
(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
N/A NO.				

## 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 – Civic Licence Fees
1.	Annual gas certificate (for premises with a gas supply)	Valid to: 11.04.2024
2.	Electrical Installation Condition Report	Valid to: 22.04.2026
3.	Portable Appliance Testing Report	Valid to: 14.04.2024
4.	Fire Risk Assessment	YES
5.	Fire Service Safety Checklist	YES
6.	Legionella Risk Assessment	YES
	Planning permission (for premises within a control area or where requested by the licensing authority)	Planning application reference number: WE WILL SUBMIT A CERTIFICATE OF LAWFULNESS APPLICATION IF REQUIRED.
7.	Floor plan	YES
8.	EPC Certificate (for premises which are dwellinghouses)	Valid to: 12.10.2026
9.	Public Liability Insurance	Valid to: MAY 2024
	Proof of consent from owner (if applicable)	N/A
10.	Evidence of operation as a short-term let on or before 1 October 2022 (for existing hosts applying during transitional period)	YES



<b>I have:</b> (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).	
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	✓

<b>My premises</b> (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)	✓
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.

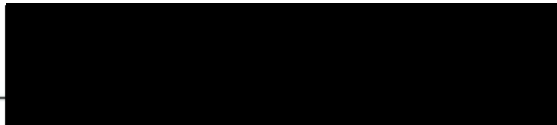
Anyone who gives false information on this form, or fails to provide the information required by this form, is committing an offence which could lead to prosecution.

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 \_\_\_\_\_

CALUM McCANN

Date \_\_\_\_\_

28.09.2023

## Rafferty, Alison (Licensing)

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**From:** Licensing  
**Sent:** 08 November 2023 15:10  
**To:** Short Term Lets  
**Subject:** FW: Objection to Licence application for Short Term Licence – Flat 14 Harbour View, 204 New Street Musselburgh EH21 6EL  
**Attachments:** Addendum to objection Flat 14 Harbour View Short term lets license application.pdf

**From:** [REDACTED] >  
**Sent:** 08 November 2023 15:07  
**To:** Licensing <licensing@eastlothian.gov.uk>  
**Subject:** Objection to Licence application for Short Term Licence – Flat 14 Harbour View, 204 New Street Musselburgh EH21 6EL

You don't often get email from [REDACTED]. [Learn why this is important](#)

**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.

Dear East Lothian Licensing,

I refer to my objection to Licence application for Short Term Licence – Flat 14 Harbour View, 204 New Street Musselburgh EH21 6EL. I attach an addendum to the objection.

1) The Flat is being offered on Booking.com attached is a screenshot taken at 11pm 7.11.2023. Offering to rent when an application for licence has been received after 1st October 2023 from my reading of the regulations this is not allowed. see addendum to objection attached

2) I went through to the payment part of Booking.com on 8.11.2023 and illustrate by screen shot that the flat could be booked for the 15-17 November 2023 - see addendum attached

This is against the law as advised on the Scottish Government web site : "if you apply to the scheme after 1st October 2023 you can advertise but not take bookings"

Please take this into account when considering the license application.

Yours sincerely,

Ian Dowson  
[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]

Submitted to Licencing East Lothian Council John Muir House Haddington East Lothian 3HA 8/11/2023 by email.

## Addendum to:

### Objection to Licence application for Short Term Lets Licence – Flat 14 Harbour View, 204 New Street Musselburgh EH21 6EL – The Civic Government (Scotland) Act, (Licencing of Short Term Lets) Order 2022.

Flat being offered for short term let via Booking.com – 7.11.2023 11.00pm dates 15-17 November 2023.

[Modern apt, amazing harbour views, wifi & parking, Musselburgh – Updated 2023 Prices \(booking.com\)](#)

The screenshot shows a Booking.com listing for a modern apartment. The search bar on the left indicates the destination is Musselburgh, with check-in on Wednesday 15 November and check-out on Friday 17 November 2023. The listing title is "Modern apt, amazing harbour views, wifi & parking". The address is "204 New Street NO 14, Musselburgh, EH21 6EL, United Kingdom". The listing features a "Superb 9.1" rating from 26 reviews and a "Free WiFi" badge. A review snippet reads: "Absolutely stunning location overlooking the harbour". The listing includes several photos of the apartment's interior, including a living area, a bedroom, and a bathroom. A "Reserve your apartment stay" button is visible in the top right corner.

This appears to be in contradiction to the regulations illustrated on the Scottish Government website

If you apply to the scheme after 1 October 2023 you can advertise, but must not take bookings or receive guests until you have obtained a licence.

Source: [Short-term lets: regulation information - gov.scot \(www.gov.scot\)](#)

If you have already been using your property to provide short-term lets before 1 October 2022, then you have until 1 October 2023 to apply for a licence and you can operate before you have a licence by continuing to take bookings and receiving guests whilst your application is processed.

Source: [Short-term lets | Short-term Lets licencing | East Lothian Council](#)

Addendum: Objection to Licence application for Short Term Licence – Flat 14 Harbour View, 204 New Street Musselburgh EH21 6EL – The Civic Government (Scotland) Act, (Licencing of Short Term Lets) Order 2022 by IC Dowson owner of [REDACTED]

Submitted to Licencing East Lothian Council John Muir House Haddington East Lothian 3HA  
8/11/2023 by email.

I went through the payment procedure to validate the property was being offered for short term  
rental 14.53 8.11.2023

### Availability

We Price Match

Wed 15 Nov — Fri 17 Nov    2 adults · 0 children · 1 room    Change search

Apartment type	Number of guests	Price for 2 nights	Your choices	Select an apartment
<b>Apartment</b> Bedroom 1: 1 double bed Bedroom 2: 1 single bed Entire apartment Private kitchen Private bathroom   Free WiFi Kitchen   Washing machine Toilet   Sofa   Bath or shower Seating Area   TV Ironing facilities   Iron   Heating Kitchenware   Electric kettle Wardrobe or closet   Oven Dining area   Toilet paper	3 people	Includes taxes and charges	<ul style="list-style-type: none"><li>Non-refundable</li><li>Pay in advance</li><li>Genius discount available</li></ul>	1 apartment for Includes taxes and charges <b>I'll reserve</b> <ul style="list-style-type: none"><li>Confirmation is immediate</li></ul> <b>Your package:</b> <ul style="list-style-type: none"><li>Non-refundable</li><li>Pay in advance</li><li>Genius discount available</li></ul>

**Unlock this Genius discount**  
Sign in and save 10% on the price of this option before taxes and charges

1 Your selection    2 Your details    3 Final step

Apartment  
**Modern apt, amazing harbour views, wifi & parking**  
204 New Street NO 14, Musselburgh, EH21 6EL  
United Kingdom  
Excellent location — 9.7  
9.1 Superb - 26 reviews  
Free WiFi   Parking

#### Your booking details

Check-in    Check-out  
**Wed 15 Nov 2023**    **Fri 17 Nov 2023**  
From 16:00    Until 10:00  
**Total length of stay:**  
**2 nights**  
  
You selected  
**1 room for 2 adults**  
Change your selection

Save 10% or more on this option when you sign in with Genius, Booking.com's loyalty programme

Sign in   Register

**Genius**

#### Enter your details

Almost done! Just fill in the \* required info

**First name \***    **Last name \***

**Email address \***  
Watch out for typos  
Confirmation email goes to this address

**Country/region \***  
United Kingdom

**Telephone (mobile number preferred) \***  
+44

Addendum: Objection to Licence application for Short Term Licence – Flat 14 Harbour View, 204 New Street Musselburgh  
EH21 6EL – The Civic Government (Scotland) Act, (Licencing of Short Term Lets) Order 2022 by IC Dowson owner of

## Rafferty, Alison (Licensing)

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**From:** Licensing  
**Sent:** 26 October 2023 08:01  
**To:** Short Term Lets  
**Subject:** FW: 14, Harbour View, 204 New Street, EH21 6EL

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**From:** Eoin Mc Dunphy [REDACTED]  
**Sent:** 25 October 2023 22:09  
**To:** Licensing <licensing@eastlothian.gov.uk>  
**Subject:** 14, Harbour View, 204 New Street, EH21 6EL

You don't often get email from [REDACTED]. [REDACTED] why this is important

**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.

Dear Sirs

I wish to object to the issuing of a licence in relation to this application. The grounds are as follows :

1. The letting has been continuing for some time, right up to date, without the existence of a licence as required by law. Retrospective approval encourages further flouting of the law.
2. The use of a mid-level apartment letting as an Airbnb in a residential block is not appropriate as it deprives other owners of their entitlement to quiet enjoyment. The visitors to no 14 over the last number of years have tended to regularly leave the access doors to the apartment unlocked, thereby compromising our security and that of our possessions. Access and check-out happens at all hours, with regular disruption during the night due to banging doors etc. And the visitors have tended to be neglectful of the common areas (foyers and stairs) with walls scraped and carpets caked with mud & sand. This increases the costs for the other apartment owners.
3. The stated last date for representations is erroneous as it is only 21 days after the date that public notice was given.

Yours

Eoin Mc Dunphy

[REDACTED]  
[REDACTED]  
[REDACTED]

Representations should be sent to:  
Licensing, John Muir House, HADDINGTON, EH41 3HA or  
licensing@eastlothian.gov.uk

## Rafferty, Alison (Licensing)

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**From:** Licensing  
**Sent:** 07 November 2023 13:53  
**To:** Short Term Lets  
**Subject:** FW: Objection Application for Short Term Lets Licence Flat 14 Harbour View Musselburgh EH21 6EL  
**Attachments:** Objection to Short Term Let Licence application Flat 14 Harbourview Musselburgh.pdf

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**From:** [REDACTED]  
**Sent:** 07 November 2023 13:37  
**To:** Licensing <licensing@eastlothian.gov.uk>  
**Subject:** Objection Application for Short Term Lets Licence Flat 14 Harbour View Musselburgh EH21 6EL

You don't often get email from [REDACTED]. [Learn why this is important](#)

**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.

Dear East Lothian Council Licencing,

I refer to the application for a short term lets licence for Flat 14 Harbour View Musselburgh EH21 6EL date 19.10.23.

I am the owner of [REDACTED]

I object to the grant of a licence to operate a Short-term Let at the above address on the following grounds. See attached letter for details.

- 1) There is no planning permission for change of use from a residential flatted dwelling to a short term let dwelling.
- 2) East Lothian Council planning policy, in three similar decisions concluded short-term letting such is contrary to part e) of Policy 30 of National Planning Framework and Policy RCA1 of the adopted East Lothian Local Development Plan 2018 in three retrospective planning applications identified in New Street Musselburgh.
- 3) The amenity value for permanent residents of Flatted Dwelling at Harbour view Musselburgh ***is significantly eroded.*** See attached letter for specifics.
- 4) The Planning permission for Harbour View construction approved 17.10.2002 was for residential flatted dwellings.
- 5) The time deadline of 1<sup>st</sup> October 2023 to apply for a licence has not been met
- 6) The owner of the Flat 14 is registered on the application is being in Norway, there is no way a resident or the factor of the building can take up any issues with him.

Can you confirm receipt of this objection.

Yours sincerely,

Ian Dowson

[REDACTED]

[REDACTED]

One attached detailed letter of objection



Submitted to Licencing East Lothian Council John Muir House Haddington East Lothian 3HA  
7/11/2023 by email.

**Objection to Licence application for Short Term Lets Licence – Flat 14 Harbour View, 204 New Street Musselburgh EH21 6EL – The Civic Government (Scotland) Act, (Licencing of Short Term Lets) Order 2022.**

1. Person making objection Ian C Dowson [REDACTED]

2. Basis for objection

2.1 No Planning Permission

Planning Permission and Council decisions on retrospective applications for planning permission for short term lets on New Street Musselburgh, have been to refuse applications for retrospective applications to convert use from Flatted Residential Use to short term Lets

Application No	Date	Decision	Date	Reason
23/00824/P Flat 4 133 New Street Musselburgh East Lothian	10 <sup>th</sup> August 2023	Refused	13.10.2023	The Holiday Let use is incompatible and harmful to the amenity of the occupants of other flatted properties used as residential dwellings within the residential building of 133 New Street and as such is contrary to part e) of Policy 30 of National Planning Framework and Policy RCA1 of the adopted East Lothian Local Development Plan 2018
23/00722/P Flat 6 139 New Street Musselburgh EH21 6DH	29 <sup>th</sup> June 2023	Refused	6.10.2023	The Holiday Let use is incompatible and harmful to the amenity of the occupants of other flatted properties used as residential dwellings within the residential building of 139 New Street and as such is contrary to part e) of Policy 30 of National Planning Framework and Policy RCA1 of the adopted East Lothian Local Development Plan 2018
22/01376/P Flat 2 202B New Street Musselburgh EH21 6DQ	12 <sup>th</sup> December 2022	Refused	11.4.2023	The Holiday Let use is incompatible and harmful to the amenity of the occupants of other flatted properties used as residential dwellings within the residential building of 202B New Street and as such is contrary to part e) of Policy 30 of National Planning Framework and Policy RCA1 of the adopted East Lothian Local Development Plan 2018

Source: [Search Results \(eastlothian.gov.uk\)](https://www.eastlothian.gov.uk)

2.2 Planning Permission

Examining East Lothians planning portal there does not appear to be any planning application relating to change of use from residential use to a Short Term Let use for Flat 14 Harbour View 204 New Street Musselburgh

2.3 The Holiday Let use is incompatible and harmful to the amenity of the occupants of other flatted properties used as residential dwellings within the residential building of Harbour View 204 New Street Musselburgh on the following Grounds:

- Planning permission for Harbour View was for 20 Flatted residential properties
- The location of Flat 14 is within in a communal staircase, short term let guests generate increased noise
- Disruption is caused by service vehicles for cleaning and laundry
- Security – the communal staircase that contains Flat 14 has Children and Elderly people residing within the rest of the block and communal staircase, continuous changing and churn of individuals staying in the Flat creates a security risk.

Objection to Licence application for Short Term lets Licence – Flat 14 Harbour View, 204 New Street Musselburgh EH21 6EL – The Civic Government (Scotland) Act, (Licencing of Short Term Lets) Order 2022 by IC Dowson owner of [REDACTED]

Submitted to Licencing East Lothian Council John Muir House Haddington East Lothian 3HA  
7/11/2023 by email.

- Specific example of increased security risk, I met a challenged individual who was staying in Flat 14 in the entrance to Harbour View
- Services – Rubbish Collection are strained with the block due to short term lets
- Noise and disruption caused by continuous churn of short-term occupiers; I have seen individuals camped out for over 2/3 hours when they could not get into Flat 14.
- Short-Term letting renters who cannot get into their properties ring the doorbells and disturb permanent residents.
- Car Parking – the Flat also rents out its allocated Parking Space without planning permission to short term guests. There is a constant stream of guests who have no situational awareness of the car park of Harbour View there is an increased risk of accidents. On two occasions children have exited guest vehicles and ran straight across my path when I was leaving Harbour view from my designated parking space. This lack of situational awareness i.e., increased risk extends to the Taxis that bring the Short-Term letting guests to and from the airport to Harbour View.
- Fire Safety use of Flat 14 Harbour View by multiple tenants increases the fire risk within the Harbour view Development.

I object to the granting of a short term lets licence on the following basis:

- 1) There is no planning permission for change of use from a residential flatted dwelling to a short term let dwelling.
- 2) East Lothian Council planning policy, in three similar decisions concluded short-term letting such is contrary to part e) of Policy 30 of National Planning Framework and Policy RCA1 of the adopted East Lothian Local Development Plan 2018 in three retrospective planning applications identified above in New Street Musselburgh.
- 3) The amenity value for permanent residents of Flatted Dwelling at Harbour view Musselburgh **is significantly eroded.**
- 4) The Planning permission for Harbour View construction approved 17.10.2002 was for residential flatted dwellings.
- 5) The time deadline of 1<sup>st</sup> October 2023 to apply for a licence has not been met
- 6) The owner of the Flat 14 is registered on the application is being in Norway, there is no way a resident or the factor of the building can take up any issues with him.

Ian Dowson

[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]

Appendix 1 and 2 attached – Application for Short Term Lets Licence – Flat 14 Harbour View Musselburgh EH21 6EL

Objection to Licence application for Short Term lets Licence – Flat 14 Harbour View, 204 New Street Musselburgh EH21 6EL  
– The Civic Government (Scotland) Act, (Licencing of Short Term Lets) Order 2022 by IC Dowson owner of [REDACTED]  
[REDACTED]

Submitted to Licencing East Lothian Council John Muir House Haddington East Lothian 3HA  
7/11/2023 by email.

Appendix 1

East Lothian Council

The Civic Government (Scotland) Act 1982  
(Licensing of Short-term Lets) Order 2022

## PUBLIC NOTICE OF APPLICATION FOR SHORT-TERM LETS LICENCE

New application  Renewal

Applicant name COLUM MCGANN

Applicant's address [REDACTED]

Postcode [REDACTED]

Has applied to East Lothian Council for a Short-term lets licence.

Short term let premises address (if different from applicant's address)

14 HARBOUR VIEW

Postcode EH21 6EL

**Type of license applied for**

Home sharing  Home letting   
Home sharing and home letting  Secondary letting

Day-to-day manager / agent details (if different from applicant)

Name REBECCA WEBSTER WARDLE (HAT)

Address [REDACTED]

Objection to Licence application for Short Term lets Licence – Flat 14 Harbour View, 204 New Street Musselburgh EH21 6EL  
– The Civic Government (Scotland) Act, (Licensing of Short Term Lets) Order 2022 by IC Dowson owner of [REDACTED]

Appendix 2

East Lothian Council

East Lothian Council

### Representations

Representations about the application may be made by any member of the public. Representations **must**:

- be in writing;
- specify the grounds of the objection or, as the case may be, the nature of the representation;
- set out the name and address of the person making it;
- must be signed by the person, or on their behalf; and
- be made within 28 days of public notice of the application being given.

Copies of any representations will be given to the applicant. If a representation is made to the Licencing Authority after this date but before a final decision is taken on the application, then the Licencing Authority may consider the late representation if it is satisfied that it was reasonable for the representation to have been made after the deadline.

**Representations should be sent to:  
Licencing, John Muir House, HADDINGTON, EH41 3HA or  
licensing@eastlothian.gov.uk**

Date application lodged / public notice given 19 10 23

Last date for representation 08 11 23

- This notice must be displayed on or near the short-term let property in a position where it can be easily read by the public.
- This notice must be displayed for a period of 21 days from the date the application was lodged with the Licencing Authority.
- After the notice has been displayed for 21 days, a certificate of compliance must be completed and the whole notice returned to the Licencing Authority at the address above.

Objection to Licence application for Short Term lets Licence – Flat 14 Harbour View, 204 New Street Musselburgh EH21 6EL  
– The Civic Government (Scotland) Act, (Licencing of Short Term Lets) Order 2022 by IC Dowson owner of [REDACTED]

RECEIVED  
31 OCT 2023



East Lothian Council  
Licensing

31 OCT 2023

Received

29<sup>th</sup> Oct 2023

Dear Sir / Madam,

Short –Term Lets licence 14 Harbour View Musselburgh.

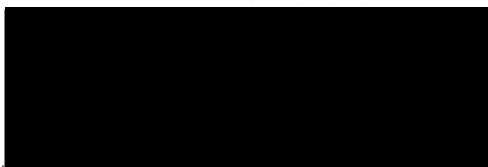
I am writing as Chairperson of the Owners Committee of the development as well as neighbour to this Flat to appeal this Application.

I attach a copy of a page of the Deeds of Condition for the Development which clearly states that each dwelling house should be solely occupied as a private dwelling house.

Also the owners of the other flats within the stair in which the flat is found are subject to a lot of traffic in the stair due to the fact the flat is rented out a lot ( hardly ever empty for more than a couple of days ) and cleaners come and go at the end of each let and laundry delivered and left in the stair . Also the walls in the stair are scuffed from luggage. We even had to put up with strangers staying in the flat during the Pandemic especially during periods of lockdown.

Twice this summer the flat was treated with industrial dehumidifiers, the contractor was reluctant to let me know the problem but said it would not affect other flats !!!! and I have to confirm that nothing has been reported to the Committee.

Yours sincerely



Thomas Kinghorn

**D. BURDENS SECTION****SPECIFICATION**

from which they derive no benefit.

THIRD) Each dwellinghouse shall be used and occupied solely as a private dwellinghouse and shall not be sub-divided or occupied by more than one family at a time. No alterations to any dwellinghouse, including without prejudice to the foregoing generality alterations of or to the windows or doors thereof, shall be made without the express written consent of the Factor as well as the usual Local Authority permissions and consents. No board, card, plate or advertising notice of any kind shall be placed on any dwellinghouse or any part of the Development other than the usual door name plates. The external woodwork and metalwork of the Development as well as the whole internal woodwork and metalwork of the Stair shall be painted or otherwise treated as a common repair through the Factor in terms of these presents and shall be maintained in a uniform colour as determined by the Factor. No proprietor shall be allowed to paint any external woodwork, metalwork or outside walls of a dwellinghouse a different shade or colour to the remainder of the Development or in breach of Planning requirements.

FOURTH) (i) No power boats, marine crafts, caravans, commercial vehicles or vehicles other than private motor cars, motor cycles or bicycles shall be parked in any of the car parking spaces or designated bicycle storage areas. Each proprietor will be entitled to park one car only in the space which he owns, the car parking spaces being allocated in accordance with the Disposition or other conveyance in favour of the proprietors. The parking of any motor car, motor cycle or bicycle belonging to proprietors elsewhere in the Development is strictly prohibited. No cars are to be parked on any remaining part of the Development in particular the access pend so as to impede access to any property or to any of the other car parking spaces. Each proprietor is prohibited in all time coming from selling, leasing or disposing of the car parking space pertaining to a flat dwellinghouse separately therefrom.

(ii) No work shall be done on motor vehicles within the Development except minor maintenance and repair of a motor car or motor cycle belonging to the proprietors which exception shall not however permit a proprietor to keep any vehicle jacked up or otherwise not in a roadworthy condition within the Development for longer than is reasonably necessary to complete such repair or maintenance.

(iii) The proprietors shall be expressly prohibited from storing or



## Consultation Responses

Antisocial Behaviour Team – No Objection

Parking team – No Objection

Planning Authority – Planning Contravention Notice served 22/05/2024.

Environmental Services – No response

Police Scotland – No Objection

SFRS – No response

**From:** [REDACTED]  
**To:** [Cmtte Licensing Sub](#)  
**Cc:** [Crichton, Rebecca](#); [Short Term Lets](#)  
**Subject:** Licensing Sub-Committee meeting – Application for Grant of Short-term Let (STL) licence for 14 Harbour View Musselburgh  
**Date:** 05 September 2024 11:28:36

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**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.

Dear Short Term Licensing Committee,

I refer to the meeting to be held on the 12th September 2024 at 2pm to decide the matter of the application for a Short Term Let Licence by Flat 14 Harbour View Musselburgh which I am attending as an objector.

I wish to inform the committee of: (2 documents attached below)

1) Decision reached on 15.07.2024 by East Lothian Council Planning Department regarding Refusal of application for a Certificate of Lawfulness for Existing Use Short Term Let reference 24/00525/CLU 14 Harbour View Musselburgh EH21 6EL.

2) Decision made by East Lothian Council Planning Dept, Contravention Notice 22.05.2024 reference 23/00181/COM Flat 14 Harbour View Musselburgh use as Short Term Let.

2) Letter 18th August 2024 - from the "Residents Committee" of Harbour View Musselburgh to East Lothian Council Planning Department alleging non compliance by the owner of Flat 14 Harbour View Musselburgh with the decision made by East Lothian Council Planning Dept regarding refusal of Certificate of Lawfulness for Existing Use as a Short Term Let on the 15th July 2024.

Yours sincerely,

Ian Dowson  
[REDACTED]

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An attachment in this email has been processed by Check Point Sandblast Threat Extraction. The following action has been taken: clean

[Click here](#) to restore the original(s) or contact the IT Service Desk on [itservicedesk@eastlothian.gov.uk](mailto:itservicedesk@eastlothian.gov.uk) if you have any queries.



East Lothian Council  
Licensing and Landlord Registration  
John Muir House  
Haddington  
East Lothian  
EH41 3HA



5<sup>th</sup> September 2024

**Licensing Sub-Committee meeting – Application for Grant of Short-term Let (STL) licence for 14 Harbour View, 204 New Street, Musselburgh EH21 6EL.  
Civic Government (Scotland) Act 1982 – Meeting 12<sup>th</sup> September 2pm.**

Dear Short Term Licencing Committee,

I am an objector to the application for a Short Term Let Licence for 14 Harbour View Musselburgh EH21 6EL and you have confirmed my attendance at the meeting remotely.

Prior to the meeting I wish to inform the Licensing Sub Committee of two decisions made by East Lothian Council as the Planning Authority regarding 14 Harbour View Musselburgh EH21 6EL issued under the Town and Country Planning Act (Scotland) 1997 (as amended)

- 1) Planning Contravention Notice 22.05.2024 reference 23/00181/COM (Attached Appendix 1)
- 2) Refusal of application for a Certificate of Lawfulness for Existing Use Short Term Let 15 July 2024 reference 24/00525/CLU copy attached Appendix 2.
- 3) Copy of Letter from the “Residents Committee” of Harbour View Musselburgh dated 18 August 2024 alleging that the owner of Flat 14 Harbour View Musselburgh was not in compliance with the Planning Contravention notice issued on the 22.05.2024 and the decision on the Certificate of Lawfulness on the 15<sup>th</sup> July 2024, to the Planning Dept East Lothian Council.

Yours sincerely,

Ian C Dowson



**Appendix 1** Planning Contravention Notice 22.05.2024 – reference 23/00181/COM Pages 3

**Appendix 2** Refusal of application for a Certificate of Lawfulness for Existing Use Short Term Let 15 July 2024 reference 24/00525/CLU Pages 2

Letter from Residents Committee of Harbour View 18 August 2024 attached in PDF Format to Email.

REF: 23/00181/COM

**IMPORTANT – THIS COMMUNICATION AFFECTS YOUR PROPERTY**

**TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997 (as amended)**

## **PLANNING CONTRAVENTION NOTICE**

**SERVED ON:** Owner/ Occupier  
14 Harbour View  
204 New Street  
Musselburgh  
East Lothian  
EH21 6EL

**ISSUED BY:** East Lothian Council ("the Council") as Planning Authority

1. It appears to the Council, being the planning authority for the purposes of Section 125 (1)-(8) of the Town and Country Planning (Scotland) Act 1997 ("the Act"), that there may have been a breach of planning control in respect of the land described in Schedule 1 below ("The Land").
2. The breach of planning control, which may have occurred, is specified in Schedule 2 below.
3. This notice is served on you as a person who:
  - a. Is the owner or occupier of the land or has any other interest in it; or
  - b. Is carrying out operations in, on, over or under the land or is using it for any purpose.
4. In exercise of their powers under Section 125(2) and (3) of the Act, the Council require you, so far as you are able, to give the following information in writing within **twenty-one days**, beginning with the day on which this notice is served upon you:
  - a. A statement declaring the nature of your interest in the land and the names and addresses of any other persons with an interest in the land;
  - b. A statement providing further details of the alleged unauthorised change of use of a flatted dwelling to form a short term holiday let; and,

REF: 23/00181/COM


- c. The **date** in which the alleged unauthorised change of use of a flatted dwelling to form a short-term holiday let was first undertaken.

5. If you wish to make:

- a. Submit an application for retrospective planning permission; or
- b. Submit any written representations about this notice.

You are invited to contact Amelia Smith, Enforcement Planner, Environment Department, John Muir House, Haddington in **writing** ([asmith7@eastlothian.gov.uk](mailto:asmith7@eastlothian.gov.uk)) within **twenty-one days**, beginning with the day on which this notice was served on you.

**SIGNED**

  
Service Manager for Planning  
(Chief Planner)

**DATE AUTHORISED** 22/05/2024

#### **SCHEDULE 1**

Land to which this notice relates:

14 Harbour View  
204 New Street  
Musselburgh  
East Lothian  
EH21 6EL

#### **SCHEDULE 2**

Suspected breach of planning control:

The alleged unauthorised change of use of a flatted dwelling to form a short term holiday let.

#### **WARNING**

1. It is an offence to fail, without reasonable excuse, to comply with any requirement of this notice within twenty-one days beginning on the day on which it was served on you. The maximum penalty upon conviction by the



Source East Lothian Council Planning Portal <https://pa.eastlothian.gov.uk/online-applications/enforcementDetails.do?previousCaseType=Application&keyVal=RW8MZRGNOF M00&previousCaseNumber=24%2F00525%2FCLU&activeTab=summary&previousKeyVal=SD ZO4MGNMWS00> 5.09.2024

**Appendix 2 Refusal of application for a Certificate of Lawfulness for Existing Use Short Term Let 15 July 2024 reference 24/00525/CLU Page 1 of 2**

Our Ref: 24/00525/CLU  
Ask For: Neil Millar  
Tel: 0162082 7383  
Your Ref:  
Date: 15th July 2024

**Mr Calum McCann  
c/o STL Solutions  
Per Craig Douglas  
Halo Building  
Hill Street  
Kilmarnock  
East Ayrshire  
KA1 3HY**

Dear Sir/Madam,

**TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997: SECTION 151  
DECISION ON APPLICATION FOR CERTIFICATE OF LAWFULNESS OF USE  
OR DEVELOPMENT**

**PROPOSAL: Certificate of lawfulness for an existing use - short term holiday let  
LOCATION: 14 Harbour View 204 New Street Musselburgh EH21 6EL**

I refer to your application for a Certificate of Lawfulness of Use or Development under the Town and Country Planning (Scotland) Act 1997: Section 151, reference no 24/00525/CLU.

I write to advise you that the Council has decided, on the basis of the facts presented in the application, to refuse a Certificate of Lawfulness for the existing use or development.

The reasons for the Council's decision are as follows:

**It has not been demonstrated that the use of the flat as a short term holiday let is not a material change of use that does not require planning permission or that the flat has been in use as a short term holiday let for a continuous period of 10 years or more.**

**The existing use of the applicant's flat as a short term holiday let has not been proven to be lawful under Section 150 of the Town and Country Planning (Scotland) Act 1997 (as amended). Accordingly, this application should therefore be refused and a Certificate of Lawfulness should not be issued.**

Yours faithfully

**Appendix 2 Refusal of application for a Certificate of Lawfulness for Existing Use Short Term Let 15  
July 2024 reference 24/00525/CLU Page 2 of 2**



Keith Dingwall  
Service Manager - Planning  
(Chief Planning Officer)

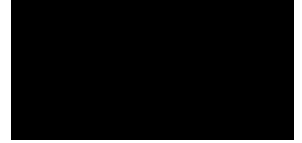
If the applicant is aggrieved by the decision of the Planning Authority the applicant may, within three months from the date of this notice, appeal to the Scottish Ministers under Section 154 of the Town and Country Planning (Scotland) Act 1997. The appeal should be addressed to Planning and Environmental Appeals Division, Scottish Government, Ground Floor, Hadrian House, Callendar Business Park, Callendar Road, Falkirk FK1 1XR. A copy of the notice of appeal must at the same time be sent to Development Management, East Lothian Council, John Muir House, Brewery Park, Haddington, East Lothian EH41 3HA.

Source East Lothian Council Planning Portal

[https://pa.eastlothian.gov.uk/online-applications/files/C52075A9A292600921D2493F95B36B0F/pdf/24\\_00525\\_CLU-REFUSED-3497992.pdf](https://pa.eastlothian.gov.uk/online-applications/files/C52075A9A292600921D2493F95B36B0F/pdf/24_00525_CLU-REFUSED-3497992.pdf) 05.09.2024

Keith Dingwall  
Service Manager Planning  
(Chief Planning Officer)  
East Lothian Council  
John Muir House, Brewery Park,  
Haddington, East Lothian,  
EH41 3HA  
Your reference: **24/00525/CLU**

IC Dowson, Eion Mc Dunphy, Sian Chaffer  
"The Residents Committee"



Date 18<sup>th</sup> August 2024

Dear Sir,

We are the Factor recognised Residents Committee at Harbour View development Musselburgh EH21 6EL, a 20-unit flatted development.

**Certificate of lawfulness for an existing use - short term holiday let LOCATION: 14 Harbour View 204 New Street Musselburgh EH21 6EL**

**1) Planning permission change – Refusal of Certificate of lawfulness**

On the 15<sup>th</sup> of July 2023 you refused a certificate of lawfulness for the above property to be used as a Short Term Let (STL).

**2) Property is still being used as Short Term Let**

The property is still being used as a short-term holiday let attached are 5 instances with 4 photographs of vehicles parked in Flat 14's parking space.

**Thursday 25th July 2024**



**Monday 5th August 2024**





**Wed 7<sup>th</sup> August 2024**



**Tuesday 13<sup>th</sup> August 2024 - Occupant without car**  
**Friday 16<sup>th</sup> August 2024**





**3) Planning contravention notice issued 22<sup>nd</sup> May 2004 non compliance**

Flat 14 was still being used as a short term let between the period of 22<sup>nd</sup> May 2024 the date that a Planning contravention notice was issued (Ref 23/00181/com) and the date that you determined that the Unlawfulness of use for a short term let on the 15<sup>th</sup> July 2024.

**4) Flat 14 is still been advertised on Airbnb attached below are the bookings for August and September 2024.**

Airbnb – 14 Harbour View

[https://www.airbnb.co.uk/rooms/24366744?adults=2&enable\\_m3\\_private\\_room=true&search\\_mode=regular\\_search&source\\_impression\\_id=p3\\_1723591516\\_P3jMjWHinNEagzq1&previous\\_page\\_section\\_name=1000&federated\\_search\\_id=3640c1c6-5149-485b-8ae9-63989a762649&guests=1&check\\_in=2026-07-15&check\\_out=2026-07-26](https://www.airbnb.co.uk/rooms/24366744?adults=2&enable_m3_private_room=true&search_mode=regular_search&source_impression_id=p3_1723591516_P3jMjWHinNEagzq1&previous_page_section_name=1000&federated_search_id=3640c1c6-5149-485b-8ae9-63989a762649&guests=1&check_in=2026-07-15&check_out=2026-07-26)

**August 2024 September 2024  
Calendar**

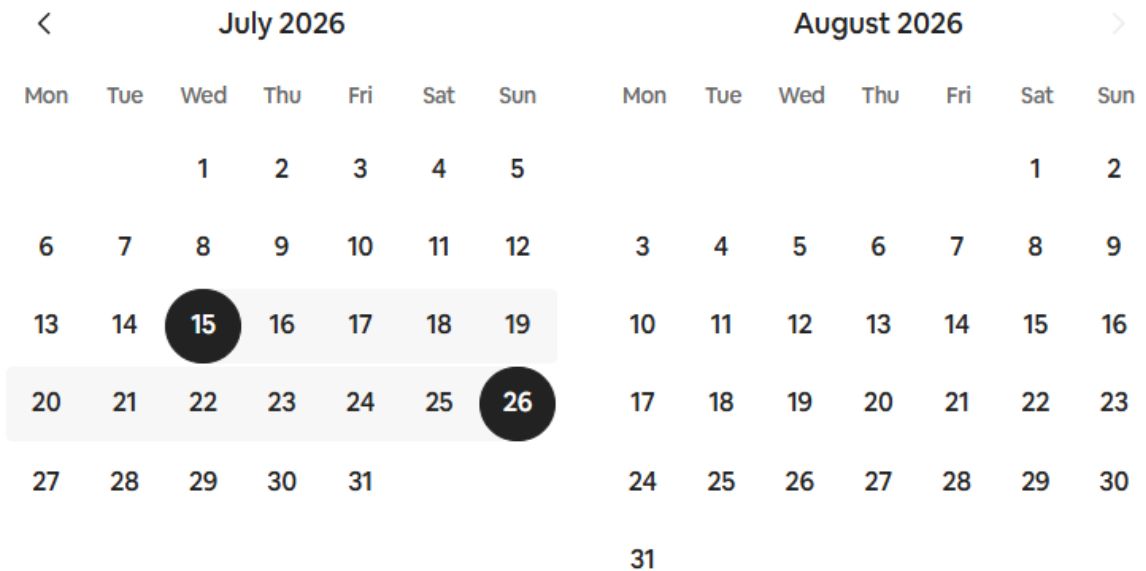


The crossed-out dates seem to indicated booked nights

**5) Flat 14 Harbour View Musselburgh Airbnb Calendar Length that Flat is available for booking until 2026.**


**11 nights in East Lothian**

15 Jul 2026 - 26 Jul 2026



**Bookings are open until July 2026 at least.**


**6) Evidence from Airbnb Client Comments (Extracted 18.08.2024)**

 **Barbara**  
5 years on Airbnb

★★★★★ · 2 weeks ago

Very nice apartment in a good location. Lots of space, great view and everything was clean and cozy!


[Show more](#)

 **Cheryl**  
9 months on Airbnb

★★★★★ · 3 weeks ago

Location lovely .. a stones throw away from the beech .. apartment was spotless and with lovely decor ... easy journey to the royal mile . We chose Uber rather than the bus .


[Show more](#)

 **Patrick**  
4 years on Airbnb

★★★★★ · July 2024

Lovely clean flat with a beautiful view. Easy access to the harbour and local playgrounds.  
A great place to stay and we will be back


[Show more](#)

 **Arimoto**  
5 years on Airbnb

★★★★★ · July 2024

Rebecca was very relieved to be contacted regularly from| start to finish.  
The room was spacious and beautiful, and there was a...


[Show more](#)

 **Janice**  
4 months on Airbnb

★★★★★ · June 2024

It was our first stay in an Airbnb and was not disappointed. The apartment is in a good location for easy access to other areas and is clean and well maintained with a sea view...

[Show more](#)

 **Mario**  
Sri Jayawardenepura Kotte, Sri Lanka

★★★★★ · June 2024

Rebecca's place in Musselburgh was wonderful! Situated in a charming seaside town overlooking a small harbor, it provided a quaint and lovely setting for our family. We enjoyed the...

[Show more](#)

External evidence extracted from Airbnb 2024 website confirms stays 2 weeks ago 4 August, and 28<sup>th</sup> July 2024 and for stays after the issue of the Planning contravention notice issued 22<sup>nd</sup> May 2024.

**7) Application for Short Term Licence Public Notice 19.10.2023 Appendix 2**

The Owners address is given as:

[REDACTED]  
[REDACTED]  
[REDACTED]

**8) Request from the Residents Committee**

The owners of Flat 14 have no intention of complying with your determination on the 15<sup>th</sup> July 2024.

- A) Can you please take enforcement action.
- B) Can you advise the committee if the owners of the Flat 14 appeal your determination made on the 15<sup>th</sup> July 2024 so we can make representations to any reporter appointed.

**Yours sincerely**

Ian Dowson [REDACTED]

Eoin Mc Durphy [REDACTED]

Sian Chaffer [REDACTED]

Factor recognised Residents Committee Harbour View Musselburgh.

**Contact details** – IC Dowson [REDACTED]

**Appendix 1** Planning Contravention Notice 22.05.2024 3 pages

**Appendix 2** Application for Short Term Licence STL Public Notice 19.10.2023 2 Pages

REF: 23/00181/COM

**IMPORTANT – THIS COMMUNICATION AFFECTS YOUR PROPERTY**

**TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997 (as amended)**

## **PLANNING CONTRAVENTION NOTICE**

**SERVED ON:** Owner/ Occupier  
14 Harbour View  
204 New Street  
Musselburgh  
East Lothian  
EH21 6EL

**ISSUED BY:** East Lothian Council ("the Council") as Planning Authority

1. It appears to the Council, being the planning authority for the purposes of Section 125 (1)-(8) of the Town and Country Planning (Scotland) Act 1997 ("the Act"), that there may have been a breach of planning control in respect of the land described in Schedule 1 below ('The Land').
2. The breach of planning control, which may have occurred, is specified in Schedule 2 below.
3. This notice is served on you as a person who:
  - a. Is the owner or occupier of the land or has any other interest in it;  
or
  - b. Is carrying out operations in, on, over or under the land or is using it for any purpose.
4. In exercise of their powers under Section 125(2) and (3) of the Act, the Council require you, so far as you are able, to give the following information in writing within **twenty-one days**, beginning with the day on which this notice is served upon you:
  - a. A statement declaring the nature of your interest in the land and the names and addresses of any other persons with an interest in the land;
  - b. A statement providing further details of the alleged unauthorised change of use of a flatted dwelling to form a short term holiday let;  
and,

REF: 23/00181/COM

- c. The **date** in which the alleged unauthorised change of use of a flatted dwelling to form a short-term holiday let was first undertaken.
5. If you wish to make:
- a. Submit an application for retrospective planning permission; or
  - b. Submit any written representations about this notice.

You are invited to contact Amelia Smith, Enforcement Planner, Environment Department, John Muir House, Haddington in **writing** ([asmith7@eastlothian.gov.uk](mailto:asmith7@eastlothian.gov.uk)) within **twenty-one days**, beginning with the day on which this notice was served on you.

**SIGNED** 

Service Manager for Planning  
(Chief Planner)

**DATE AUTHORISED** 22/05/2024

**SCHEDULE 1**

Land to which this notice relates:

14 Harbour View  
204 New Street  
Musselburgh  
East Lothian  
EH21 6EL

**SCHEDULE 2**

Suspected breach of planning control:

The alleged unauthorised change of use of a flatted dwelling to form a short term holiday let.

**WARNING**

- 1. It is an offence to fail, without reasonable excuse, to comply with any requirement of this notice within twenty-one days beginning on the day on which it was served on you. The maximum penalty upon conviction by the

REF: 23/00181/COM

Procurator Fiscal of this offence is a fine of £1000.00. Continuing failure to comply following a conviction will constitute a further offence.

2. It is also an offence knowingly or recklessly to give information, in response to this notice, which is false or misleading in a material particular. The maximum penalty on conviction of this offence is a fine of £5,000.
3. If you fail to respond to this notice, the Council may take further action in respect of the suspected breach of planning control. In particular, they may issue an enforcement notice, under Section 127 of the Act, requiring the breach, or any injury to amenity caused by it, to be remedied.

REF: 23/00181/COM



East Lothian Council

East Lothian Council

The Civic Government (Scotland) Act 1982  
(Licensing of Short-term Lets) Order 2022

# PUBLIC NOTICE OF APPLICATION FOR SHORT-TERM LETS LICENCE

New application  Renewal

Applicant name CALUM McCANN

Applicant's address [REDACTED]

[REDACTED] Postcode [REDACTED]

Has applied to East Lothian Council for a Short-term lets licence.

Short term let premises address (if different from applicant's address)

14 HARBOUR VIEW

Postcode EH21 6EL

**Type of license applied for**

- Home sharing
- Home letting
- Home sharing and home letting
- Secondary letting

Day-to-day manager / agent details (if different from applicant)

Name REBECCA WEBSTER WADDELL (HAT)

Address [REDACTED]



**Representations**

Representations about the application may be made by any member of the public. Representations **must**:

- be in writing;
- specify the grounds of the objection or, as the case may be, the nature of the representation;
- set out the name and address of the person making it;
- must be signed by the person, or on their behalf; and
- be made within 28 days of public notice of the application being given.

Copies of any representations will be given to the applicant. If a representation is made to the Licencing Authority after this date but before a final decision is taken on the application, then the Licensing Authority may consider the late representation if it is satisfied that it was reasonable for the representation to have been made after the deadline.

**Representations should be sent to:  
Licensing, John Muir House, HADDINGTON, EH41 3HA or  
licensing@eastlothian.gov.uk**

Date application lodged / public notice given 19.10.23

Last date for representation 08.11.23

- This notice must be displayed on or near the short-term let property in a position where it can be easily read by the public.
- This notice must be displayed for a period of 21 days from the date the application was lodged with the Licensing Authority.
- After the notice has been displayed for 21 days, a certificate of compliance must be completed and the whole notice returned to the Licensing Authority at the address above.