



East Lothian
Council

**MINUTES OF THE MEETING OF THE
OF THE LICENSING SUB-COMMITTEE**

1

**THURSDAY 13 JUNE 2024
COUNCIL CHAMBER, TOWN HOUSE, HADDINGTON
& HYBRID ONLINE MEETING FACILITY**

Committee Members Present:

Councillor C McGinn (Convener)
Councillor C Cassini
Councillor C McFarlane
Councillor J McMillan

Other Councillors Present:

None

Council Officials Present:

Mr I Forrest, Senior Solicitor
Ms C Aitken, Licensing Officer
Ms K Harling, Licensing Standards Officer
Ms E Clater, Service Manager – Children and Young People Community Resources

Others Present:

PC L Wilson, Police Scotland

Clerk:

Ms B Crichton, Committees Officer

Apologies:

Councillor J Findlay
Councillor T Trotter

Declarations of Interest:

None

**1. MINUTES FOR APPROVAL
Licensing Sub-Committee, 9 May 2024**

Members approved the minutes as an accurate record of the meeting.

**2. APPLICATION FOR GRANT OF A TEMPORARY PUBLIC ENTERTAINMENT LICENCE
Mythos Historic Events, Besieged, Yellowcraig Overflow Car Park, Dirleton**

An application had been received from Alan Muir of Mythos Historic Events for a temporary public entertainment licence (PEL) to run a two-day historical event on 7-8 September at Yellowcraig Overflow Car Park, Dirleton. The application had come before Members due to representation from the Licensing Standards Officers (LSO) and Police Scotland.

Mr Muir spoke to the application. He gave a brief account of the medieval history of the area which the event would highlight. He explained that his background was as an historical re-enactor and not as an event planner, and said the Safety Advisory Group (SAG) had educated him in the requirements of staging a public event. He advised that he was financing the event privately; ticketing would recoup some costs, but he did not expect to make a profit.

Karen Harling, Licensing Standards Officer (LSO), spoke on behalf of the SAG, who had received an application for a re-enactment festival to include music, dance, stage fighting, fires outside, and 'have-a-go' archery. She highlighted that Mr Muir was the proposed day-to-day manager with overall responsibility for the event. The maximum number of participants each day would be 500, and she highlighted that further details were contained within the event plan. She advised that the seventh iteration of the event plan was still not fully compliant in terms of assessment by the Scottish Fire and Rescue Service. The deadline for a finalised event plan submission was 17 June prior to the SAG meeting on 25 June. She advised that there had been substantial input from the SAG, but said their input must only be guidance. She noted that events of a similar size should normally only require the input of one SAG meeting; only larger events would ordinarily require three SAG meetings. She highlighted information which remained outstanding, such as the qualifications of those running the archery, and said position of the archery and storage of weapons were concerns. She reiterated that Mr Muir had overall responsibility for the event, and that he would be responsible for instructing groups of re-enactors to ensure their compliance. She advised that any increase in attendees would require further consultation and would cause significant time pressure. She highlighted her recommended conditions, which took into account feedback from various consultees. She pointed out that the public liability insurance details had not been provided for the event, and highlighted concerns regarding compliance with the GB Archery Code of Practice.

Responding to points raised by the LSO, Mr Muir pointed out that 6ft-high heras fencing and a roped off area were in the presented plans. The LSO advised that the SAG would be more comfortable if conditions were attached to the grant of the PEL, so these became stipulations and not only expectations. Mr Muir said the plan adhered to GB Archery regulations; the arrow direction was well clear of the public area and had a clear overshoot area. He advised that a second backing sheet was also being considered. He advised that public liability insurance had not been purchased, but would be taken out upon grant of the PEL.

Mr Muir answered a number of questions from Councillor McMillan. Mr Muir described in detail the archery overfire area, backing sheets, and surroundings, to ensure adequate public flow and safety. He advised that Crexcell would control ticketing, numbers, and road management; as traffic management officers would control the main road to Dirleton, there should be minimal disruption. On the day, Mr Muir would liaise with Crexcell and other stewards, and would provide written instructions before the event. He would check on their work throughout the weekend, and would be an event organiser and not a re-enactor. He did not expect that anyone would try to break into the event, and had not encountered any problems in 20 years of attending such events. He described audiences as interested, informed, and well behaved.

The Convener and LSO raised some alterations to be made to the event plan, including wording relating to smoking around the encampment, use of battery candles, and changes required in terms of fire safety. Mr Muir gave reassurance that these changes would be made prior to the SAG deadline on 17 June.

Councillor Cassini felt that consumption of alcohol at the event posed an unnecessary risk and suggested that bottles of mead be sold only after the main battle had finished and when people were ready to leave. Mr Muir responded that this would not be well received by the seller, who would have to sell for the duration to make the event viable for them. He reassured Members that he did not see the consumption of mead causing issue at the event.

Responding to further questions from the Convener and Councillor McMillan, Mr Muir advised that he had highlighted the event to the Dirleton Village Association, and said the SAG had recommended a communication be circulated to residents for awareness of the event. He advised that the weapons would be blunted to certain specifications so they would not be dangerous. Weapons on display would be behind roping, and re-enactors would stand behind the table. Those responsible for the weapons would assess the person wishing to hold the weapon, but Mr Muir reiterated that the weapons were not considered to be dangerous. When not in use, weapons would be kept in the tents which would always be roped off. Mr Muir was content to state that ultimate responsibility for the event was his own, but added that the re-enactors were experienced in dealing with the public. He stated that he fully understood his duty and the purpose of the SAG process. He felt there was low risk of traffic becoming chaotic with proper road control and sufficient parking in place. He added that if the main parking area was overloaded, it would be possible to take some vehicles into the event parking.

The Convener commented that the SAG process was extremely beneficial. He recalled traffic problems in Yellowcraig during the pandemic, and said that good traffic management was key to ensure safety and that there would be no disruption to residents.

Councillor McMillan had been impressed by Mr Muir's honesty and openness, and took confidence from the answers provided. He wanted the LSO's conditions to be accepted, and suggested that Members delegate grant of the PEL to officers following final signoff by the SAG on 25 June.

Public liability insurance was discussed by Mr Muir, Members, and officers. The LSO advised that under the guidelines, applications for a PEL should be received with public liability insurance; the PEL would not be granted until this was received. Mr Muir said that the public liability insurance would cost £600, so he could not pay this until he had received a green light for the event.

Ian Forrest, Senior Solicitor and Legal Adviser, suggested that Members could agree that they were minded to grant subject to the suggested conditions, but could formally defer granting the PEL to officers following successful completion of the SAG process on 25 June and receipt of necessary public liability insurance. This course of action was formally proposed by Councillor McMillan and seconded by Councillor McFarlane.

The Convener then moved to a roll call vote on Councillor McMillan's proposal, and Members unanimously supported the proposal.

Decision

The Licensing Sub-Committee was minded to grant the application for the temporary public entertainment licence, but formally delegated the final grant to officers following:

- Successful completion of the SAG process on 25 June 2024; and
- Receipt of necessary public liability insurance.

Members also agreed that the temporary public entertainment licence would have the following conditions attached:

- The event perimeter (as defined in the Section 11 Land Reform (Scotland) Act 2003 boundary) to be fenced using 2m high heras fencing and the section of roping as shown on the scaled site plan 1b. The section of roping along the caravan access road to be patrolled by event stewards to prevent unauthorised access;
- The boundary area to be marshalled to direct the public to the entrance; and
- The event to fully adhere to 'Archery GB Code of Practice for Demonstrations, 'Have a Go's & Taster Sessions'.

3. APPLICATION FOR GRANT OF A LICENCE TO OPERATE A SHORT-TERM LET 10 Camptoun Steading, Drem

An application had been received from Ruaraidh Menzies and James Menzies for a licence to operate 10 Camptoun Steading, Drem, as a short-term let (STL). The application would be heard by the Licensing Sub-Committee on the basis that public objections had been received. The Sub-Committee was required to focus on the suitability of the property to operate as an STL, and on the applicants to hold an STL licence.

Mr Forrest highlighted the number and terms of the public objections. He confirmed that no objections had been received from any of the statutory consultees. He also highlighted Mr Menzies' response to the objections. He pointed out that Members' grounds for refusing a short-term let licence application were contained in the Civic Government (Scotland) Act; these did not include reasons relating to title deeds, which would be a civil court issue.

Ruaraidh Menzies spoke to the application. He had received guidance that the proposal did not represent a material change of use in planning terms, but he did not have a full response on this matter and would act accordingly when he had obtained this. He reassured Members that he and his brother were operating within their rights, and advice from their lawyer stated that the title deeds did not prohibit operation of the property as an STL. He advised of measures taken to promote responsible behaviour from guests and to minimise neighbour disruption, and would be happy to do more to provide neighbours with peace of mind. As there had been a complaint about the speed at which a guest had driven, he suggested he could install a larger speed restriction sign, which would also be visible to delivery drivers. He said there had been few complaints made, all of which had been dealt with immediately. He said he would be happy to engage with neighbours regarding noise complaints. He said their vested interest in the property was also due to his brother's intention to move in at a later point, so they wished to protect the community, septic system, etc.

Beth Cowie spoke against the application, and said that five of the fourteen properties had raised objections. She said neighbours lived alongside the Airbnb in a terrace arrangement. Her own main objection was that the proposals broke the burdens of the title deeds; she described these strong burdens, with details as exacting as the colour residents could paint their front door. She reported that the title deeds stated that a business could not be run from the properties. She also raised some concerns with guests, such as people being able to look into her property while consuming alcohol. She reiterated that her main objection was the breaking of title deeds, and that residents had been unable to do anything about this. She felt that all burdens in the title deeds would be meaningless if the applicants could run a business from their property. She also highlighted further concerns contained within the submitted objections.

Responding to questions from the Convener, Mr Forrest reiterated earlier advice that grounds for refusal of an STL licence were set out in the Civic Government (Scotland) Act, which related to the suitability of the property, and whether the applicant was a fit and proper person. He noted differing opinions of the objectors and the applicants regarding the burdens of the title deeds, and advised that this was a matter for parties to deal with amongst themselves. He stated that Members could not refuse a short-term let licence on the grounds of burdens within the title deeds. He noted that the applicant had obtained legal opinion contrary to the objectors' views; the applicant could address with his solicitor whether this legal advice could be shared with the objectors.

Councillor McMillan asked how the applicants intended to manage the property from their respective residences. Ruaraidh Menzies advised that he lived only a 12-minute drive from the property, so could act swiftly should an issue arise. He gave an account of communication with guests, which was usually through the Airbnb app, phone calls, and WhatsApp messages. He was unable to give a date for his brother's move into the property. He said that neighbours had been pleased when the brothers had purchased the derelict unfinished property. He advised the property had operated since early 2022, and some longer-term residents had stayed over the winter months.

Responding to a question from the Convener, Mr Menzies advised that the only complaint he was aware of had been raised with his brother over WhatsApp, and related to driving speed. He advised that most of the residents of Camptoun Steadings and Camptoun Holdings were in a WhatsApp group.

PC Lee Wilson had checked police systems and advised that no calls had been received in relation to the property.

Responding to a question from the Convener, Ms Cowie agreed that Jamie Menzies had generally responded respectfully and in a timely fashion to issues raised about the Airbnb via the WhatsApp group.

Councillor McMillan recalled other instances where an STL licence had been granted for a shorter period, and proposed 15 months as a suitable period. He reminded objectors that issues of speeding, environmental health, and noise could be reported through Police Scotland and Council systems; he said there was little that could be done about such issues unless they came to the attention of the police and/or local authority. He felt reassured about the management style of the property, and thought that a limited time on the licence may also be appropriate since Jamie Menzies had plans to move into the property. He saw no major reason to refuse the application, but the property was within a close community and relations had to be well managed. Mr Forrest responded that there must be clear reasoning for imposing a shorter period than the standard three years.

Mr Menzies volunteered to step up communication with neighbours as the more local resident. He said there had been significant work, risk, and cost associated with the property, and he felt that the objections were not grounds to go through the application process again in only 15 months. If Members were content with how the property was managed, Mr Menzies said he would be happy to be a more present manager for the residents and to tackle any issues that might arise, but would feel unfairly treated if a shorter licence period was imposed. Mr Forrest reminded Members that it remained within the power and remit of the Licensing Sub-Committee to call in a licence for review at any time if there were concerns or issues.

Responding to a question from Ms Cowie, the Convener advised that a licence may be reviewed following issues being raised, such as those relating to environmental health or antisocial behaviour; he advised that anyone wishing to complain contact the licensing team for further guidance.

Councillor McMillan acknowledged that the applicant did not agree to a 15-month duration on the licence, and felt Mr Menzies had made fair comment about cost, time, and risk. He had wanted to make sure that residents knew that Members were listening, but was willing to withdraw his proposal. He emphasised Mr Menzies' remarks about being available and stepping up to manage the property. He encouraged the applicants and neighbours to communicate, and encouraged reporting of issues if neighbours were unhappy. He also noted that there were planning issues still to be fully answered, although acknowledged that these were outwith the remit of the Licensing Sub-Committee.

The Convener said he had concerns with the new short-term let legislation, and said Members had to do their best to support communities within this framework. He then moved to a roll call vote, and Members unanimously agreed to grant the short-term let licence.

Decision

The Licensing Sub-Committee agreed to grant the short-term let licence.

Note: Summary of information

The Licensing Sub-Committee agreed to exclude the public from Item 3 in terms of paragraph 2 (information relating to tenants) of Schedule 7A to the Local Government (Scotland) Act 1973.

4. REMOVAL OF REQUIREMENT FOR DISPLAY OF PUBLIC NOTICE FOR HOUSE IN MULTIPLE OCCUPATION APPLICATION

The Sub-Committee agreed to disapply the requirement for display of the public notice for the house in multiple occupation (HMO) application.

DRAFT

CIVIC GOVERNMENT (SCOTLAND) ACT 1982

APPLICATION FOR GRANT / RENEWAL OF SHORT-TERM LET LICENCE

PART 1: ABOUT YOU

2a

Are you applying as an individual or corporate entity?

Individual

Corporate Entity

Fill in if you are applying as an individual:

Title _____

Your full name _____

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/yy)	Date to (mm/yy)

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). Trading Name and Nominated Individual:

www.northberwickholidayhomes.co.uk/

Caroline Currie c/o North Berwick Holiday Homes

Address:
 North Berwick Holiday Homes
 129 High Street
 North Berwick
 Postcode EH39 4HB

_____ Date of birth N/A _____

_____ Tel. No. 01620 893 204 _____

Email address: booknow@nbholidayhomes.co.uk

Addresses (last 5 years)	Postcode	Date from (mm/yy)	Date to (mm/yy)
[Redacted]			

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.
Gavin Caves				
Marian Caves				

Individuals, please go to Part 2.

Corporate entities

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 GCO Haddington

Limited company number (if applicable) SC574506

First name and surname Gavin Caves

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
Gavin Caves			
Marian Caves			

If you do not own the property which is the subject of this license application, do you have proof of permission from the owner(s):

Yes No N/A

PART 2: PREMISES DETAILS

Where you have a single premises with multiple accommodation units, please complete the Premises Details Supplementary form.

Premises Address 25 Station Hill, North Berwick

Postcode EH39 4AS

Unique Property Reference Number (if known) STL 75191

EPC Rating* C

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

Please select the type of premises:

Detached House Semi-detached House
 Terraced House Flat
 Unconventional accommodation

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

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

Specify the number of rooms within the premises used as:

Bedrooms 3 (2 beds in each bedroom) Bed/Sitting rooms _____

Bathrooms 2 Kitchens 1

Lounges 1

Other (please specify) 1 office

Specify the maximum number of guests 6
(excluding children under 2 years of age)

Specify the number of off-street car parking spaces available 0

PART 3: APPLICATION AND LICENCE TYPE

(to be completed by all applicants)

Please select the application type:

- | | |
|---|-------------------------------------|
| First application (new operator) | <input checked="" type="checkbox"/> |
| New application (where property has been used as licensed STL previously) | <input type="checkbox"/> |
| Renewal | <input type="checkbox"/> |
| Change to existing license | <input type="checkbox"/> |

If you are applying to renew or alter your license, 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 License you require' (below).

Existing license number N/A _____

Existing license 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 license number N/A _____

Previous license expiry date

Please select the type of short-term let license you require:

Home sharing

Home letting

Home sharing & home letting

Secondary letting

If you are applying for a change to your existing license, 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).

N/A

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: **NONE**

NAME	DATE	COURT	OFFENCE	SENTENCE

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	Yes
Annual gas certificate (for premises with a gas supply)	Valid to: <u>05/02/2025</u>
Electrical Installation Condition Report	Valid to: <u>05/02/2029</u>
Portable Appliance Testing Report	Valid to: <u>05/02/2029</u>
Fire Risk Assessment	Yes
Fire Service Safety Checklist	Yes
Legionella Risk Assessment	Yes
Planning permission (for premises within a control area or where requested by the licensing authority)	Planning application reference number: N/A
Floor plan	Yes (2 beds in each of the 3 bedrooms)
EPC Certificate (for premises which are dwellinghouses)	Valid to: 01/ 09/ 2033
Public Liability Insurance	Valid to: 11/ 06/ 2025
Proof of consent from owner (if applicable)	N/A

I have: (please tick to confirm (or enter N/A))	
Identified the owners and those involved in the day-to-day management of my premises	Yes
Ensured that to the best of my knowledge all those named on my application are fit and proper persons	Yes
Prepared information that will be available to guests at the premises including: (a) a certified copy of the license and the license 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.	Yes (pending STL being given re (a))
Applied for planning permission (if required).	Not required
Noted the requirement to display my license number and EPC rating on listings for my premises	Yes
Proof that furniture and furnishings/the furniture and furnishings guests have access to, comply with fire safety regulations	Yes
Read and understood the mandatory conditions that will apply to my license	Yes
Read and understood the additional conditions that will apply to my license	Yes

My premises (please tick to confirm (or enter N/A))	
Meets current statutory guidance for provision of fire, smoke and heat detection	Yes
Meets statutory guidance for carbon monoxide alarms	Yes
Meets the required regulations for private water supplies (for premises with a private water supply i.e not provided by Scottish Water)	N/A
Meets obligations with regard to the Tolerable and Repairing standard (applicable to dwellinghouses)	Yes

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.

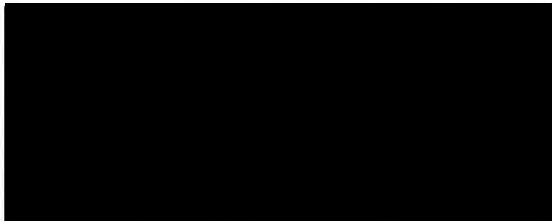
Anyone who gives false information on this form, or fails to provide the information required by this form, is committing an offence which could lead to prosecution.

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

A large black rectangular redaction box covering the signature area.

Print name GAVIN CAVES and MARIAN CAVES _____

Date 29.4.24

DATA PROTECTION ACT 2018

Please note that the information given on this form may be stored electronically by this Authority for the purpose of licensing.

The Identity of the Data Controller under the Data Protection Act 2018 ("the Act").

East Lothian Council, John Muir House, Haddington, East Lothian EH41 3HA ("the Council")

The purpose or purposes for which the data are intended to be processed.

The Data will be processed in order for East Lothian Council to fulfil its statutory duty under the Civic Government (Scotland) Act 1982 in receiving, registering, determining and granting applications for licenses under the said Act. The

Data will be shared with public bodies who require to be consulted about the application, such as the Police. It will also be shared with internal East Lothian Council services, particularly within the Environment Department who give advice to the Council as Licensing Authority, in respect of the application.

East Lothian Council is under a duty to protect the public funds it administers, and to this end may use the information you have provided on this form for the prevention and detection of fraud. It may also share this information with other bodies responsible for auditing or administering public funds for these purposes.

Further information can be obtained from:

Data Protection Officer
Licensing, Administration and Democratic Services
John Muir House
Haddington

dpo@eastlothian.gov.uk

k

O'Reilly, Arlene

From: Millar, Neil
Sent: 09 July 2024 11:01
To: Gavin Caves
Cc: Short Term Lets
Subject: RE: FW: Short Term Let Licence Application, 25 Station Hill, North Berwick EH39 4AS
Attachments: RE: STL75191 - further information required

Morning Gavin,

Thank you for your email below and apologies for my oversight.

I recall that I visited your property on 6th October 2023 to establish whether or not planning permission was required for the use of the house as a unit of short term holiday let accommodation (see attached email). It was established that planning permission was not required and this remains the case.

Please note that I have copied our short term let licensing team into this email for their information.

Kind regards

Neil

From: Gavin Caves [REDACTED]
Sent: Monday, July 8, 2024 3:36 PM
To: Millar, Neil <nmillar@eastlothian.gov.uk>
Subject: Fwd: FW: Short Term Let Licence Application, 25 Station Hill, North Berwick EH39 4AS

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.

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

Dear Neil,

I was forwarded your 4th July email to STL - see bottom of email thread.

However, you have already visited our property and declared it not needing change of use.
See email from yourself copied below:

Dear Marian,

Thank you for your email below and attachment.

I can confirm that I visited the property this morning and met with the current owner who was able to provide me access and show me around. The purpose of my site visit was to establish whether the use of this house, as a unit of short term holiday let accommodation, requires planning permission for it.

I note that this property (25 Station Hill, North Berwick) is located within North Berwick Town Centre as defined by Policy TC2 of the East Lothian Local Development Plan 2018. It is also within North Berwick Conservation Area. The property is served access by its own private entrance door (which is not shared with any other property) and is located between the shopfronts of 19-23 and 27 Station Hill.

I understand from your emails below that (i) the property will be let to either families or small groups of people; (ii) the property is to be let out for roughly half of the year with the average stay being 7 nights; (iii) the maximum occupancy capacity of the house is for 6 people; and (iv) that it is currently in use as a private dwelling.

Based on the information provided and having visited the property today I can confirm that planning permission is not required for the change of use of the house, the subject of this enquiry, to form short term holiday let accommodation.

Kind regards

Neil

Please can you confirm this with STL thanks, so they can progress with my STL application thanks.

Looking at your email from the 4th of July - here are the answers to your other questions:

- How many days/weeks per year would the property be used for short term lets;

I would imagine around 30 weeks a year - but it obviously depends on whether there is any interest from people wanting to stay at the property.

What would be the maximum occupancy of the property (i.e. how many visitors can occupy the property in one booking);

As per application, six people.

- What would be the minimum and maximum length of stay

Licensing
John Muir House
Haddington
East Lothian
EH41 3HA

30th July 2024

Dear Sirs,

SHORT TERM LETS APPLICATION – 25 STATION HILL, NORTH BERWICK, EH39 4AS

I wish to object to the granting of a short term lets licence for the above property by M. Caves of [REDACTED]

I own [REDACTED] and we are about to take up occupation there as a jewellery business.

[REDACTED]

Regards,

[REDACTED]

Clare Blatherwick
Director

Consultation Responses

Antisocial Behaviour Team – No objection

Parking Team – No response

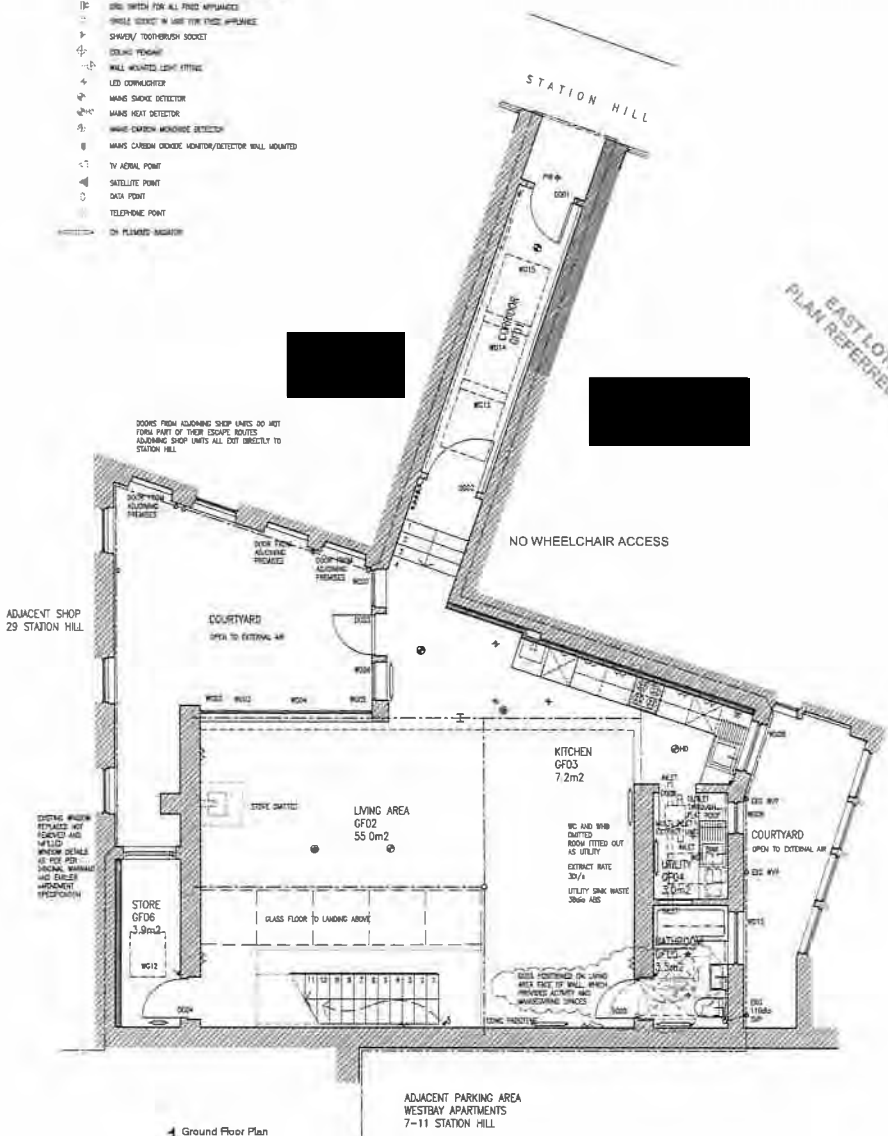
Planning authority – see email 9th July 2024

Environmental services – No objection

Police Scotland – No objection

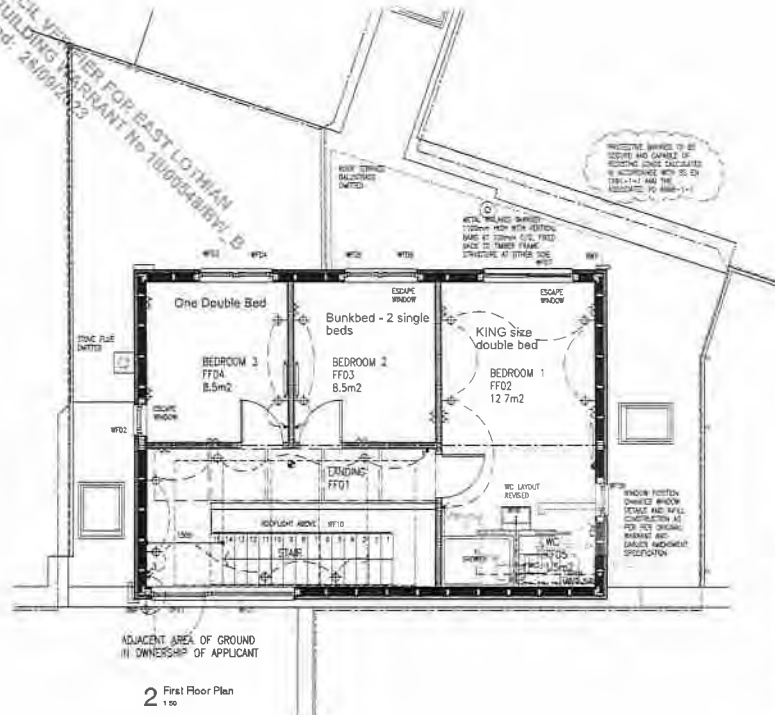
SFRS – No response

- SERVICES LEGEND**
- ⊕ DOUBLE SWITCH SOCKET
 - ⊕ DOUBLE SWITCH SOCKET WITH USB
 - ⊕ LIGHT SWITCH
 - ⊕ 2 WAY LIGHT SWITCH
 - ⊕ 3 WAY LIGHT SWITCH
 - ⊕ FUSED SWITCH
 - ⊕ DIMMER SWITCH AT LOW LEVEL SWITCH AT HIGH LEVEL
 - ⊕ DIM SWITCH FOR ALL FIXED APPLIANCE
 - ⊕ DIMMER SOCKET IN USE FOR FIXED APPLIANCE
 - ⊕ SHAVE/ TOOTHBRUSH SOCKET
 - ⊕ SOUND PITCHER
 - ⊕ WALL MOUNTED LIGHT FITTING
 - ⊕ LED DOWNLIGHTER
 - ⊕ MANS SHOCK DETECTOR
 - ⊕ MANS HEAT DETECTOR
 - ⊕ MANS CIGARETTE MONITOR/DETECTOR
 - ⊕ MANS CIGARETTE MONITOR/DETECTOR WALL MOUNTED
 - ⊕ TV AERIAL POINT
 - ⊕ SATELLITE POINT
 - ⊕ DATA POINT
 - ⊕ TELEPHONE POINT
 - ⊕ ON PLUMBING INDICATOR



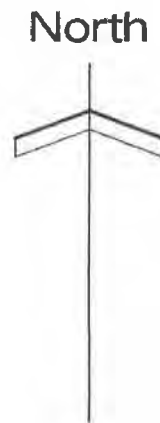
1 Ground Floor Plan
1:10

EAST Lothian Council Warrant for EAST Lothian B
 PLAN REFERRED TO IN BUILDING WARRANT No: 2100544101/B
 Dated: 21/09/2023



2 First Floor Plan
1:10

Project No: A-22 Sept 2023. Drawing prepared by: [redacted]
 somnermacdonaldarchitects
 29 Station Hill North Berwick
 Conversion of Office to form House
 General Arrangement Plans
 19/05/18/A
 August 2023
 2nd AMENDMENT TO BUILDING WARRANT



somnermacdonaldarchitects

2a Law Road • North Berwick • EH39 4PL • 01620 83825
www.somnermacdonald.co.uk

Project Address:
25 Station Hill North Berwick

Project Title:
Alterations to form House

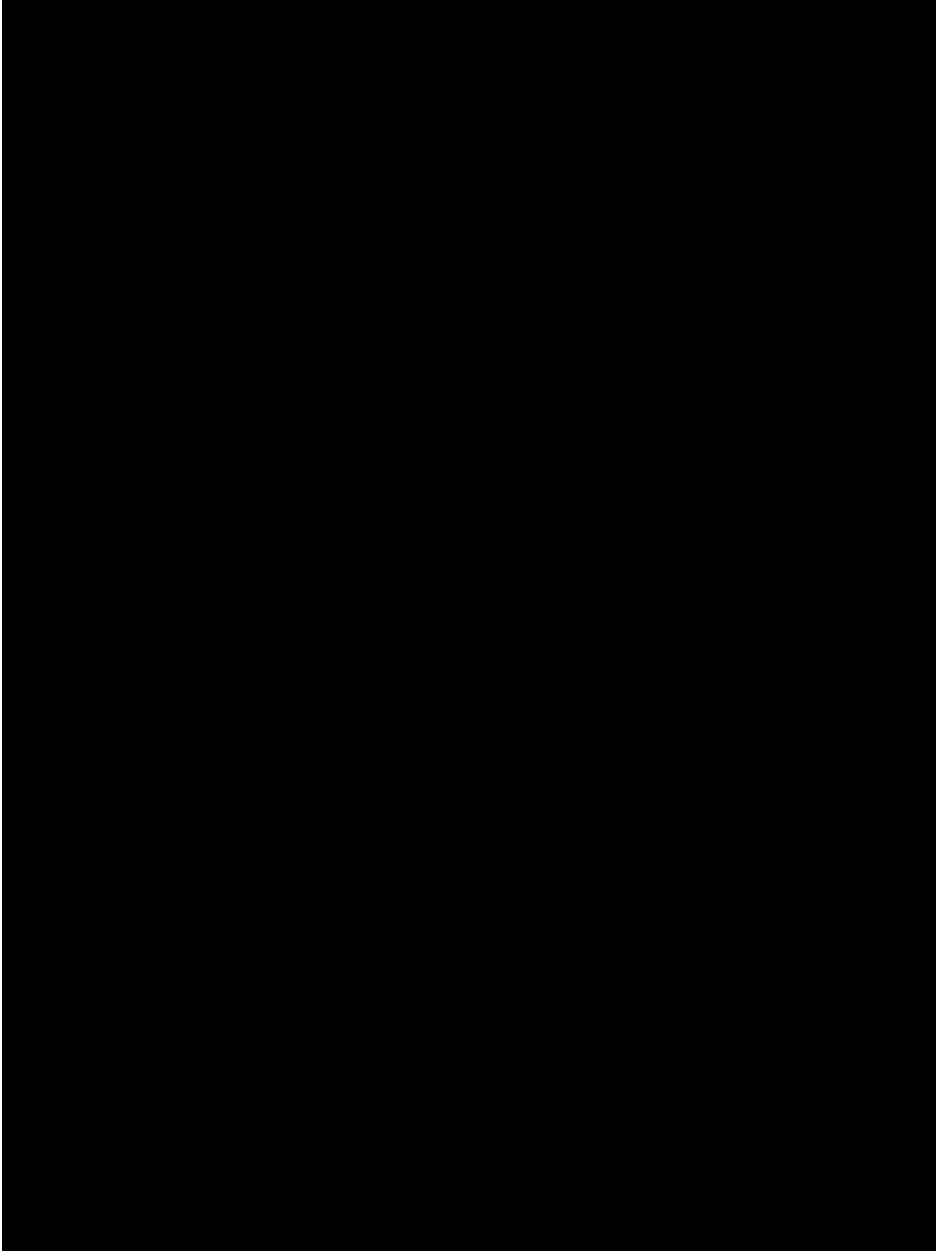
Title:
Site Location Plan

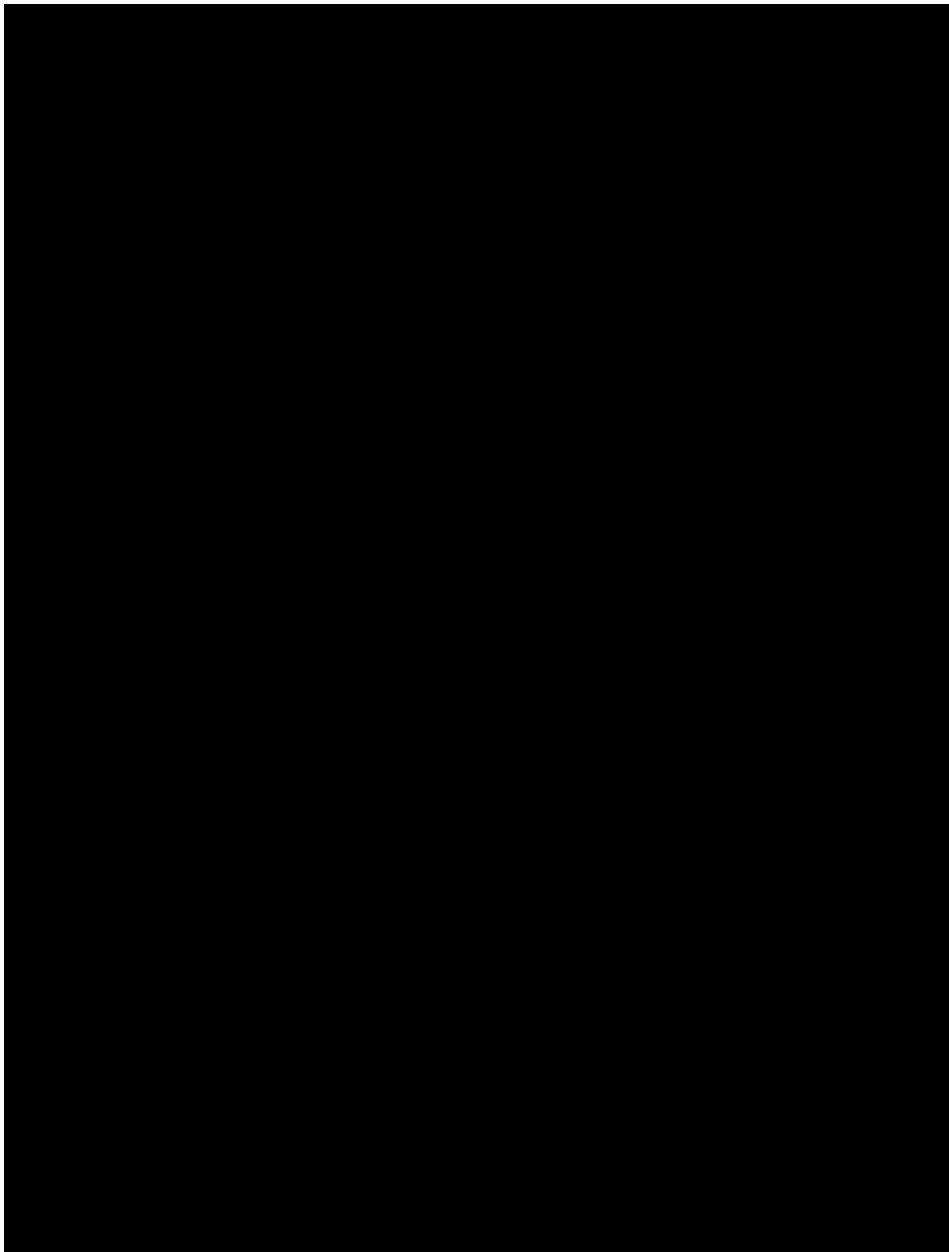
Drawing Number:
1955-03-B

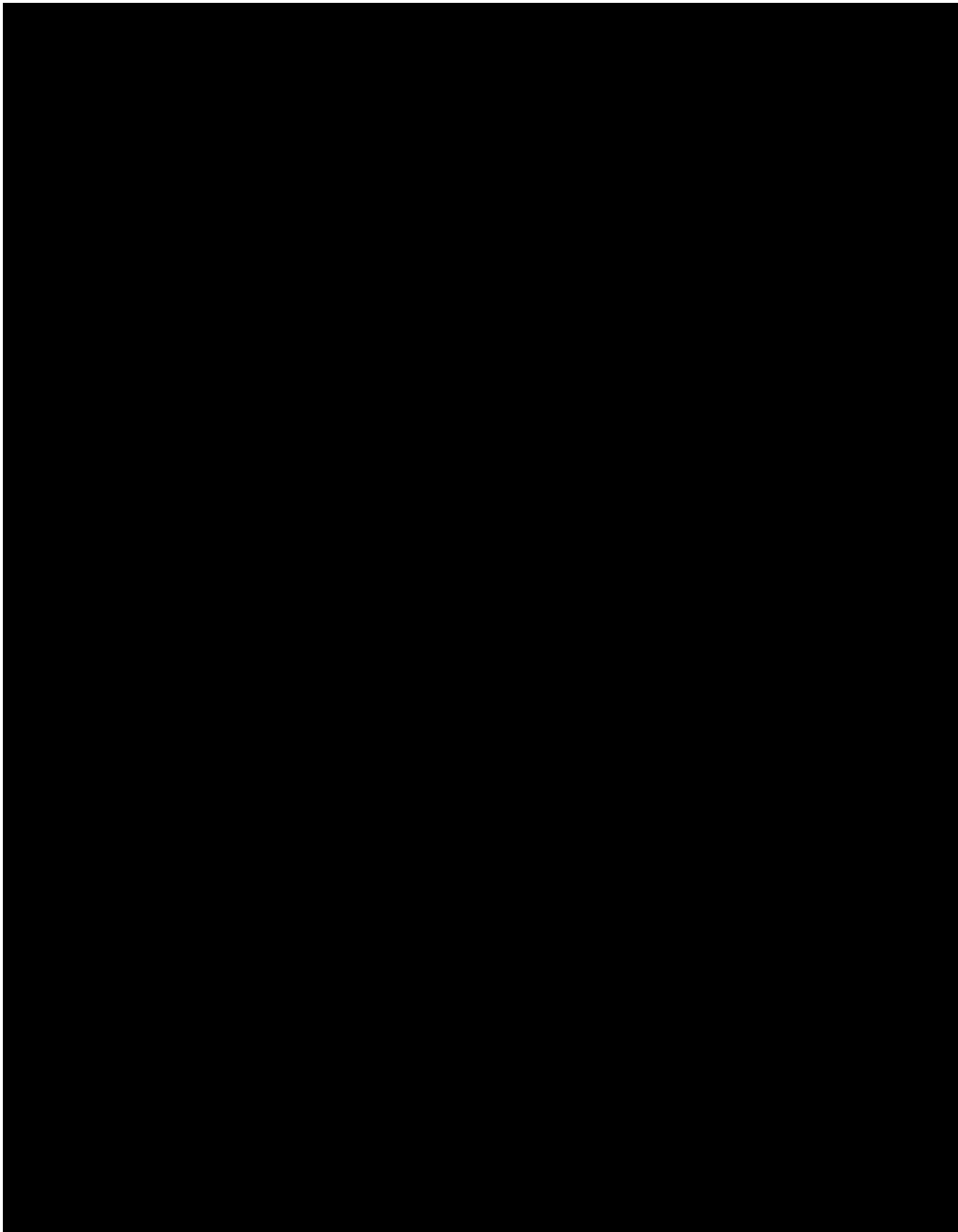
Paper Size:
A4

1st Issued:
July 2019

Dimensions stated are in millimetres unless specifically noted otherwise.







From: [Short Term Lets](#)
To: [Crichton, Rebecca](#)
Date: 05 August 2024 14:12:34

From: Clare Blatherwick [REDACTED]
Sent: Monday, August 5, 2024 10:38 AM
To: Short Term Lets <stl@eastlothian.gov.uk>
Subject: Re: Short Term Let Licence Application 25 Station Hill, North Berwick EH39 4AS

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.

And attached are photos of the back of the applicant's property for your records

From: Clare Blatherwick [REDACTED]
Date: Monday, 5 August 2024 at 10:29
To: Short Term Lets <stl@eastlothian.gov.uk>
Subject: Re: Short Term Let Licence Application 25 Station Hill, North Berwick EH39 4AS

Thanks Arlene,

Thank you for your response.

I am going to forward the correspondence I have received from the applicant to you. I appreciate you aren't go between, nor am I asking you to be but I would like it noted that he has contacted me independently and the content recorded.

I will be attending the meeting in September – most likely online.

Best, Clare

From: Short Term Lets <stl@eastlothian.gov.uk>
Date: Monday, 5 August 2024 at 09:17
To: Clare Blatherwick [REDACTED]
Subject: RE: Short Term Let Licence Application 25 Station Hill, North Berwick EH39 4AS

Good Morning Clare, we send a redacted copy of your objection to the applicant as part of the invitation process.

Hope this helps.

Thanks Arlene

Arlene O'Reilly | Licensing Officer | East Lothian Council | John Muir House | Haddington EH41 3HA | T. 01620 827664 | E. stl@eastlothian.gov.uk

From: Clare Blatherwick [REDACTED]
Sent: Thursday, August 1, 2024 4:29 PM
To: Short Term Lets <stl@eastlothian.gov.uk>
Subject: Re: Short Term Let Licence Application 25 Station Hill, North Berwick EH39 4AS

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Dear Arlene,

Thanks for the response. I am curious that he has my details. I wasn't aware that information about objectors was supplied to the applicant?

Thanks, Clare

From: Short Term Lets <stl@eastlothian.gov.uk>
Date: Thursday, 1 August 2024 at 08:31
To: Clare Blatherwick [REDACTED]
Subject: RE: Short Term Let Licence Application 25 Station Hill, North Berwick EH39 4AS

You don't often get email from stl@eastlothian.gov.uk. [Learn why this is important](#)

Good Morning Clare, thank you for your email.

I did tell Mr Caves that I would email you asking for permission to share contact detail as we cannot be the "go between" in these discussions.

Kind Regards Arlene

Arlene O'Reilly | Licensing Officer | East Lothian Council | John Muir House | Haddington EH41 3HA | T. 01620 827664 | E. stl@eastlothian.gov.uk

From: Clare Blatherwick [REDACTED]
Sent: Wednesday, July 31, 2024 9:52 PM
To: Short Term Lets <stl@eastlothian.gov.uk>
Subject: Re: Short Term Let Licence Application 25 Station Hill, North Berwick EH39 4AS

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.

Hi Arlene,

He has bypassed you and messaged me through my website...

Best, Clare

From: Short Term Lets <stl@eastlothian.gov.uk>
Date: Wednesday, 31 July 2024 at 16:20
To: Clare Blatherwick [REDACTED]
Subject: FW: Short Term Let Licence Application 25 Station Hill, North Berwick EH39 4AS

You don't often get email from stl@eastlothian.gov.uk. [Learn why this is important](#)

Good Afternoon Claire, the applicant has contacted myself to ask if it is ok to share contact details? He wishes to discuss options to your objections.

Please let me know your thoughts.

Kind Regards
Arlene

Arlene O'Reilly | Licensing Officer | East Lothian Council | John Muir House | Haddington EH41 3HA | T. 01620 827664 | E. stl@eastlothian.gov.uk

From: Short Term Lets <stl@eastlothian.gov.uk>
Sent: Wednesday, July 31, 2024 3:42 PM
To: Clare Blatherwick [REDACTED]
Subject: Short Term Let Licence Application 25 Station Hill, North Berwick EH39 4AS

Good Afternoon, please see attached invitation regarding the above STL Licence Application.

Kind Regards
Arlene

Arlene O'Reilly | Licensing Officer | East Lothian Council | John Muir House | Haddington EH41 3HA | T. 01620 827664 | E. stl@eastlothian.gov.uk

Email Disclaimer - East Lothian Council

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From: [Short Term Lets](#)
To: [Crichton, Rebecca](#)
Subject: FW: Clare Blatherwick Contact Notification
Date: 05 August 2024 13:55:27
Attachments: [image001\[26\].gif](#)
[image002\[46\].jpg](#)
[image003\[57\].jpg](#)
[image004\[96\].png](#)
[image005\[25\].png](#)
[image006\[42\].jpg](#)

From: Licensing <licensing@eastlothian.gov.uk>
Sent: Monday, August 5, 2024 10:32 AM
To: Short Term Lets <stl@eastlothian.gov.uk>
Subject: FW: Clare Blatherwick Contact Notification

From: Clare Blatherwick [REDACTED]
Sent: Monday, August 5, 2024 10:29 AM
To: Licensing <licensing@eastlothian.gov.uk>
Subject: FW: Clare Blatherwick Contact Notification

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.

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

From: Gavin Caves [REDACTED]
Date: Friday, 2 August 2024 at 14:10
To: Clare Blatherwick [REDACTED]
Subject: Re: Clare Blatherwick Contact Notification

Hi Clare,
Thanks for your reply, much appreciated.

[REDACTED]

I have waited (over two years) for a property to come up that has no residential neighbours, suitable for my family to go on holiday / short term lets. Yours

is the only objection.

Your concerns are completely unfounded and I implore you to reconsider your objection. You should come round and see for yourself - just message if you'd like to meet.

Kind regards,
Gavin

On Thu, 1 Aug 2024 at 16:48, Clare Blatherwick [REDACTED] wrote:

Dear Gavin,

I'm well thanks and hope you are too? I had an email from the licensing team noting that you had requested my contact information, but I see you found my website in the interim.

Thank you for your email. I appreciate your response, but it remains a serious concern for us. The security of my team and the business is paramount and when I bought the property I was under the impression the house was owner occupied. [REDACTED]

[REDACTED] It feels really important to us that our neighbours are known. Accordingly, I felt I had no choice but to make the objection on this occasion. As it happens, I previously turned down taking another property in NB on the basis that it had shared space with some short term let properties and I wasn't comfortable with that.

I certainly don't want to start our neighbourly relations off on the wrong footing. Maybe it is best that we take time to mull things over before the meeting with the licencing team when we can discuss it further.

Best regards, Clare



[REDACTED]

[REDACTED]

?	?	?
?	?	

From: Clare Blatherwick [REDACTED]

Date: Wednesday, 31 July 2024 at 16:28

To: [REDACTED]

Subject: Clare Blatherwick Contact Notification

Hello Gavin Caves,

Here is a copy of the Contact Us form you submitted on <http://www.clareblatherwick.co.uk> :

Name: Gavin Caves

Email: [REDACTED]

[REDACTED]

[REDACTED]

Subject: 25 Station Hill North Berwick

Message: Hi Clare, Hope you are well. My name is Gavin Caves - I hope you don't mind me contacting you regarding your concerns regarding my application for a short term license for the above property. [REDACTED]

[REDACTED]

[REDACTED] I hope this reassures you and I am happy to put it into more formal writing also. Please feel free to email me at

[REDACTED] or call me on [REDACTED] Kind regards, Gavin Caves

Gdpr Consent: Yes

Thank you for your email. As we are a small team and often out and about seeing clients it can be a day or two before we get back to you and we appreciate you being patient.

Regards,

Clare Blatherwick
[REDACTED]

Response to STL Application Objection for 25 Station Hill, North Berwick, EH39 4AS
FAO Licensing Sub-Committee - meeting 12th September at Council Chamber, Town
House, Haddington

Dear Members of the Sub-Committee,

I am the owner of the above property (Gavin Caves) and the applicant in question for the STL licence.

Thank you for giving me the opportunity to respond to the objection you have received. I trust all other aspects of my application have been considered by the licensing office and are acceptable.

The objector raises two issues, which I would like to address. They appear to relate to the 'unsuitability' of my property for the licence applied for on grounds, it seems, of security and privacy.

My position is that the property is entirely suitable for short-term letting, that the purely theoretical risk identified by the objector is unsubstantiated and lacks supporting evidence, and that the licence should be granted.

1. 'The property has [REDACTED]

As is common with many properties in Scotland, [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED] many of which, as the sub-committee will be aware, have been deemed suitable for STL licences.

The underlying premise to the objection seems to be that short term tenants are more likely to cause safety and security issues when compared with long term tenants or other building occupants.

Having checked the crime data for East Lothian and beyond, I have found no evidence that this is the case. If the objector has such evidence, I would expect it to be put before the sub-committee. Indeed, if it were the case, then no STL licences should ever be granted anywhere. As it stands, the objector's concern seems to be entirely based on a discriminatory assumption against short term tenants.

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

I do not consider this likely and in fact the audit trail of occupants, which will include names and financial information, would surely reduce such a risk rather than increase it. [REDACTED]

[REDACTED]

[REDACTED]

Given its location, short term tenants would most likely be holiday makers, coming to play golf or take their children to the beach. They would also be good potential clients for the objector – providing, I would have thought, an attractive business stream. I would be happy to have the objector’s business card in the welcome pack for tenants, were an STL licence granted.

2. ‘Direct sight into our property’

The use made of the property has no bearing on the privacy of the objector’s property (it the past it has been both an office and a residential property). Any lines of sight which exist now also existed at the time the objector acquired their property which, as noted, looks [REDACTED]

Most of us have some view of our neighbours’ windows and utilise measures such as blinds/curtains/privacy glass/shutters etc. In any event, any lines of sight are minimal at best in this case. Please see photos below of the view from my lounge towards the objector’s property. For context, I had to open the blinds wide to even see the objector’s window.

[REDACTED]

The objector’s position appears to be that the simple fact of my property’s proximity to their business should prevent the granting of this licence. Proximity is, of itself, not a valid ground for objection. It should not be that the mere presence of another business close by - regardless of the nature of that business - is sufficient reason to refuse this licence for the operation of a short-term rental in a self-contained residential property. The objector’s business is not entitled to any specific or enhanced privacy.

Again, the underlying premise to the objection seems to be that short term tenants are more likely to cause safety and security issues when compared with long term tenants or other building occupants – when looking onto the objector’s property through the window. There is no evidence for this.

Please also note that my property (see floorplan and photos below) has a separate front door that opens out onto Station Hill such that the objector would never know who was ‘coming and going’ from the building.

[REDACTED]

Safety and security are also paramount for me and for my tenants, family and guests. I am happy to discuss with my new neighbours ways we can together ensure that we are as secure as possible.

I do sincerely wish my new neighbour every success in their new business premises.

As I understand it, the sub-committee requires to grant my licence unless there are grounds to refuse it. The only potential ground(s) cited to the sub-committee would appear to be based on security/privacy concerns. Both concerns are, I respectfully submit, ill-founded and discriminatory against short term tenants; the committee has not been provided with sufficient evidence to refuse my application on that basis.

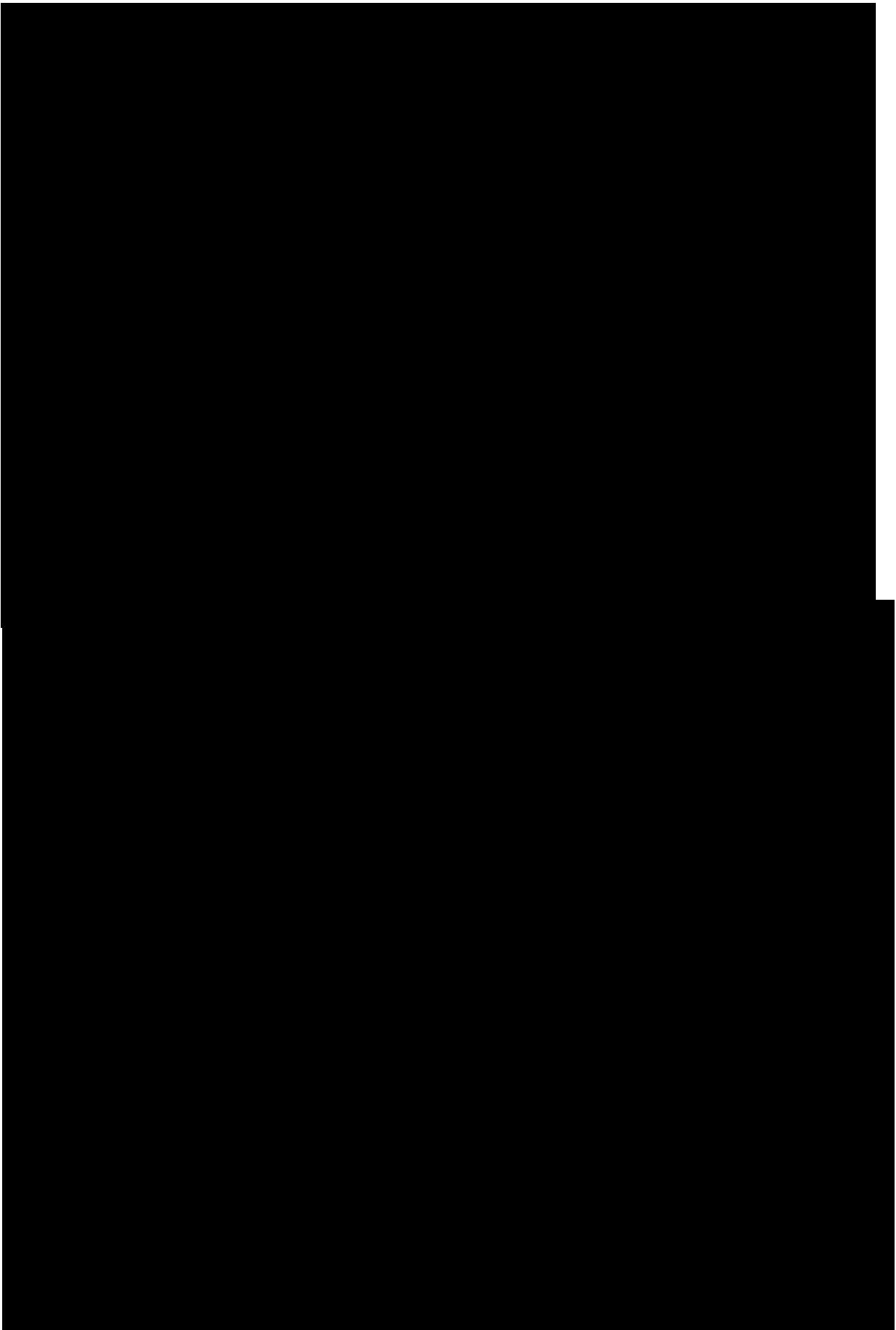
In summary, I should be very grateful if the STL sub-committee would reject the objection to the provision of a STL licence for 25 Station Hill and grant the licence I have applied for.

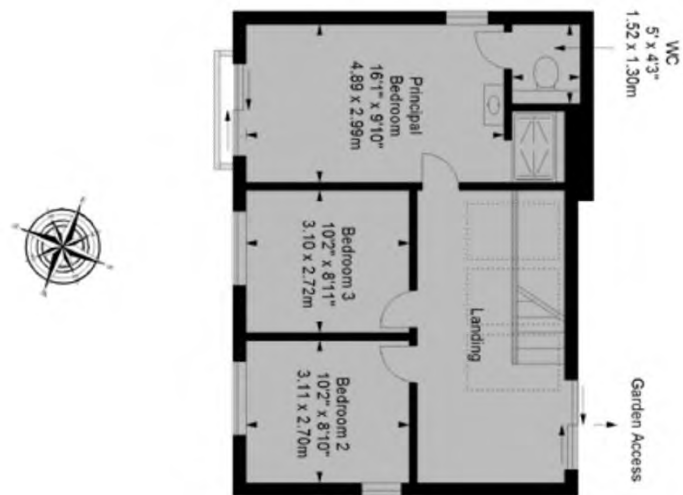
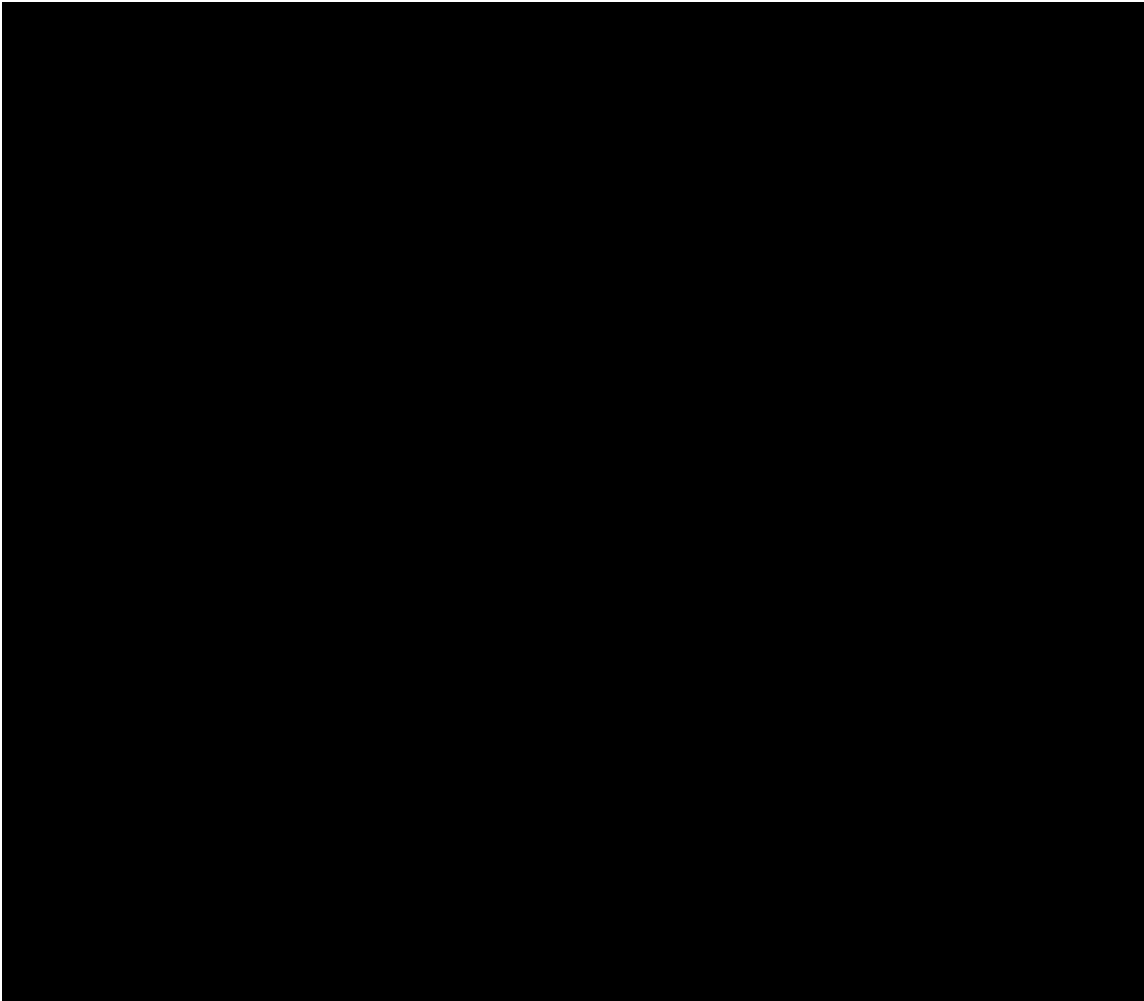
I look forward to meeting you all in person at the meeting on the 12th September at the Town House in Haddington.

Kind regards,

Gavin Caves

View from 25 Station Hill looking onto courtyard





Please note the separate front door and entrance onto Station Hill



Front Door of 25 Station Hill – opens onto Station Hill



Interior view from Estate Agent images at purchase – since then, a brand new kitchen has been installed and new flooring fitted. All required safety measures have also been installed to satisfy the requirements for an STL licence



CIVIC GOVERNMENT (SCOTLAND) ACT 1982

APPLICATION FOR GRANT / RENEWAL OF SHORT-TERM LET LICENCE

PART 1: ABOUT YOU

2b

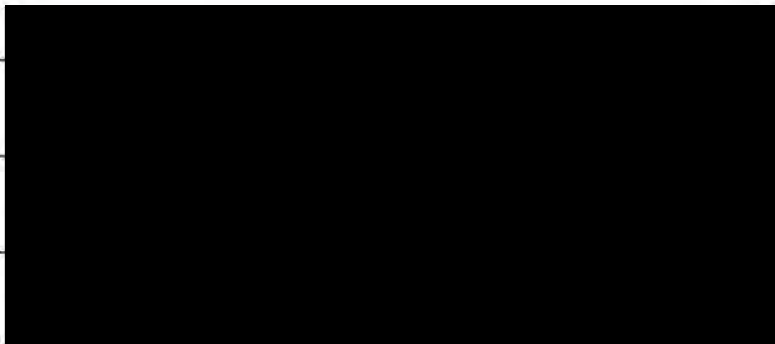
Are you applying as an individual or corporate entity?

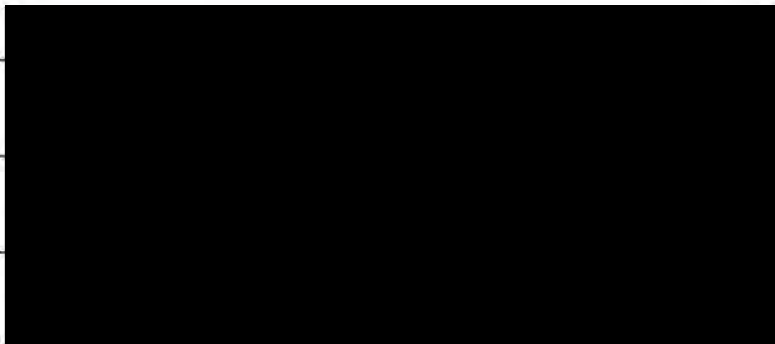
Individual

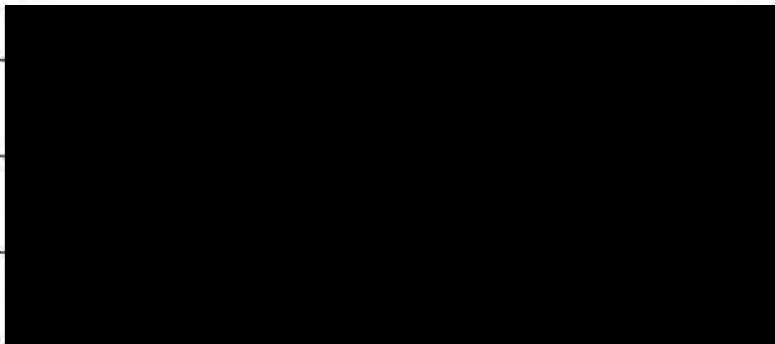
Corporate Entity

Fill in if you are applying as an individual:

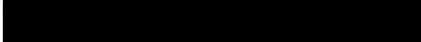
Your full name CALUM M^CCANN


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).

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

I have: (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	✓

My premises (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.

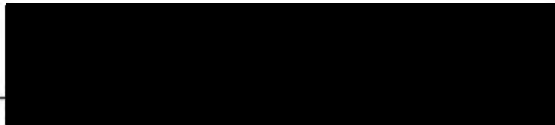
Anyone who gives false information on this form, or fails to provide the information required by this form, is committing an offence which could lead to prosecution.

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)

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 in Musselburgh. The listing title is "Modern apt, amazing harbour views, wifi & parking". The address is "204 New Street NO 14, Musselburgh, EH21 6EL, United Kingdom - Excellent location - show map". The listing features a "Superb 9.1" rating based on 25 reviews. A quote from a guest reads: "Absolutely stunning location overlooking the harbour". The listing also mentions "Free WiFi" and "10 photos". The search filters on the left indicate a 2-night stay for 2 adults, 0 children, and 1 room, with a check-in date of Wednesday 15 November and a check-out date of Friday 17 November 2023. The listing includes several photos of the apartment's interior and exterior views.

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 \(www.gov.scot\)](https://www.gov.scot/resources/information/short-term-lets-regulation-information/)

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
Apartment 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	• Non-refundable • Pay in advance • Genius discount available	1 apartment for Includes taxes and charges I'll reserve • Confirmation is immediate Your package: • Non-refundable • Pay in advance • Genius discount available

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)

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

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]

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

Rafferty, Alison (Licensing)

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

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 1st 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 th 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 th 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 th 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 1st 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]
[REDACTED] [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 Calum McCann

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 Waddell (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:
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 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] [REDACTED]



East Lothian Council
Licensing

31 OCT 2023

Received

29th Oct 2023

Dear Sir / Madam,

Short –Term Lets licence 14 Harbour View Musselburgh.

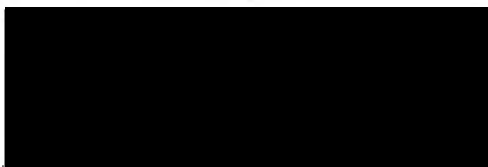
I am writing as Chairperson of the Owners Committee of the development as well as neighbour to this Flat to appeal this Application.

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

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]

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 if you have any queries.

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



5th 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 12th 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 15th 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) 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 Z04MGNMWS00> 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)

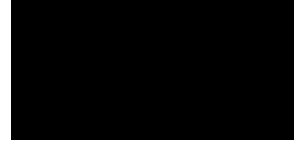
If the applicant is aggrieved by the decision of the Planning Authority the applicant may, within three months from the date of this notice, appeal to the Scottish Ministers under Section 154 of the Town and Country Planning (Scotland) Act 1997. The appeal should be addressed to Planning and Environmental 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 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 18th 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 15th 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 7th August 2024



Tuesday 13th August 2024 - Occupant without car
Friday 16th August 2024



3) Planning contravention notice issued 22nd May 2004 non compliance

Flat 14 was still being used as a short term let between the period of 22nd 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 15th 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

**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

July 2026							August 2026						
Mon	Tue	Wed	Thu	Fri	Sat	Sun	Mon	Tue	Wed	Thu	Fri	Sat	Sun
		1	2	3	4	5						1	2
6	7	8	9	10	11	12	3	4	5	6	7	8	9
13	14	15	16	17	18	19	10	11	12	13	14	15	16
20	21	22	23	24	25	26	17	18	19	20	21	22	23
27	28	29	30	31			24	25	26	27	28	29	30
							31						

Bookings are open until July 2026 at least.

6) Evidence from Airbnb Client Comments (Extracted 18.08.2024)

 <p>Barbara 5 years on Airbnb</p> <p>★★★★★ · 2 weeks ago</p> <p>Very nice apartment in a good location. Lots of space, great view and everything was clean and cozy!</p> <p>Show more</p>	 <p>Cheryl 9 months on Airbnb</p> <p>★★★★★ · 3 weeks ago</p> <p>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 .</p> <p>Show more</p>
 <p>Patrick 4 years on Airbnb</p> <p>★★★★★ · July 2024</p> <p>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</p> <p>Show more</p>	 <p>Arimoto 5 years on Airbnb</p> <p>★★★★★ · July 2024</p> <p>Rebecca was very relieved to be contacted regularly from start to finish. The room was spacious and beautiful, and there was a...</p> <p>Show more</p>
 <p>Janice 4 months on Airbnb</p> <p>★★★★★ · June 2024</p> <p>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...</p> <p>Show more</p>	 <p>Mario Sri Jayawardenepura Kotte, Sri Lanka</p> <p>★★★★★ · June 2024</p> <p>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...</p> <p>Show more</p>

External evidence extracted from Airbnb 2024 website confirms stays 2 weeks ago 4 August, and 28th July 2024 and for stays after the issue of the Planning contravention notice issued 22nd 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 15th 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 15th 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) 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.

CIVIC GOVERNMENT (SCOTLAND) ACT 1982

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

2c

PART 1: ABOUT YOU

1. Are you applying as an individual or corporate entity?

Individual Corporate Entity

Fill in if you are applying as an individual:

First name(s)	Amy Flora
Surname	Goring Squair
Date of Birth	[REDACTED]
Place of Birth	[REDACTED]
Home Address inc. postcode	[REDACTED],
[REDACTED]	[REDACTED]
Telephone number(s)	[REDACTED]

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):

Address (history for last 5 years)	Postcode	Date from (month/year)	Date to (month/year)
[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]

2. Do you have or intend to appoint an agent or day-to day manager?

Yes

No

If you answered yes to question 7, please provide details for your agent(s) or day to day manager(s).

Agent(s) & Day to Day Manager(s)

Full name	5 year address history	Date of birth	Email address	Telephone number

3. Is your property jointly owned?

Yes

No

If you answered yes to question 8, please provide details for all joint owners.

Joint owner(s) (continue on a separate sheet if necessary):

Full name	5 year address history	Date of birth	Email address	Telephone number
Neil McDonald	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]

Individuals, please go to Part 2.

4. 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 <i>(if applicable)</i>	
Registered or principal office address	
Telephone number(s)	
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

5. 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	5 year address history	DOB	Email address	Telephone number

PART 2: APPLICATION AND LICENCE TYPE (to be completed by all applicants)

6. 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 question 7:

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

7. Please select the type of short-term let licence you require:

- | | | | |
|-----------------------------|-------------------------------------|-------------------|--------------------------|
| Home sharing | <input type="checkbox"/> | Home letting | <input type="checkbox"/> |
| Home sharing & home letting | <input checked="" type="checkbox"/> | Secondary letting | <input type="checkbox"/> |

8. 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 | <input type="checkbox"/> | No | <input type="checkbox"/> | N/A | <input checked="" type="checkbox"/> |
|-----|--------------------------|----|--------------------------|-----|-------------------------------------|

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).

PART 3: PREMISES DETAILS

Premises Address (<i>incl. postcode</i>)	Grieves Cottage, Snawdon, Gifford, Haddington, East Lothian
Unique Property Reference Number (<i>if known</i>)	
EPC rating (<i>if applicable – not required for home sharing or unconventional accommodation</i>)	F

9. Please select the type of premises:

- Detached House Semi-detached house
 Terraced House Flat
 Unconventional accommodation

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

- Self-catering B&B
 Guest house Other form of home sharing
 Home letting

11. Specify the number of rooms within the premises used as:

- Bedrooms 2 Bed/Sitting rooms
 Bathrooms 1 Kitchens 1
 Lounges 1 Other (please specif)

12. Specify the maximum number of guests (excluding children under 2 years of age)

5 _____

13. Advise if you operated this premise as a short-term let prior to 1 October 2022

Yes

No

PART 4: CONVICTIONS

14. 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

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)		
Completed application form	<input checked="" type="checkbox"/>	
Correct application fee	<input checked="" type="checkbox"/>	See East Lothian Council website – Civic Licence Fees
Completed Fire Risk Assessment	<input checked="" type="checkbox"/>	
Annual gas certificate (<i>for premises with a gas supply</i>)	<input type="checkbox"/>	N/A
Electrical Installation Condition Report	<input checked="" type="checkbox"/>	Valid to: 01/09/2026
Portable Appliance Testing Report	<input checked="" type="checkbox"/>	Valid to: 28/09/2025
Legionella Risk Assessment	<input checked="" type="checkbox"/>	
Planning permission (<i>for premises within a control area or where requested by the licensing authority</i>)	<input type="checkbox"/>	Planning application reference number: N/A
Floor plan	<input checked="" type="checkbox"/>	See guidance notes
EPC Certificate (<i>for premises which are dwellinghouses</i>)	<input checked="" type="checkbox"/>	Valid to: 05/07/2031
Buildings Insurance	<input checked="" type="checkbox"/>	Valid to:
Public Liability Insurance	<input type="checkbox"/>	N/A
Proof of consent from owner (if applicable)	<input checked="" type="checkbox"/>	
Evidence of operation as a short-term let on or before 1 October 2022 (<i>for existing hosts applying during transitional period</i>)	<input checked="" type="checkbox"/>	

I have: – please tick to confirm (or enter N/A)	
Identified the owners and those involved in the day-to-day management of my premises	<input checked="" type="checkbox"/>
Ensured that to the best of my knowledge all those named on my application are fit and proper persons	<input checked="" type="checkbox"/>
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.	<input checked="" type="checkbox"/>
Applied for planning permission (if required).	<input type="checkbox"/>
Noted the requirement to display my licence number and EPC rating on listings for my premises	<input checked="" type="checkbox"/>
Proof that furniture and furnishings/the furniture and furnishings guests have access to, comply with fire safety regulations	<input checked="" type="checkbox"/>

Read and understood the mandatory conditions that will apply to my licence	<input checked="" type="checkbox"/>
Read and understood the additional conditions that will apply to my licence	<input checked="" type="checkbox"/>

My premises: – please tick to confirm (or enter N/A)	
Meets current statutory guidance for provision of fire, smoke and heat detection	<input checked="" type="checkbox"/>
Meets statutory guidance for carbon monoxide alarms	<input checked="" type="checkbox"/>
Meets the required regulations for private water supplies (<i>for premises with a private water supply i.e not provided by Scottish Water</i>)	<input checked="" type="checkbox"/>
Meets obligations with regard to the Tolerable and Repairing standard (<i>applicable to dwellinghouses</i>)	<input checked="" type="checkbox"/>

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.

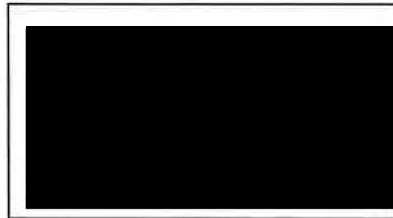
Anyone who gives false information on this form, or fails to provide the information required by this form, is committing an offence which could lead to prosecution.

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

Amy Flora Goring Squair

Date

30th September 2023

Consultation Responses

Antisocial Behaviour Team – No Objection

Parking team – No Objection

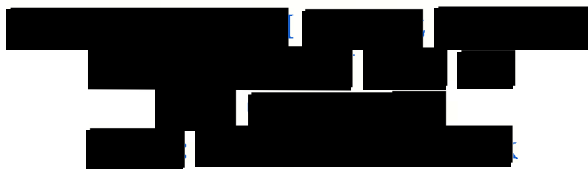
Planning Authority – does not require planning permission 07/08/2024

Environmental Protection – No objection

Police Scotland – No Objection

SFRS – No response

FIRM OF ANDREW JACK



19th October 2023

**Licensing
East Lothian Council
John Muir House
Brewery Park
Haddington
East Lothian
EH41 4PJ**

Application for Short-Term Lets License

Miss Amy Flora Hersey Goring Squair, Grieves Cottage, Snawdon, Gifford, East Lothian, EH41 4PJ

Dear Sir/Madam

With reference to the above application for a Short-Term Lets License in respect of Grieves Cottage at Snawdon Farm we wish to raise the following concerns-

Firstly our main objection is the close proximity of the cottage to the main working part of the farm. We do not discourage people coming out to the countryside but as this is a working mixed stock and arable farm this house is in the wrong location to operate as a holiday let as it is situated in the heart of the farm right next to where we handle all our livestock and next to the main access to our fields. It is called "Grieves Cottage" for a reason!

Our bio security is being breached as people can come to stay here from anywhere in the world. The Air BnB Website states that it is on a farm with lots animals. Health and Safety is also therefore an issue here as people unfortunately do not always know of the dangers interference can cause us and our employees when working with stock. The guests don't realise that when they come over to have a look at what we are doing when working with cattle in the handling pens they get in the way spooking and upsetting the cows and calves causing distress thus making our job more dangerous. This is unacceptable as it is an added stress we don't need.

Secondly, the owners unfortunately did not give us any notification of their intentions to holiday let the house when the lettings commenced in 2022. We only found out by chance from one of their guests who was lost and had driven down a track where they shouldn't have been. We thought out of courtesy and respect Ms Squair would have informed us of her intentions and we were therefore disappointed to find out that this house is being used as a full time holiday let.

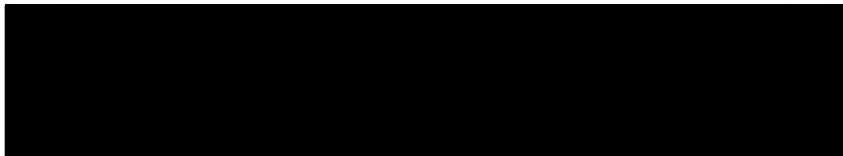
Access to Snawdon Farm is by a private farm road. There is also a private water supply on the farm supplied by us for each single dwelling house for domestic purposes. There is nothing to advise guests on the website about the spring water and guests may not have immunity and this is also another worry to us.

We have had unauthorised cars driving around our yard looking for the holiday cottage along with people & kids walking around our workplace and walking through the farm with coffee cups and bottles of wine and glasses. This is not a playground but a working farm and this is not acceptable as there are agricultural vehicles and grain lorries frequenting the busy yard. We, as the owners of the farm are not against farm holiday lets/Air BnBs as our neighbours at Carfrae Farm have diversified in this way but their cottages are accessible directly from the main road and all the farm work is contracted out and grain storage is located elsewhere. I have asked the owners of their intentions since viewing their notice of application to holiday let and they have told me that it is for financial reasons so basically it is a business they are running at our expense.

Our family came to Snawdon to farm over 38 years now, we accepted and respected our neighbours around the farm and have served them with no ask nor want in this very small community. Dealing with someone else's Air BnB guests is not what we came here for along with the extra worries, stress and workload that having strangers around the farm bring. The owners of Grieves Cottage are running a full time business here.

We hope someone take's the time to thoroughly consider these points that we have raised regarding this matter.

Yours faithfully

A large black rectangular redaction box covering the signature area.

On behalf of:
**Partners – George & Jane Maria Jack,
Andrew & Lynsey Jack
Firm of Andrew Jack**

Arelene O'Reilly
Licencing Officer
East Lothian Council
John Muir House
Brewery Park
Haddington
EH41 4PJ

30th August 2024

Application for Grant of Short-term Let (STL) licence for Grieves Cottage, Snawdon, Gifford, Haddington EH41 4PJ

Dear Ms O'Reilly,

Thank you for your email on Friday 23rd August 2024, and for the attachments (Invitation to Attend Licencing Sub-Committee Meeting & Letter of Objection).

I called you on Friday 23rd August 2024 to confirm that I will attend the Licencing Sub-Committee Meeting on Thursday 12th September at 2:00pm, though I did not reach you, so left a voicemail regarding this.

Moving on the Objection Letter that was submitted by Mr and Mrs Jack, Snawdon Farmhouse, I must firstly express my wholehearted disappointment and frustration at the content of this letter. Whilst I fully respect everyone's right to express their viewpoint, it is only fair that both sides of a story are told in a situation such as this.

I don't want to waste your time, but there are aspects of the Objection Letter and the nature of life at Snawdon that require explanation before conclusions can be made.

I will start by looking at the content of the Objection Letter first:

Firstly our main objection is the close proximity of the cottage to main working part of the farm. We do not discourage people coming to the countryside but as this is a working mixed stock and arable farm this house is in the wrong location to operate as a holiday let as it is situated in the heart of the farm right next to where we handle all our livestock and next to the main access to our fields.

We cannot change the location of the cottage in relation to the proximity of the farm! It seems slightly bizarre. Should we complain that the farm is not ideally located next to our cottage? There are certainly times when the operations of the farm that happen adjacent to the cottage are not ideal (eg large tractors and trucks rumbling right outside of our front door, often driven by farmworkers that we do not know, or noise and smells from the general operations with the livestock), but we understand the nature of the location and accept such circumstances. We would have hoped that the Jacks would also understand the circumstances that we find ourselves in and that the diversification of living and letting of properties is also a development in society that we are part of- but that at no time was it ever to be at the expense of our neighbours' comfort.

I note that the Jacks say that 'they do not discourage people coming to the countryside', but this is then in conflict with what they say in the third paragraph of their letter.

It is called 'Grieves Cottage' for a reason!

Whilst not strictly relevant, I find the inclusion of a quip with regards to the name that this cottage takes in relation to farming as unnecessary in this objection.

Our bio security is being breached as people can come and stay here from anywhere in the world.

Firstly, in all of the time that we have owned Grieves Cottage, and let it out via Airbnb, this is the first time that the Jacks have raised this- not to us in person, but via this Objection Letter, dated 19th October 2023, that has been passed on to us in August 2024. Therefore, how are we expected to discuss their concerns regarding this unless they raise them with us directly?

We would welcome discussion regarding their concerns in relation to bio security, but as some ten months have passed since the Objection Letter was sent to you, and has only now been forwarded on to us, and the fact that the Jacks have not mentioned this to us directly in all this time, suggests that it is perhaps a mild concern. Had it been a critical concern, then surely Mr or Mrs Jack would have brought it up with us in person at this time?

This is not to belittle the concern, as noted above we would welcome the chance to discuss the details of this and understand how moves might be made to reduce this perceived risk. However, the lack of communication makes me think that there haven't been any direct concerns regarding this in this 10-month period (when the Cottage has still operated with some short term lets), nor in the years previous to this when the Jacks became aware that short term lets were happening at Grieves Cottage.

Secondly, I find the comment slightly xenophobic here. To consider people as little more than spreaders of disease is both offensive and insular. Whilst I understand that there are precautions required regarding bio security for agricultural work (and as noted above, we would welcome discussion regarding the detail of the concerns relating to this), to consider visitors from any walk of life or part of the world as a threat to the farm operations is a little exaggerative, not least because we state that no guests are to go near the farm buildings.

If we had visitors every week from different places around the world, would this be a risk to the bio security of the farm? If so, we would want our neighbours to inform us of these perceived risks so that we might understand their concerns more.

We own the house and if we have visitors from anywhere on this planet, it should be our liberty to live in such a manner, unhindered. There are five houses surrounding the farm, not including the Farmhouse, and so there will always be the possibility of visitors to

these properties. Indeed, to reach the cottages to the north of the farm, the only route is directly through the farmyard he describes in this Objection Letter.

The issue here appears to be regarding the movement of visitors from Grieves Cottage to the surrounding areas which includes the farm itself.

It is noted on the description of the property on Airbnb that:

'[The] Cottage is located right next to a farm so lots of animals (cows, sheep, ducks!) ...

And under the heading 'Neighbourhood Highlights':

'There is a farm next door so lots of tractors and animals...

...Please do not enter any farm buildings or touch any farm machinery/animals! Please don't go into any fields that contain livestock.

The Pond across the road is private property, do not go into this garden (it's fenced off!)

Therefore, it can be said that we have ensured that visitors who wish to walk out with the immediate garden areas of Grieves Cottage are informed of the nature of the surroundings, especially the farm operations adjacent, and that there are restrictions in place that need to be respected.

A visual/ aerial map is now being provided to guests illustrating prohibited areas and access routes (please see attached) and have started using the website what-three-words to accurately locate the property and identify the access route to it.

Furthermore, it should be noted that there are animals that belong to our neighbours at Snawdon House that often roam into the gardens of Grieves Cottage such as a peacock, peahen, chickens, ducks, hens and geese. These animals don't belong to the Jacks but we are happy to share our garden with them, and this is something that the neighbours are content with and we make guests aware of.

We also have a strict 'no dogs/pets' policy for the property.

The Air BnB Website states that it is on a farm with lots of animals. Health and Safety is therefore an issue here as people unfortunately do not always know the dangers interference can cause us and our employees when working with stock.

See above for the Airbnb description, along with precautionary notes regarding the location of the property to neighbouring animals/ farm operations.

We have made it clear on the website and reinforce this when directly corresponding with guests that interference or going near any animals or farm areas/machinery is strictly prohibited. Indeed, this is how I would expect any resident or visitor to conduct themselves in the Snawdon area.

The visual/ aerial map provided to guests further emphasises these precautions.

The guests don't realise that when they come over to have a look at what we are doing when working with cattle in the handling pens they get in the way spooking and upsetting the cows and calves causing distress this making our job more dangerous. This is unacceptable and it is an added stress we don't need.

Again, we would have welcomed direct discussion regarding this as we agree that guests are not allowed near animals or farm operations, as noted on the website explicitly and reinforced via direct communications when visiting.

This is the first time that this has been raised to us and so is also the first chance to respond to it. Again, we would welcome further discussion regarding this.

It must, however, be said that this appears to have been an isolated incident, simply deduced by the fact that it has never been raised to us directly.

Moving forward, we can also note to guests that they are not to approach any farm workers as well as farm areas/ machinery etc.

Secondly, the owners unfortunately did not give us any notification of their intentions to holiday let the house when the lettings commenced in 2022. We only found out by chance from one of their guests who was lost and had driven down a track where they shouldn't have been. We thought out of courtesy and respect Ms Squair would have informed us of her intentions and we were therefore disappointed to find out that this house is being used as a full time holiday let.

I find this contradictory. On one hand, guests are driving around their yard as if it were a 'playground' and walking around with coffee cups and wine bottles (as noted later in the Objection Letter), and on the other hand Mr Jack is saying that he and Mrs Jack only found out that short term lets were happening at Grieves Cottage by chance.

It is not a requirement of short-term letting that you need to inform neighbours of the intention to let the property. It is a detached house, and whilst it is close to farm operations (simply by the nature of the settlement), it is served by a shared access track and so ultimately the comings and goings of the property should be the concern of us. If the Jacks had concerns regarding this, we would have expected them to raise this with us directly. This was not forthcoming until receiving the content of the Objection Letter here.

██ However, I did however have a conversation with Mrs Jack in January 2023 and mentioned that I had been letting the property. She then informed me that she had been thinking about setting up a holiday let herself, in the house directly next to the one they reside in, which they own. My other neighbour was present during this conversation.

With regard to guests getting lost, I am sure that this is not commonplace as the route to the cottage is made very clear to any visitors. If they get lost, then that isn't something we or anyone can control. This could of course happen to anyone, whether Airbnb visitors or otherwise. I would like to think that anyone who may be lost would simply be given help regardless of who they were or where they were going (and again, I would suggest that such incident(s) as noted in the Objection Letter are isolated).

In recent weeks, a wine company with a delivery for Mr and Mrs Jack, knocked on my door looking for Mr Jack. It is to be expected in such a rural area. I quite often receive post for other neighbours, The Calders or the Habgoods, who live beyond the Jack's house and I have to walk across the farm yard, in order to pass it onto them as this is the only route to their properties from my house.

Courtesy is one thing, but respect is often earned, and it is something that the Jacks have not afforded me in my time at the Cottage.

Lastly, to describe the house as a 'full time holiday let' is presumptuous. It is not let out 'full time'. There have been short term lets at the property but there are also times when the house is used by myself and my family. I would also add that a large majority of my guests are not on holiday but are here to work in the area. For example, engineers working at nearby windfarms in the Lammermuir Hills, which are very close by. These workers are struggling to find accommodation.

Access to Snawdon Farm is by a private farm road.

I do not understand why the Objection Letter includes this sentence.

All of the properties at Snawdon (Snawdon Lodge Cottage, Snawdon House, Snawdon Farmhouse, Grieves Cottage, Papania Cottage) have access rights to their properties via the same track. It is not solely a 'farm road', nor is it private given that we wouldn't want to ward off any visitors etc. There are no signs on this road indicating that it is considered private.

It is a road that has shared access and responsibility for upkeep between all neighbours at Snawdon. Indeed, this has been a source of dispute between the Jacks and other neighbours for some time as the farm vehicles make the condition of the track deteriorate more quickly than would be the case with standard cars etc. This is an ongoing side-issue at Snawdon, but one that the residents at Snawdon often simply get on with despite the various pot holes created by farm vehicles.

There is also a private water supply on the farm supplied by us for each single dwelling house for domestic purposes. There is nothing to advise guests on the website about the spring water and guests may not have immunity and this is also another worry to us.

There is indeed a private water supply supplied to each dwelling located at Snawdon and like the other dwellings we pay the bills that are sent to us by Mr Jack even when the invoices are often lacking in detail.

I'm not sure what the issue is here. Should guests have immunity to the spring water? I have never heard of such a thing. Again, this is a confusing paragraph. What immunity should guests have with regard to the spring water; and why is this a concern to Mr and Mrs Jack? I would welcome clarification as it is baffling. We have carried out the relevant water tests, most recently the legionnaires test, which was passed.

We have had unauthorised cars driving around our yard looking for the holiday cottage along with people and kids walking around our workplace and walking through the farm with coffee cups and bottles of wine and glasses. This is not a playground but a working farm and this is not acceptable as there are agricultural vehicles and grain lorries frequenting the busy yard.

The first part of this paragraph simply repeats the point of the fourth paragraph of the Objection Letter noting that a guest has been lost looking to access Grieves Cottage before and, I'm sure accidentally, went the wrong way. Once again, this is likely to have been an isolated incident which is being inflated in this Objection Letter.

Whilst there is strictly no way of evidencing this explicitly one way or another regarding lost visitors taking a wrong turn - we could simply say that this is false as the Jacks haven't once raised this with us to date; only through this letter have we now been notified of such an event – we are willing to believe their comment that a car may have taken a wrong turning into the farm yard area. This will have simply been because visitors haven't followed the clear instructions that are given regarding the access route to Grieves Cottage, and as mentioned before this must be an isolated incident given that it has never actually raised with us.

The term 'driving around our yard' is also misleading. If a car goes a wrong way, then manoeuvres to go another way then that is exactly what it is doing, not 'driving around' which makes the whole thing sound far less controlled.

Whilst I understand that the farm has to be managed in terms of cars/vehicles coming and going, the farmyard is also the access route to other houses and so there has to be an acceptance that if neighbours have visitors, then 'unauthorised vehicles' will by necessity need to drive through the yard. What constitutes an 'unauthorised vehicle'? Do we, and other neighbours, need to notify the Jacks of the number plate of each vehicle visiting our houses? The issue seems to derive from presumably one car that got lost on the way to Grieves Cottage.

The people and kids walking into the farm workplace, that they mention, is not acceptable and we agree with this, as it is made explicitly clear on the website that this is the case. Had we been notified of such an occurrence then we might have been able to intervene or discuss this with the guests or Airbnb themselves.

To add the mention of these people and kids having 'coffee cups and bottles of wine and glasses' simply serves to paint a picture of a group of people who have little consideration for the farm environment- especially having alcohol in both a glass and a bottle. We do not know the validity of this comment as it has never been relayed to us from Mr Jack until now, and again expect that this is an isolated incident.

As before, we are trusting that Mr and Mrs Jack are indeed telling the truth here, as we have no evidence to refute nor accept such an incident. If it is indeed true, then as noted above, this is very disappointing from what we imagine was one visiting group who ignored our instructions regarding the surrounding farm. We weren't afforded the chance to take this up properly at the time and so can only respond retrospectively in this response letter.

I would also add that our neighbours at Snawdon Cottage often get 'house sitters' to look after their animals whilst they are away, and I have often seen these people walking around the farm track. I have no problem with them and assume they are also told where they can and cannot go. I don't want to be blamed for every 'stranger' seen at Snawdon.

To say that 'this is not a playground' is both obvious and unnecessary; and is added into the Objection Letter, like much of this paragraph to depict an unfortunate, and I'm sure isolated, incident in the worst light possible. As mentioned throughout this letter, had we been given the chance to respond to such a situation then we would have been able to action necessary responses and made further moves to avoid such a situation arising again. Of course, we weren't, and so cannot react to something until it is presented to us.

We, as the owners of the farm are not against farm let holiday lets/ Air BnBs as our neighbours at Carfrae Farm have diversified in this way but their cottages are accessible directly from the main road and all the farm is contracted out and grain storage is located elsewhere.

We also know the owners of Carfrae Farm and I went to have a chat with [REDACTED] there on Saturday, as I wanted to ask her perspective regarding Bio security. She suggested that I outline to the guests exactly where they can and cannot go with regards to the farm, which is indeed what we do. We respect what she has created at Carfrae Farm and have always directed our guests to her newly opened farm shop.

I'm sure it would be preferable to the Jacks for Grieves cottage to be further away from farm operations, however, to be penalised simply because of the location of our house isn't fair. We should have the right to access and use the Cottage as we please, and this extends to safe and respectful use by guests too.

To deny this would be direct impingement of our liberties and whilst the cottage is surrounded by farm operations, it should not maroon us in terms of the abilities to live or use our property in a considered manner.

Whilst the emphasis on the Objection Letter relates to issues that guests may pose to the farm when staying at Grieves Cottage, the feeling of being surrounded by a clearly disgruntled neighbour is prevalent for us in this property due to the surrounding farm activities, and is an issue to us. Of course, we simply need to 'get along' and we know and accept that the farm operations are part of life at Snawdon, but would also expect that the acceptance of operations by others on their property should also be the case, and duly also respected.

I have asked the owners of their intentions since viewing their notice of application to holiday let and they have told me that it is for financial reasons so basically it is a business they are running at our expense.

Mr Jack did indeed ask me of our intentions since viewing the notice of the short term lets application. What he fails to mention is that this involved him presenting himself unannounced into my rear garden which took me by surprise. I wouldn't dream of entering his back garden area if I couldn't reach him from the front door. Thankfully Neil was there as I would have felt more vulnerable as a lone female in such a situation; not that this seemed to cross Mr Jack's mind at the time.

Neil and I engaged in conversation with Mr Jack and whilst it wasn't hostile, it wasn't comfortable either. He seemed intent on putting words into our mouths to suit his take on the situation and has clearly taken a view to us which isn't particularly favourable.

At this time, we probably said that the move to take on short term lets was for financial reasons. Now, I would imagine that is exactly the reason why people consider taking on short term lets, or any form of lets at all! We didn't feel the need to explain our full financial circumstances, nor should we, to anyone, but suffice to say that the well-documented cost-of-living crisis, mortgage increases, and a whole manner of issues relating to the flow of finances in our (and I must reiterate this) private lives, should not be brought into the domain of conversation with a neighbour where it is not offered.

The move to take on short term lets at Grieves Cottage was not a decision taken lightly as it involved moving our children between properties in order to free up the space to make it lettable in order to gain some income (which is duly taxed etc) to stay afloat in life. Grieves Cottage is the only property we own. Had Mr Jack seen us in a brand new car then it might be said that we were gaining financial incoming above what we need, but I can confirm that as our only car reaches 175,000 miles on the clock, it has very much been a means to make ends meet that have been stretched further apart in recent years.

That aside, I have no idea what is meant by the phrase 'so basically they are running a business at our expense'. There is no expense that the Jacks incur by us having short term lets at Grieves Cottage, and I have wracked my mind to think of what these may be but simply cannot see what this means; not least because it is unsubstantiated in the Objection Letter itself. If however, we are denied our short term licence as a result of the

Objection Letter, the cost to us would be huge. Not only would we lose the money we have spent trying to get the licence, but the loss of income from the lets.

Our family came to Snawdon to farm over 38 years now, we accepted and respected our neighbours around the farm and have served them with no ask nor want in this very small community.

We fully respect the Firm of Andrew Jack and their right to farm at Snawdon and are happy to hear that it has lasted 38 years to date in terms of their stewardship. However, it really serves no purpose to the Objection Letter.

I recently turned 40 and was born and raised a stone's throw north from Snawdon at [REDACTED] (on practically the neighbouring farm, [REDACTED] and its surrounding fields/cattle) This is where my Mother still resides. Therefore, if the Objection Letter states a 38 year period as being a substantial amount of time to reside and understand a place, then it would seem to me that I also understand Gifford and the surrounding areas intimately.

I am not an outsider parachuted in with a portfolio of properties that I short term let with no understanding of the immediate intricacies of Snawdon or the wider spectrum of Gifford and East Lothian. I am indeed the opposite- a local who lives and was raised in the area and now has two sons who go to school where I once did.

Not only this, but I also worked for a short-term letting company for 10+ years, and so fully understand the sometimes-complicated expectations of such arrangements. Along with working at a letting agency, I have rented out my own properties for short term lets for the last 15 years, usually over the holiday period and usually to supplement my income.

I am a respectful local who has vast experience of short-term letting and so I understand how to ensure that lets are well organised and informed. In the last 5 years I have worked in the charity sector locally (Our Community Kitchen in Haddington, and before that, Chest Heart and Stroke in Haddington) and I started doing the short term lets to supplement my income.

The mention of accepting and respecting of neighbours by the Jacks is a moot point. I would suggest that this is directly questioned to the neighbours at Snawdon themselves to take their view on this. I would, however, point out that I have never had a single complaint relating to short lets from any of our other neighbours.

Dealing with someone else's AirBnB guest is not what we came here for along with the extra worries, stress and workload that having strangers around the farm bring. The owners of Grieves Cottage are running a full time business here.

We do not expect the Jacks or anyone else at Snawdon to have to deal with someone else's guests, but I would have liked to believe that if someone was lost or in a place

that they weren't meant to be, that they would be respectfully helped or informed that they were in the wrong place.

As mentioned throughout this letter, we believe that there may have been an isolated incident where a visitor or visitors to Grieves Cottage may have went into the farm areas where they were explicitly told not to- this is based purely on the content of this Objection Letter and of course this is the first time of understanding that such an incident may have occurred. The 'extra worries, stress and workload that having strangers around the farm bring[s]' are of course also only raised to us now, and so we can only react retrospectively.

The worries, stress and workload that are presented to the Jacks by there being visitors to Grieves Cottage seem to be hyperinflated in the Objection Letter. We do not dismiss any issue that the Jacks may have but we do have an issue with only gaining an understanding of them via an Objection Letter. I'm not sure how having guests to Grieves Cottage can present extra workloads to the farm exactly. The 'worries and stress' are things that we cannot control, other than to continue to closely vet our guests and reinforce the parameters expected of their stay with regard to the neighbouring properties and operations.

It should also be noted that we are surrounded by strangers at Grieves Cottage – we have no idea who is employed by the farm and undertake operations around us. We do not know who is moving around our property at any one time; presumably employed by the farm but this is not known.

Comments as an aside to the Objection Letter:

In addition to the responses above to the Objection Letter, I feel that it is worth mentioning a handful of incidents and occurrences at Grieves Cottage that involve Mr Jack which may explain his stance on the short term lets licence:

Purchase of Grieves Cottage

When we purchased Grieves Cottage from the previous owners, we did so in a private sale. They noted that they didn't want to offer the sale to anyone else, despite noted interest from the Jacks. We thought little of this at the time as it is up to the owners of a house who they decide to sell to.

However, Mr Jack decided to share his frustration about us buying the house to at least three people locally (who individually told me he felt this way). I eventually did bring this up with him (the time he walked into my back garden unannounced) and he did confirm that he was upset that he did not get the opportunity to buy the house from the previous owners but denied telling others this. This is nothing to do with us but may explain why there has been some frustration with us generally, and I feel he is using the STL licence application as a way to 'get back' at us for buying the house. If this is the case, I find that extremely unfair, but this is just speculation.

Of course, this doesn't make for a very comfortable environment. I am not somebody who wants to live with any conflict. I get on extremely well with all the other neighbours; we are very sociable with each other, and I would fully expect any of them to talk to me directly if they had a problem with anything in my control.

Broken perimeter wall

Last year one of Mr Jack's trucks or tractors managed to back into our stone perimeter wall and break part of it, with pieces of stone and mortar broken and fallen into our front garden.

It took Mr Jack some eight months to attend to the repair of this wall, and only when I said that I was going to arrange the repair myself and send him the invoice for the work did he action the repair.

To make someone wait as long as this is simply disrespectful. If an accident occurs that involves a neighbour's property I would expect the repair of this to be addressed in a far more timeous manner. It was difficult not to take this personally as it isn't how I would have dealt with the situation.

Agricultural gate

In recent weeks an agricultural gate has been erected adjacent to our driveway. It has a note that no unauthorised vehicles are allowed beyond the gate.

The important point to note here is the exact location of this wide agricultural gate. It has been installed so close to the north edge of our driveway that we now cannot perform a three-point turn and back into the driveway. We now have no other option but the drive in forwards and then, when departing, need to reverse out of the drive and down the track outside of our house, backwards before taking a three point turn at the access point to our neighbours at Snawdon House.

This is both convoluted and less safe.

It could have been avoided had this gate been located perhaps 5m further north on what is an empty stretch of track (ie there is no reason why it couldn't have been located further way from our drive). Instead, it is adjacent to our drive which has provided us with accessibility issues and unnecessary stress.

One can quite easily deduce a reason for the installation of the gate in such a location. To directly affect our access and make our lives more difficult. This is petty and unbelievably disrespectful; and offers an understanding into what we are dealing with at Grieves Cottage.

Wedding

It should be noted that we were not informed of the wedding that Mr and Mrs Jack hosted for their daughter in their farm buildings /fields a few weeks ago now, past Grieves Cottage. It seems hypocritical for Mr Jack to be concerned about bio security in relation to short term lets at Grieves Cottage, yet he will use his farm as a wedding venue, which included bringing in portaloos, caterers and guests.

Right to Roam

The Land Reform (Scotland) Act 2003 indicates that Scotland's 'right to roam' is a legal right that allows the public to access most of the country's land and inland water for recreational, educational and some commercial purposes. This right is also known as the right of responsible access.

Whilst we inform our guests where there are prohibited areas adjacent to Grieves Cottage, we are aware that we cannot prevent people exercising their right under this 'right to roam' law.

Summary

If the application finds that there are no objections from consultees, such as the Anti-Social Behaviour Team, Parking Team, Planning Authority, Environmental Services, Police Scotland, SFRS etc, then this would suggest that Objection-Letter-aside, the property has evidenced its ability to safely and respectfully undertake short term lets.

The only objection would be that of a single neighbour, via the discussed Objection Letter.

Therefore, we would respectfully suggest in the light of both the Objection Letter and this response letter, that a decision is made that attempts to appease both parties.

We believe that this can be reached by understanding the intricacies of the Objection Letter more accurately and by responding to these issues directly. We would hope to engage in such correspondence following the decision of the Licencing Sub-Committee Meeting on 12th September 2024.

In the meantime, having now understood some of the issues that Mr and Mrs Jack have with regard to short term lets at Grieves Cottage, we have now provided a revised set of instruction to guests which include a visual map of where guests are prohibited from explicitly (rather than just in text) – see attached. This essentially means that the only places that they can go are within the boundary of the property or along the access route that brought them to the property; and without interference with any farm operations; and, of course, with an understanding that there may be large vehicles using the route.

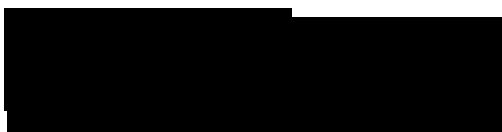
This is in line with how we live at the property, as we wouldn't expect to be marooned, but if venturing beyond our property, that it would be limited to be away from the farm operations etc, which is generally understood to most people. Of course, we cannot control people's legal 'right to roam' but can make things explicitly clear with regard to neighbour's boundaries.

There is also a further element to short term lets at Grieves Cottage, and that is the availability of such properties in the local area. Many of the guests have been attending weddings at Gilmerton House, Coulston and Yester Estates and elsewhere in the area, or have been attending a golf event in East Lothian for example or have been working in the local area for a variety of reasons. These guests, and others, have directly input into the local economy in part due to staying briefly at Grieves Cottage. This is a site-wide aspect of short-term letting in the countryside which is often forgotten.

At Snawdon, we do rely on our neighbours in different ways. For example, our septic tank is located to the east of our property and in the operations to empty this it requires access through Mr Jack's cow pens, and therefore careful coordination and working together. All properties are supplied by spring water that Mr Jack references in his Objection Letter, something that is of course appreciated but shouldn't be used as a control device.

We believe that the use of Grieves Cottage for short term lets can be managed in a manner that respects Mr and Mrs Jack and the farm operations at Snawdon (indeed, we were of the belief that this was the case until the arrival of the Objection Letter), and that this can be another example of functions and circumstances of different dwellings or operations within the settlement that can work side by side respectfully.

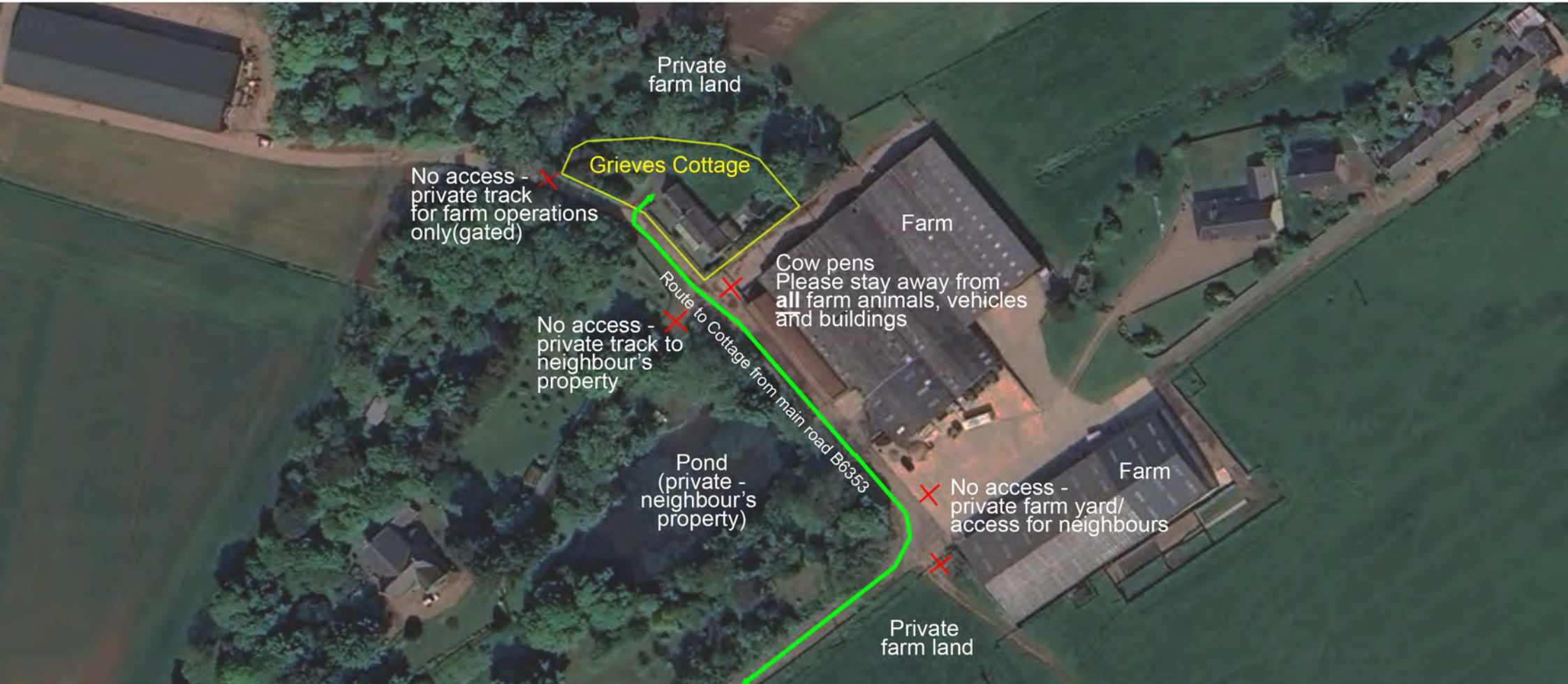
Yours sincerely,

A large black rectangular redaction box covering the signature area.

Amy Flora Hersey Goring Squair
&
Neil McDonald
(owners of Grieves Cottage, Snawdon)

IMPORTANT

Grieves Cottage - Aerial View Showing Adjacent Neighbour and Farm Layouts and Areas with Prohibited Access



Please do not venture into any prohibited farm or neighbour areas or interfere with farm animals or machinery in any way

Thank you



Agricultural gate installed directly next to vehicular access to Gieves Cottage impeding/limiting maneuverability