



East Lothian
Council

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

**THURSDAY 10 OCTOBER 2024
COUNCIL CHAMBER, TOWN HOUSE, HADDINGTON
& HYBRID ONLINE MEETING FACILITY**

1

Committee Members Present:

Councillor C McGinn
Councillor C Cassini
Councillor J Findlay
Councillor C McFarlane
Councillor J McMillan
Councillor T Trotter

Other Councillors Present:

None

Council Officials Present:

Mr I Forrest, Senior Solicitor
Ms C Aitken, Licensing Officer
Ms N Harrison, Licensing Standards Officer

Others Present:

PC I Anderson, Police Scotland

Clerk:

Ms B Crichton, Committees Officer

Apologies:

None

Declarations of Interest:

Item 2: Councillor Cassini, due to having responded to the public consultation.

Before the agenda items were heard, the Convener expressed his thanks to PC Lee Wilson for his work with the Licensing Sub-Committee, as PC Wilson was moving on to a new role.

1. MINUTES FOR APPROVAL

a. Licensing Sub-Committee, 20 August 2024

Subject to a correction to the list of attendees, the minutes were approved as an accurate record of the meeting.

b. Licensing Sub-Committee, 28 August 2024

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

c. Licensing Sub-Committee, 12 September 2024

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

Sederunt: Councillor Cassini left the meeting.

2. LICENSING OF SEX SHOPS

A report had been submitted by the Executive Director for Council Resources to allow Members to consider whether the Council should introduce a licensing regime for sex shops.

Ian Forrest, Senior Solicitor, presented the report. He explained the purpose of the report as being to allow Members to determine whether to bring forward a resolution to make sex shops a licensable activity in East Lothian. He asserted that the Council was not promoting this type of business, but pointed out that the Council presently would have no control over the operation of sex shops. It was not thought that there had been any sex shops in East Lothian since the Civic Licensing (Scotland) Act 1982 (the Act) came into effect, but he described bringing the resolution forward as 'closing a loophole'. He explained the timelines of administrative processes, such as press notification, and suggested that such a resolution could come into effect in early December 2024. He highlighted the public consultation; there had been only one response, which had come from Councillor Cassini, and related to the granting of licenses. He also advised that Members could set an appropriate number of sex shops; this could match the number of sexual entertainment venues, which Members had previously set at zero. He also clarified the difference between sex shops and sexual entertainment venues.

Mr Forrest responded to questions from Members. He confirmed that applications would still come before the Licensing Sub-Committee if the number of sex shops was set at zero. Regarding how a sex shop was defined, he suggested that a common-sense interpretation would be required as to what was considered a 'significant degree' of selling, hiring, and so on. He advised that inspection of such premises would fall under the remit of the Civic Licensing Standards Officer, and may lead to involvement of other sections of the Council.

Following further questions from Councillor Trotter, and a short break in the meeting to consult the legislation, Mr Forrest confirmed that it would not be possible to insist that shops selling any items which would be found in a sex shop must apply for a licence; the 'significant degree' description was tied to the wording in the Act. He

confirmed that the terms of the Act allowed for a degree of flexibility, and there was no definition for 'significant degree'.

Councillor McGinn commented that there would be an element of self-policing across the county, and the Council could respond should anything significant be brought to its attention.

Responding to further questions from Councillor McMillan, Mr Forrest confirmed that a sex shop licence application would be subject to the same checks as other licences, including the fit and proper person test.

Councillor McMillan acknowledged Councillor Cassini's response to the consultation, which he thought was a fair and widely held view, but was also mindful that others held different views on the issue. He thought that regulation of sex shops and being able to set standards would be of benefit, should a proprietor make an application in future. He would support introducing a resolution on the licensing of sex shops.

Councillor Trotter formally proposed that a licensing regime for sex shops be introduced, and Councillor McMillan seconded this proposal. The Convener moved to a roll call vote, and Members unanimously supported the proposal.

Councillor McMillan referenced the precedent set for the number of sexual entertainment venues as being zero, and proposed that the number of sex shops in East Lothian also be set at zero. Councillor Trotter seconded this proposal. The Convener then moved to a roll call vote, and Members unanimously supported this proposal.

Mr Forrest asked Members to agree that the licensing team would deal with administration relating to press notification and setting a target date for the resolution to come into effect; Members unanimously agreed.

Decision

The Licensing Sub-Committee agreed that:

- A licensing regime for sex shops should be introduced by way of a resolution under the Civic Government (Scotland) Act 1982; and
- The number of sex shops in East Lothian would be set at zero.

Sederunt: *Councillor Cassini rejoined the meeting.*

Note: Summary of information

The Licensing Sub-Committee agreed to exclude the public from Item 3 in terms of paragraph 6 (information relating to the business affairs of any particular person other than the local authority) of Schedule 7A to the Local Government (Scotland) Act 1973.

3. APPLICATION FOR GRANT OF A TAXI DRIVER LICENCE

Members refused the taxi driver licence.

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) |
|------------------------------|----------|-------------------|-----------------|
| 7 Edenhall Road, Musselburgh | EH21 7NR | 1980 | June 2024 |
| | | | |
| | | | |

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 _____

Address _____

Postcode _____

Date of birth _____

Tel. No. _____ Email address _____

| Addresses (last 5 years) | Postcode | Date from (mm/yy) | Date to (mm/yy) |
|--------------------------|----------|-------------------|-----------------|
| | | | |
| | | | |

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. |
|---------------|---------------|--------------------------|-------|----------|
| James Cormack | | | | |
| | | | | |

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 _____

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 | | |

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

PART 2: PREMISES DETAILS

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

Premises Address _____

_____ Postcode _____

Unique Property Reference Number (if known) _____

EPC Rating* _____

** (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 B&B
Guest house Airbnb Other form of home sharing
Home letting

Specify the number of rooms within the premises used as:

Bedrooms _____ Bed/Sitting rooms _____ Studio flat _____

Bathrooms One Kitchens one

Lounges _____

Other (please specify) _____

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

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

PART 3: APPLICATION AND LICENCE TYPE **(to be completed by all applicants)**

Please select the application type:

- First application (new operator)
New application (where property has been used as licensed STL previously)
Renewal
Change to existing licence

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 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 occupancy).

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 |
| Annual gas certificate (for premises with a gas supply) | Valid to: ___ 05 / ___ 06 / ___ 25 |
| Electrical Installation Condition Report | Valid to: ___ / ___ / ___ |
| Portable Appliance Testing Report | Valid to: ___ 21 / ___ 05 / ___ 2025 |
| Fire Risk Assessment | ✓ |
| Fire Service Safety Checklist | ✓ |
| Legionella Risk Assessment | ✓ |
| Planning permission (for premises within a control area or where requested by the licensing authority) | Planning application reference number: 24/04/00003/P |
| Floor plan | yes |
| EPC Certificate (for premises which are dwellinghouses) | Valid to: ___ 27 / ___ 05 / ___ 2034 |
| Public Liability Insurance | Valid to: ___ 6 / ___ 7 / ___ 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 | ✓ |
| 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 | 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) | yes |
| 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



Print name Helen Cormack

Date 7 June 2024

zx \

Short Term Lets

From: Millar, Neil
Sent: 03 July 2024 10:38
To: Short Term Lets
Subject: RE: Short Term Let Licence Application, 7 Edenhall Road, Musselburgh EH21 7NR

Hi Arlene,

Thank you for your email below with attachment.

I can confirm that retrospective planning permission (Ref: 24/00003/P) was granted for the part change of use of garden building to form short term holiday let with allocated parking at this address (7 Edenhall Road, Musselburgh) on 26th April 2024.

Accordingly, as planning permission has been obtained, I have no further comments to make.

Regards

Neil

From: Short Term Lets <stl@eastlothian.gov.uk>
Sent: Tuesday, July 2, 2024 12:51 PM
To: Environment Reception <environment@eastlothian.gov.uk>
Subject: Short Term Let Licence Application, 7 Edenhall Road, Musselburgh EH21 7NR

Good Afternoon,

Please provide observations/comments regarding the application for a Short Term Let Licence for the above address. All responses should be returned within the 21 day consultation period.

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

Verbal abuse and threatening behaviour is never acceptable. #zerotolerance

We're living through stressful times right now, and everyone's feeling it.

Our staff are doing their best to assist local residents and businesses whilst delivering essential services.

Please, be nice.



BE NICE
RESPECT US AS WE RESPECT YOU



East Lothian Council

O'Reilly, Arlene

From: Parking
Sent: 31 July 2024 09:06
To: Short Term Lets
Subject: RE: Short Term Let Licence Application. 7 Edenhall Road, Musselburgh EH21 7NR

Hi,
I have no objection to this application.

Kind Regards

Grant Talac
The Parking Team
East Lothian Council



From: Short Term Lets <stl@eastlothian.gov.uk>
Sent: Wednesday, July 31, 2024 8:43 AM
To: Parking <parking@eastlothian.gov.uk>
Subject: RE: Short Term Let Licence Application. 7 Edenhall Road, Musselburgh EH21 7NR

Hi, sorry its secondary letting.

Thanks Arlene

From: Parking <parking@eastlothian.gov.uk>
Sent: Wednesday, July 31, 2024 7:56 AM
To: Short Term Lets <stl@eastlothian.gov.uk>
Subject: RE: Short Term Let Licence Application. 7 Edenhall Road, Musselburgh EH21 7NR

Hi,
No note of sharing or letting?

Kind Regards

Grant Talac
The Parking Team
East Lothian Council



From: Short Term Lets <stl@eastlothian.gov.uk>
Sent: Tuesday, July 30, 2024 12:21 PM
To: Raselli, Gail <graselli@eastlothian.gov.uk>; Building Standards <buildingstandards@eastlothian.gov.uk>; Parking <parking@eastlothian.gov.uk>; Lothian and Borders Police (lothianscotborderslicensingeastmid@scotland.pnn.police.uk) <lothianscotborderslicensingeastmid@scotland.pnn.police.uk>
Subject: Short Term Let Licence Application. 7 Edenhall Road, Musselburgh EH21 7NR

O'Reilly, Arlene

From: Raselli, Gail
Sent: 30 July 2024 14:12
To: Short Term Lets
Subject: FW: Short Term Let Licence Application. 7 Edenhall Road, Musselburgh EH21 7NR
Attachments: APP.pdf

Hi Arlene,

Nothing on the ASB register.

Gail

From: Short Term Lets <stl@eastlothian.gov.uk>
Sent: Tuesday, July 30, 2024 12:21 PM
To: Raselli, Gail <graselli@eastlothian.gov.uk>; Building Standards <buildingstandards@eastlothian.gov.uk>; Parking <parking@eastlothian.gov.uk>; Lothian and Borders Police (lothianscotborderslicensingeastmid@scotland.pnn.police.uk) <lothianscotborderslicensingeastmid@scotland.pnn.police.uk>
Subject: Short Term Let Licence Application. 7 Edenhall Road, Musselburgh EH21 7NR

Good Afternoon,

Please provide observations/comments regarding the application for a Short Term Let Licence for the above address. All responses should be returned within the 21 day consultation period.

Thanks

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

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We're living through stressful times right now, and everyone's feeling it.

Our staff are doing their best to assist local residents and businesses whilst delivering essential services.

Please, be nice.



BE NICE
RESPECT US AS WE RESPECT YOU



East Lothian Council

27/08/2024

Your Ref: 7 EDENHALL ROAD
Our Ref: 847764

The Clerk of the Licensing
Committee
East Lothian Council
John Muir House
Haddington
East Lothian
EH41 3HA



Gregg Banks
Chief Superintendent
Divisional Commander
The Lothians and Scottish Borders Division
Dalkeith Police Station
Newbattle Road
EH22 3AX

Dear Sir/Madam,

APPLICATION FOR GRANT OF A SHORT TERM LET LICENCE
APPLICANT: HELEN CORMACK, [REDACTED]
7 EDENHALL ROAD, PINKIE, MUSSELBURGH, EAST LOTHIAN, EH21 7NR.

I refer to the above application for the grant of a short term let licence and make the following representation.

At the end of June 2024 PC Wilson received a telephone call from Mr Fraser McLeod of [REDACTED], Musselburgh, wishing to express his concerns regarding a short term let operating at 7 Edenhall Road, Musselburgh without a license.

On the 31st of July 2024 Mr McLeod sent PC Wilson an email (as attached) detailing his full complaint.

After discussions with the East Lothian Council licensing department PC Wilson was informed that letters were sent to Mr and Mrs Cormack on 08/05/24 and 11/06/24 advising them of the requirement to obtain an STL license. They also confirmed an STL application was received by ELC from Mrs Cormack on 27/06/24.

On the 7th of August 2024 PC Wilson attended at 7 Edenhall Road and spoke with Mr and Mrs Cormack who confirmed they had been accepting guests to their short term let without a licence being in place. They provided the delay in applying for a license was due to some initial confusion on their part regarding the difference between the planning permission required and the separate requirement to licence the activity itself. Mr and Mrs Cormack were able to demonstrate that they

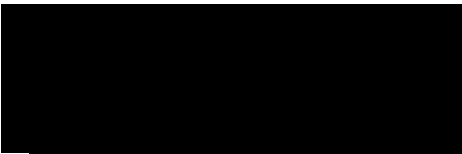
had already stopped taking future bookings having 'blocked out' all future dates on their booking app but confirmed they did have bookings already accepted for the coming month.

On the 8th of August 2024, with the council licensing department in agreement, PC Wilson informed Mr and Mrs Cormack they had 28 days in which they could receive guests with existing bookings, with the clear understanding that any bookings past the 28 days be cancelled. It was also made clear no future bookings should be taken till such time a as license to operate was obtained. Mr and Mrs Cormack were fully cooperative with PC Wilson throughout their interaction and agreed to comply with his instructions.

This representation is brought to your attention when considering this application.

There are no police objections.

Yours faithfully



Gregg Banks
Chief Superintendent

For enquiries please contact the Licensing Department.

From: [REDACTED]
Subject: Re: Important Please Read ####CONCERNS ABOUT LICENSE APPLICATION
24/00003P#####
Date: 06 May 2024 09:43:11

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

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Thank you x

[Sent from Sky Yahoo Mail on Android](#)

On Mon, 6 May 2024 at 9:35 am, Steven McLeod
<Steven.McLeod@ea.edin.sch.uk> wrote:

| | | |
|---|--|------------------------|
| App No | 24/00003/P | |
| Applicant | Mr James Cormack | Agent |
| | | <i>Agent's Address</i> |
| Proposal | Part change of use of garden building to form short term holiday let with allocated parking (Retrospective) | |
| Location | 7 Edenhall Road Musselburgh EH21 7NR | |
| Case Officer | Scott Robertson | |
| Telephone | 01620 827585 | |
| Council Ward | Musselburgh | |
| Community Council | Musselburgh & Inveresk Community Council | |
| Date Registered | 22nd February 2024 | |
| Date by which representations are to be made due to neighbour notification/public advertisement | 14th March 2024 | |

Blair & Fraser McLeod

[REDACTED]
Dear Licencing Dept

I live [REDACTED] to application no 24/00003/P – further details above as I have the following concerns below about a License being granted.

The Structure was originally built in 2012 however planning permission was not sought until 2024 due to the introduction of new Scottish regulations whereby a license is now required to run short term lets. The client was aware planning permission is required as he had a house extension previously built in 2004 and sought this.

Owners must take accountability for building safety but from 2016 onwards he has

been running this as a business without a building warrant & subsequent insurances and we are unaware of whether or not a fire safety check was carried out Scottish Fire and Rescue, potentially putting visitors and neighbours in danger. I am also informed he was also operating throughout the covid period in contravention to the Lockdown Rules which is a criminal offence.

The application also included retrospective planning permission for 2 parking spaces as the front of the property in which he has confirmed will be used by visitors as Edenhall Road has considerable parking issues with it's locality to Pinkie St Peters School. The applicant already has 2 vans & a Motorhome with 2 of them occupying the spaces at all times therefore I do not believe there is adequate on -site parking for visitors.

If the applicant is granted a Licence, he will need to arrange business waste pickups which he hasn't done at previously and is disposing of business waste into his Green Bin. Trade waste pickups in a residential area will put further pressure on local infrastructure.

I also have concerns about the building which is going to be used as a short term let as the applicant has no access to maintain the building from the entire rear or side. The photos that were submitted seeking retrospective planning permission show the side of the building from the garden of [REDACTED] Edenhall Road. We gave no permission for anyone to come into our garden to take pictures and there is no other way he could have taken them.

The short term let structure is backed onto another double wooden shed which clearly touch along with unused surplus wood and tarpaulin which has been placed on the roof potentially causing a fire hazard.

I also have concerns that the applicant will leave the property in his motor home when it is rented out therefore the 2 person & 1 child rule wouldn't be enforced. He is the named licensee but if he is not contactable and vacates his own property during visitor stays who is then responsible if there were issues?

I feel that given the fact that the applicant has had over a decade to seek planning permission and knows that there was an impending time limit on licence enforcement this is the only reason he has sought planning permission as noncompliance would mean he couldn't operate his business any more without the correct paperwork.

I feel the applicant has proven himself to be un-trustworthy and has not been held accountable for his in-action. What is the point of having rules/regulations in place if people do not adhere – it does not give out a clear signal to members of the community. To give clarity, I sought advice from the Council to erect my new fence, he has built a structure measuring 10 feet built in width and 6 feet in height in his garden and did not think to contact anyone prior/during or after it was built, what kind of message does that send? I am in doubt as to whether anyone from the Planning Department has actually physically been out to see the structure as I know that up many Officers are still working from home.

I am in support of the new measures being introduced by Scottish Government but feel that he has taken no responsibility for his building and the risks posed and that tells be more about his integrity and character as a person.

Yours Sincerely

Blair & Fraser McLeod

24th June 2024

REF: 24/0003/P – 7 Edenhall Road, Musselburgh, EH21 7NR

Since planning permission was granted on 26th April 2024 Mr Cormack has still not sought a licence for short term let but has had numerous guests staying in his garden building . When he was granted the planning permission it came with mandatory conditions which he should be adhering to but isn't.

The conditions set out in his Council agreement/retrospective planning Doc which we read state various things such as how many people can stay/ it will be solely managed by the applicant owner etc.. however, condition (vi) is the one of most interest. It states that the applicant has confirmed that they have no forward bookings as they are pending the outcome of their short term let licence. As rules state from October 2023 all businesses must cease unless the owner has a licence, but we know factually that they have yet to apply for this and he has been emailed numerous times by the Council to do this but hasn't so far.

I have attached a screenshot of condition (vi) for you to read stating that he had no forward bookings and screenshots of his Air B and B bookings/ link to his site for this year in July and August which you can clearly see are booked out with visitors and what is still available to book. I have also attached a screenshot of his wife and him greeting guests to their property but who actually came to our property first, into our garden as they got the houses muddled !

This then goes back to our original concerns which we emailed you with, in that the owner/occupier is not trustworthy which he clearly isn't as he is running a business without a legal licence and committing a criminal offence which in turn could cost him a fine of up to £2500 if proven.

By law the licence for the short term let should also be displayed to the guests, how can he do this if he hasn't applied for one? There are also concerns with the property having been fire/gas safety checked if guests are staying along with the question does he have buildings insurance and Public Liability Insurance?

Mr Cormack has breached his planning permission condition set out by East Lothian Council and this needs enforced. Please take this as an official complaint and I have also informed Police Scotland who will be progressing an official criminal complaint.

Mr B. Mcleod and Mr F. Mcleod



14:53



2 guests · Studio · 1 bed · 1 bathroom

4.85
★★★★★

Guest favourite

227
Reviews



This is a rare find

Helen's place is usually fully booked.



Hosted by Helen

8 years hosting



Self check-in

Check yourself in with the lockbox.



Great location

90% of recent guests gave the location a 5-star rating.



Free cancellation before 6 Jul

Get a full refund if you change your mind.

Some info has been automatically translated.

[Show original](#)

£62 night
7-12 Jul

Reserve



airbnb.co.uk

14:53

68

Get the app
The fastest, easiest way to Airbnb

USE APP



Studio property perfect for visitors to Edinburgh

Entire guest house in Musselburgh, United Kingdom

2 guests · Studio · 1 bed · 1 bathroom

4.85
★★★★★

Guest favourite

227
Reviews

£62 night
7-12 Jul

Reserve

AA

airbnb.co.uk





Clear dates

Select check-in date

Add your travel dates for exact pricing

Mon Tue Wed Thu Fri Sat Sun

July 2024

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August 2024

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Add dates for prices

★ 4.85

Save

AA ↓

airbnb.co.uk





[Clear dates](#)

Select check-in date

Add your travel dates for exact pricing

Mon Tue Wed Thu Fri Sat Sun

29 30 31

August 2024

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Load more dates

Add dates for prices

★ 4.85

Save

AA ↓

airbnb.co.uk



From: Fraser Mcleod
Sent: Thursday, August 1, 2024 9:50 AM
To: Licensing <licensing@eastlothian.gov.uk>
Cc: Julie Mcleod; Blair Mcleod
Subject: Official Objection of License- 7 Edenhall Road, Musselburgh

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Good morning,

Please see my below complaint / objection to short term let application licence in relation to 7 Edenhall Road, Musselburgh

MR James Cormack (owner of 7 Edenhall Road) submitted a planning permission application on 3rd January 2024 to East Lothian council in relation to application number [24/00003/P](#) - Part change of use of garden building to form short term holiday let with allocated parking (Retrospective)

On MR Cormacks application it states the following -

“Change of use in RETROSPECT of use of workshop/storage facility to Granny flat, extending same to incorporate walk in shower with toilet and hand basin. Further extend both sides with brick to secure storage space with single PVC doors, Kitchen with gas hob. Combi gas boiler for hot water and heating. Change existing doors to 1x single PVC and 1x double door to French doors. Insulation of walls/floor ceiling with kingspan 25mm and insulated plasterboard All work and change of use done same time”



It has taken Mr Cormack around 13 years to apply to East Lothian Council for planning permission “retrospectively” on this structure. Mr Cormack built this structure with no planning permission or a building warrant. MR Cormack is aware of how planning permission works as he has previously applied for an extension to his house on 23rd November 2004 (application [04/01367/FUL](#)). This previous application was not done retrospectively and confirms that MR Cormack is aware of the procedures in place. Planning authorities, having found out about MR Cormacks application on 3rd January 2024 have not done anything to enforce this “retrospective” application.

On Mr Cormack’s application it also states the first AIRBNB guests arrived May 2016. Mr Cormack was operating a fully operational, taxable business in a facility that had not been approved by East Lothian Council. MR Cormack has openly admitted he was running this as a business without a building warrant & subsequent insurances and we are unaware of whether or not a fire safety check was carried out by Scottish Fire and Rescue, potentially putting visitors and neighbours in danger. I am also informed he was also operating throughout the covid period in contravention to the

Lockdown Rules which is a criminal offence. This has also gone without action following MR Cormack's application where it states he was operating during this time.

Furthering this point since my ownership of [REDACTED] Musselburgh, I am yet to see business waste pickup. MR Cormack confirmed on his application to East Lothian council that he is using the "existing recycling bins". This is not only putting strain on the local amenities but is also a criminal offence to put business wastage into council bins. East Lothian council have ignored this, not taken action or reported it to the police which is fundamentally wrong. During this period between May 2016 and September 2023 as MR Cormack has not had a business licence. AIRBNB is a taxable income and due to MR Cormack not declaring the building being there, not having a licence and not paying for business waste pickup it is more than probable he has not paid any tax during this period. It would be interesting to see if MR Cormack is able to declare his business tax paid during this period as I understand this is also another criminal offence if he has not been paying tax.

The application also included retrospective planning permission for 2 parking spaces as the front of the property in which he has confirmed will be used by visitors as Edenhall Road has considerable parking issues with its locality to Pinkie St Peters School. The applicant already has 2 vans & a MotorHome with 2 of them occupying the spaces at all times therefore I do not believe there is adequate on-site parking for visitors. I have concerns that the applicant will leave the property in his motor home when it is rented out therefore the 2 person & 1 child rule wouldn't be enforced. He is the named licensee but if he is not contactable and vacates his own property during visitor stays who is then responsible if there were issues?.

I also have concerns about the building itself as the applicant has no access to maintain the building from the entire rear or right side. The photos that were submitted seeking retrospective planning permission show the side of the building from the garden of [REDACTED]. We gave no permission to MR Cormack or his wife to come into our garden to take pictures and there is no other way he could have taken them. Furthering this on numerous occasions I have had AIRBNB guests looking for MR Cormacks AIRBNB come into my back garden intruding on my privacy and personal life. As you can imagine this is extremely frustrating given it is a residential estate.

The short term let structure is backed onto another double wooden shed which clearly touches each other along with unused surplus wood and tarpaulin which has been placed on the roof which is a clear fire hazard. The short term let structure is also surrounded by a timber fence which has been in place for a long time. Given MR Cormack has been operating this business since 2016 and East Lothian council not being aware this is extremely irresponsible and proves his untrustworthiness and utter disregard of his guests and neighbours safety.

I feel that given the fact that the applicant has had over a decade to seek planning permission and knows that there was an impending time limit on licence enforcement due to AIRBNB change of legislation as of October 1st 2024, this is the only reason he has sought planning permission as non compliance would mean he couldn't operate his business any more without the correct paperwork. Having this new legislation not come to light I strongly suggest MR Cormack would still not have sought for planning permission.

Myself and another neighbour put in letters of concern which were completely ignored by East Lothian council. All of our concerns were disregarded and his application was approved with no consequences / accountability for the above issues.

I feel the applicant has proven himself to be un-trustworthy and has not been held accountable for his actions. What is the point of having rules/regulations in place if he does not adhere to them. It does not give out a clear signal to members of the community. To give clarity, I sought advice from the Council to erect my new fence. He has built a structure measuring approx 20 feet in width and 7 feet height, bathroom facility, plumbing, electricals and wiring in his garden and did not think to contact anyone prior/during or after it was built. What kind of message does that send?

I am in support of the new measures being introduced by the Scottish Government but feel that he has taken no responsibility for his building and the risks posed and that tells me more about his integrity and character as a person.

Since MR Cormacks planning permission was granted on 26th April 2024 Mr Cormack had still not sought a licence for short term let but has had numerous guests staying in his garden building. I contacted East Lothian council querying the status of his licence and if he was able to operate. East Lothian licensing department confirmed that MR Cormack did not have a licence to operate and had not applied for one. East Lothian council also confirmed that they had sent numerous emails / letters prompting MR Cormack to apply for his licence however these were ignored and East Lothian council received no replies. The conditions set out in his Council agreement/retrospective planning Doc which we read state various things such as how many people can stay/ it will be solely managed by the applicant owner etc. However, condition (vi) is the one of most interest. It states that the applicant has confirmed that they have no forward bookings as they are pending the outcome of their short term let licence. As the new legislation from October 2023 states all businesses must cease trading unless the owner has a licence, but we know factually that MR Cormack had not applied. I have attached a screenshot of condition (vi) for you to read stating that he had no forward bookings and screenshots of his Air B and B bookings/ link to his site for this year in July and August which you can clearly see are booked out with visitors and what is still available to book. I have also attached a screenshots of his wife and him greeting guests to their property but who actually came to our property first, into our garden as they got the houses muddled. All of which are visitors staying within Mr & Mrs Cormacks Airb&b when they do not have a licence to operate. At the time of submitting this email MR Cormack has still not got a licence to operate but you can clearly see he is in breach of the new legislation which is another criminal offence. I have also attached more pictures of other guests within the facility which were taken this week. You can clearly see MR Cormack is continually failing to comply with conditions set out by both East Lothian council planning department, East Lothian licensing department and the LAW.

By law the licence for the short term let should also be displayed to the guests, how can he do this if he hasn't applied for one? There are also concerns with the property having been fire/gas safety checked if guests are staying along with the question does he have buildings insurance and Public Liability Insurance?

I have been in touch with both the East Lothian Council planning and Licencing department having sent numerous emails and made numerous calls. East Lothian council have confirmed all the above concerns are now out of their control and is a criminal matter. A formal complaint to police has been made.

You can clearly see MR Cormack and his wife are untrustworthy and fundamentally what they are getting away with is wrong and he should be held accountable. MR & Mrs Cormack have broken numerous laws and action needs to be taken. I think it is pretty clear MR or Mrs Cormack should not

have the licence approved by East Lothian council Licencing and should cease operating. I feel as though I am going around in circles and nobody seems to be taking my concerns seriously.

Please also see attached photographs of guests staying on Wednesday 31st August 2024 until Thursday 1st August 2024 (no licence). You can clearly see MR Cormack has lied on his application again regarding parking. There is a foreign vehicle, foreign licence plate parked on the street whilst Mr & MRs Cormack's "allocated parking" is full with their own vehicles. This creates more strain on an already congested, busy street.

I personally work shift work and with the constant flow of guests in an out of Mr & Mrs Cormacks property I am finding it extremely difficult to get consistent sleep. For example on this 1st August 2024 (this morning) I was awake by MR & Mrs Cormack saying goodbye to guests that had stayed the night given my bedroom window is only meters away. This is extremely frustrating as my sleeping pattern is affected. If Mr & Mrs Cormack were following the law they would not be operating at this time and this would not be a problem. Once again it goes back to the fact that this is within a residential area, back garden in particular and is fundamentally wrong. It is impacting my personal life and work.

I am now aware MR Cormack has applied for a short term licence as of 25th July 2024. I was made aware by a friend that MR Cormack has put up notice of his application on his wall. This is not visible to my side of the property and I most likely would not have noticed it having not been made aware by a friend. East Lothian council state this notice of application must be in clear display so this is another clear instance of rules not being followed / adhered too as I cannot understand why it's not in public view on both directions of the footpath. Apart from Mr & Mrs Cormack not wanting anyone to comment / object the licence application there is even public tree just outside of MR & Mrs Cormacks property which would have been a much more visible area for this notice, covering both directions of travel. I am aware there would be a licensing / committee meeting that would take place prior to this application being granted providing an objection is received. Myself and my brother would like to be present during this meeting. This has gone on for too long now and I want to raise my objections in person.

Please can you reply to my email confirming my objection has been received.

Kind regards,

Fraser McLeod / Blair McLeod



Search reviews



Zuzana

1 year on Airbnb

★★★★★ · 1 week ago

Helen was very kind and friendly, willing to always help and give advice. We had sucromia and everything we needed at the place.

Translated from Czech. [Show original](#)



Chenyu

Zürich, Switzerland

★★★★★ · 3 weeks ago

A nice and peaceful place. It is located in Musselburgh, 30 minutes away from the centre of Edinburgh by Bus. You can see

a while on the bus. But Helen and her husband were very friendly! They even





From hosts



Helen, Musselburgh, United Kingdom

July 2024

Extremely nice guests, didn't speak lot which was mainly down to language barrier but they were lovely when we did. I would certainly recommend to other hosts.

Translated from English



Julie, London, United Kingdom

June 2024

Zuzana and her daughter were lovely guests. Welcome back





Search reviews

walk to the bus stop and about 20 30 min to the Edinburgh city center. Would highly recommend their place! Thank you Helen!



Benita

2 months on Airbnb

★★★★★ · May 2024

Absolutely loved my stay here! it was just me and my mom and we both found the place so homey. it was comfortable and the kitchen was well stocked. Besides that the bus stop is 2 mins away and the bus goes straight to the city.



Hagar

★★★★★ · May 2024

I loved this spot! It was cozy and



Search reviews

★★★★★ · May 2024

I loved this spot! It was cozy and very welcoming. Helen wrote out detailed notes for getting around and went above and beyond by providing breakfast items in the fridge. She was responsive and friendly. I would definitely recommend this for travelers trying to hang in Edinburgh!



Alisha
United Kingdom

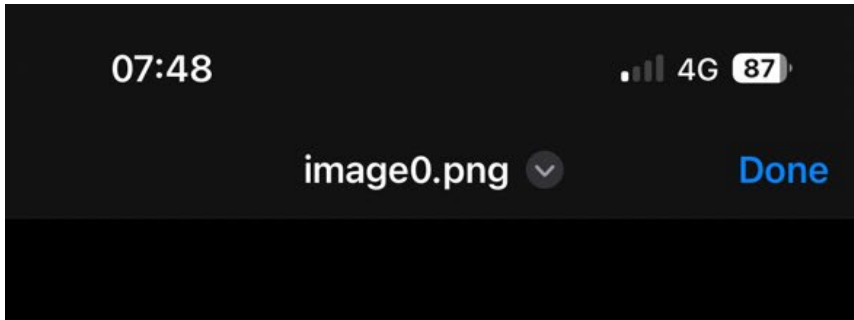
★★★★★ · May 2024

Amazing & responsive host!!



Rosie
9 years on Airbnb

★★★★★ · May 2024



house. The unit of short term let has been formed within the central part of the garden with the remainder of it being used for storage by the applicant. The short term let accommodation comprises a bedroom/sitting room with kitchenette and shower room accessed via the front garden of the house, along the path that runs to the side of the house into the rear garden.

With regards to the use of part of the domestic garden ground of 7 Edenhall Road as an existing domestic garden building as a unit of short-term self-catering holiday let accommodation the applicant has confirmed (i) the short term holiday let has been operating since May 2016; (ii) the average length of stay is between 2 to 5 nights; (iii) the accommodation can accommodate up to 2 people and a child under the age of 1; (iv) check in/out are managed by the applicant/owner- with a self-check in system being used; (v) the accommodation is heavily booked between March and April with the winter months having the occasional guest; (vi) the applicant has confirmed they have no forward bookings this year as they are pending the outcome of their short term let licence; (vii) the accommodation is typically let to couples or individuals; (viii) the accommodation is advertised through airbnb; (ix) the applicant notes that guests spend money in local shops and cafes with a number of users attending Musselburgh Racecourse events; and (x) the accommodation benefits from onsite parking for a vehicle within the applicant/owners existing drive.

DEVELOPMENT PLAN

Section 25 of the Town and Country Planning (Scotland) Act 1997 requires that the acceptability of a development be determined in accordance with the development plan, unless material considerations indicate otherwise.

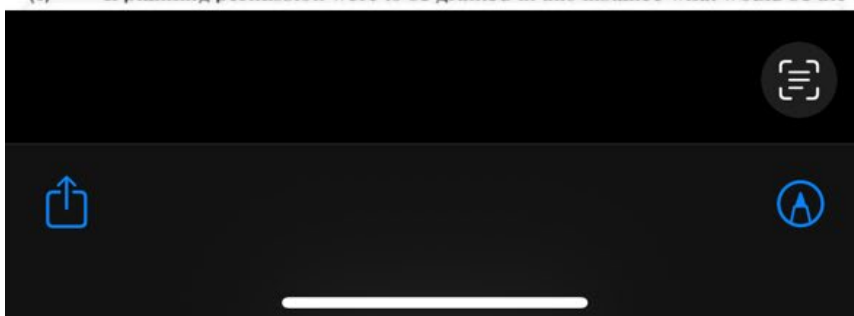
The development plan is the adopted National Planning Framework 4 (NPF4) and the East Lothian Local Development Plan 2018.

Policy 30 (Tourism) of NPF4 is relevant to the determination of this application. Policies RCA1 (Residential Character and Amenity), T1 (Development Location and Access) and T2 (General Transport Impact) of the adopted East Lothian Local Development Plan are relevant to the determination of this application.

REPRESENTATION

One written letter of representation has been received in relation to the application which objects to it. The main grounds of objection can be summarised as follows:

- (i) If planning permission were to be granted in this instance what would be the benefits?



Complaint from list by complainants: First of all, I would like to correct them on a few factual points. The building has been built for 30+ years, constructed to the regulations at time and advised by Council officer that no permission was needed.

Airbnb was closed from 30 September 2023 until planning permission was received. The policeman who visited in respect to the complaint by the neighbours was given an explanation and this reason was accepted by the Policeman. (After discussion with his superiors and the council)

Airbnb was closed prior to his visit anyway as we received a letter a few days after opening up the calendar and we realised our mistake that the license was a separate application. We closed it down immediately.

Having gone through the complainants letter it is patently clear they have assumed and written a lot of things about my wife and I, all of which are untrue. These people who have only recently moved into the house next door full time (up until then we've lived amicably next door to only 2 sets of neighbours, on each side for 35 and 40 years respectively with not one incident ever, however, these people have very negative thoughts about us, me in particular, also questioning the actual procedures of the Planning Department and the Council.

The letter is a character assassination and should be disregarded as a fairytale. They have written as many things as they can that they think will assist them with their objection without first finding out the facts.

The only 2 items that may be relevant to this objection is that 2 guests accidentally entered their garden (if this is true) looking for the flat. We apologise if this did happen. The instructions on Airbnb are very clear but some guests from abroad may not have the best grasp of the language, this can be remedied quite easily with better signage.

My wife has been running the Airbnb for 8+ years with not one incident of any kind. There has been no noise, no parking issues, no trouble or drunkenness, not one. [REDACTED] the previous owners of the complainant's house and [REDACTED]; [REDACTED] [REDACTED] at the other side (or the owners of the property to the rear) have ever mentioned that anyone has entered their property. [REDACTED]; [REDACTED] didn't know we had an Airbnb till we told them. [REDACTED] did know and never expressed any concerns.

Regarding the comment about the complainant not being able to sleep when on nightshift is ridiculous. Any conversations we have had with guests have been in the normal course of our daily life, not at 2/3 or 6am but during the day and could be with anyone as we have family i.e. children, grandchildren, their pets, and friends visiting all the time and they almost all, without exception come to the back conservatory door and leave that way too. We cannot be expected to tiptoe and whisper/change our lives

because he is on shift work. I believe it is a 3-bedroom house so he has the option to move to another quieter room away from our side of the house and road.

Nos. 9, 11 and 13 are part of a terrace and access must be given to neighbours for wheelie bins to be taken out for uplift, our bedroom is on the same side so we have the same daily noise of people, rubbish being put in bins, bottles being dropped into the recycling, bins being taken out under their bedroom window etc. This is something we have to appreciate and accept happens.

Edenhall is opposite a primary school and is busy and noisy at school drop off and pickup times only with a steady volume of traffic during the day, there is probably more noise at these times with children talking/laughing/shouting and playing on their way home.

Parking in my driveway can accommodate 3 vehicles comfortably. Extra parking can be accessed on Edenhall Road from the junction of Champigny Court to the top of Edenhall Road which is always clear.



7 EDENHALL ROAD
MUNELBURGH

IMPACT STATEMENT (Helen Cormack)

I'd like to address the issues made by the complainants making blatantly untrue statements.

The points below and other points, irrelevant to this meeting were covered in the planning application which was passed.

Firstly, their statements around when the flat was built and that we never sought or obtained planning permission is a fabrication, they are implying the flat was built covertly, under cover and we tried to hide it – nonsense.

To say we had no building insurance, or did no fire safety checks, is also wrong (my husband now retired ran his own business for 35 years with my son “Domestic Gas Services”, a highly rated company - so I think I know the importance of safety be it gas, electricity or fire) also, their assumption that I don't pay tax or insurance – is totally untrue and offensive, a complete character assassination. This is a wholly personal attack for which there is no basis.

That I was operating during covid is ludicrous, I followed lockdown restrictions the same as everyone else and only opened again when travel restrictions were lifted even then we followed social distancing and the use of masks until such times as these restrictions were lifted too. I'm afraid their information source is also misinformed.

Regarding business waste pick up. I am lucky to get a small swing bin of rubbish from the flat, perhaps a couple of pizza boxes and a couple of wine bottles/cans of beer and a few eggshells and bits of toast in the food waste. Guests are visiting the town/city, they perhaps eat breakfast in the flat, then eat out, they are here for a couple/3 days to see the city and surrounding area, they certainly don't spend time cooking/leave bins full of waste that would warrant a separate business waste pick up.

My guests can contact me at all times by Airbnb messages or by phone and have done so at times. We also are able to see what is going on in the backyard and at the front of the house via the CCTV (we can also talk to them through the CCTV). I have designated family and friends who are willing to step in if needed.

All the points raised are nonsense, but nonetheless have given me a lot of unnecessary stress and worry due to the personal attacks against myself and my husband. Both of

us, my husband and myself are quiet and keep ourselves to ourselves, we go about our daily business and mind our own business, in all the years we have lived on the street (42ish years) I have never been in any of my neighbours' houses on either side and know nothing of their personal lives, we say hello and have a short chat in the passing.

I worked with East Lothian Council for over 20 years in the C&F Department before I retired and I believe I was a valued member of staff due to my trustworthiness/loyalty and honesty. (I won the Council Star Award for Customer Excellence (Admin) in 2010 and was nominated twice more, in 2015 and 2016 as part of the C&F Team).

It is upsetting that the complainants have been taking photographs of people visiting me at my house, I am sure this is, if not illegal, wrong and a bit disturbing that they feel they need to spy on us.

Parking is not a problem, there is plenty of on street parking the only time it is busy is at drop off and pick times (about 45mins in the morning and 45mins at pick up as people want to park as close as possible to the school and I usually advise guests arriving with a car of this (morning drop off isn't really a problem as check in time is after 11 am). The majority of my guests arrive by bus (mostly from abroad and use the local bus service to get around, they love how close the bus stop is). Some people from the UK arrive by car but some also travel by train and bus.

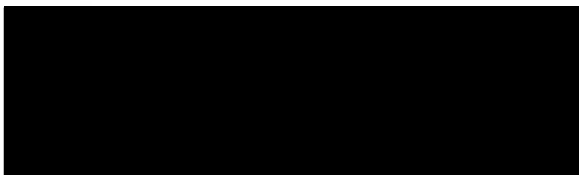
I have been doing the Airbnb for 8+ years and enjoy it immensely, I meet all sorts of different people travelling from all corners of the world and they all review the flat positively, (I enclose some recent reviews from before September 2023). And what guests like the most is the closeness to the bus stop, making for easy travel. They also like that the flat is self-contained with a separate entrance and guests often remark about how quiet and cosy it is. Guests can have a conversation with us if they want, if not this is fine too. Some guests just like to give us a wave on their way past.

Airbnb for me is not all about the money, I do it as I have said because I enjoy it, especially since I have retired, I go the extra mile for my guests to ensure they enjoy their visit and take great pleasure in their positive reviews. Most of my guests only visit once as they are just passing through on a (sometimes) once in a lifetime trip. I have only a couple of guests who return, as they are visiting family who live nearby. They have actually become friends.

I hope the license will be granted as I do enjoy doing the Airbnb and know that my guests enjoy the accommodation but will await your decision.

Encl: Reviews

Character references



(No subject)

From: Helen Cormack [REDACTED]

To: [REDACTED]k

Date: Monday 28 October 2024 at 13:44 GMT

----- Forwarded message -----

From: **Scott Rintoul** [REDACTED]

Date: Sat, 26 Oct 2024, 19:06

Subject: Re:
[REDACTED]

To whom it may concern.

I have worked with and known Helen Cormack for 18 years. In addition, her husband, James Cormack has carried out a number of jobs in our home, in his capacity as a gas engineer.

Helen and I worked together in East Lothian Council's Children and Families Department. Helen was always professional and courteous in dealing with professionals and clients alike. This was often in very difficult and stressful situations. Helen was always calm and respectful. She is very much a team player. The Duty Team dealt primarily with child protection and this was often a challenging work environment. Helen was a great support to all of us in the team and greatly missed when she retired.

Her kindness and consideration towards everyone she worked with was evident throughout the time I have known her.

James has been extremely professional in the work he has carried out for us. We have always left James a key to our property and reassured that he is completely trustworthy.

It is concerning that allegations have been directed towards Helen and James and I am aware how upsetting and stressful this has been for them. Helen and James are well respected within the local community and have been for many years.

It is unfortunate they have been targeted in such a manner and I hope there is a resolution to this this distressing situation.

If you require any further information, please do not hesitate to contact me.

Scott Rintoul
Parenting and Family Support Coordinator/Senior
Social Work Practitioner
01875 824309
srintoul1@eastlothian.gov.uk

Ronald McCardle

[REDACTED]

[REDACTED]

[REDACTED]

27/10/2024

Dear Sir/Madam,

I am writing this regarding the planning issue my neighbours Mr and Mrs Cormack of 7 Edenhall Road have regarding their small air bnb unit at the rear of their house.

I have lived next door to them for 36 years since moving into number [REDACTED] with my parents in 1988.

Over those 36 years they have been pretty much perfect neighbours. We're not friends as in people who would socialise together but we chat whenever we pass each other and on the rare occasion there's been anything to discuss regarding our properties, ie drains, fences, then it's always been perfectly amicable and we've never exchanged a cross word in those 36 years. And on a number of occasions when I've had issues with my heating he's always been happy to pop in and help out. The kind of neighbours anyone would be delighted to have.

Regarding the issue in hand I was stunned to hear not only that there were objections regarding his planning issue but especially to hear the reasons for such objections. Regarding mentions of noise I have never heard a sound from the air bnb unit in all the years it's been used as such. Not once. And as someone living in a semi detached house joined to their house I think if there was any noise we'd hear it. In fact in all the years they've had it I have saw 2 couples who used it. On both occasions it was aprox. 11 pm at night and I only saw them because I was walking my dog and their car pulled up. One asked if this was the right house and I pointed out the entrance. Other than that I've never seen anyone using it so suggestions of streams of people going in and out are far off the mark.

Another issue mentioned was parking but the only time parking is an issue around here is early morning and mid afternoon because of the number of people dropping kids off then picking them up at the school opposite the bottom of our street. So any suggestion of parking problems is exaggerated. My son never has any problems parking within yards of our home. And the thought that an extra motor parked by someone staying at the air bnb for a night or two would make any difference to the surrounding neighbours is pretty far fetched.

Yours sincerely

[REDACTED]

Mr Mrs D Donachie

27. 10. 24.

Dear Sir / Madam

I am writing this letter to you to say how upset that my friends and Neighbours James and Helen Cormack are having to prove that they are an honest hard working couple.

My husband and I have know James and Helen for forty years we have never heard any noise or disturbances from their property. Our old neighbours [redacted] lived next door to Mr Mrs Cormack In all the forty years did they ever complain to us.

I know this might seem hard to believe, people / friends for such a long time, but what I say is the truth. James and Helen Cormack are the best.



Sylvain
8 years on Airbnb

★★★★★ · July 2023

very pleasant stay at Helen's who was helpful

Translated from French [Show original](#)



Billy
1 year on Airbnb

★★★★★ · July 2023

My stay at Helens lovely little pad was amazing! It was my first experience with Airbnb and was nervous at first but Helen was extremely welcoming and assisted with any queries! The home was packed with all the utilities you would need and the fridge was stocked with breakfast and beverages! bathroom and living area were immaculate, and the kitchen was squeaky clean. I will most definitely return! thank you Helen!



Gintas
10 years on Airbnb

★★★★★ · July 2023

Great location for Edinburgh and various little towns along the sea side driving on A198. The place is quiet and has everything that is required for a stay...including Helen's breakfast!



Aline
Zürich, Switzerland

★★★★★ · July 2023

We had a lovely stay at Helens Studio. There was everything we needed and more. Helen even filled the fridge with some breakfast essentials.



Zoltán
6 years on Airbnb

★★★★★ · July 2023

Helen's place is perfect for a holiday in Edinburgh. You can go to the city center with a bus(26,44, there's even a night bus), and there is a grocery shop 5 minute walks away. The place is even better than in the pictures and it's fully equipped. Helen was very helpful from the beginning, everything was clear, we were able to check in earlier and the fridge was stacked with breakfast ingredients!



Jayne
6 years on Airbnb

★★★★★ · July 2023

Great place to stay.
Exactly what we needed for visiting The Races and Edinburgh.
Accommodation was lovely and vey peaceful.
Like a minature home from home with everything we needed.



Karen

7 years on Airbnb

★★★★★ · July 2023

Comfortable stay. Easy access to Edinburgh on public transport.



Martin

9 years on Airbnb

★★★★★ · June 2023

Helen's place was ideal for our short visit to Edinburgh. It is a quiet location nestled behind the house, only 1 minute walk to the Bus stop and 3 minutes walk to the local well stocked shop. Whilst we mainly went into Edinburgh using the great local bus service, we also explored some parts of Musselburgh and enjoyed some nice local restaurants and cafes. It is a short walk into Musselburgh itself and ideally located for visiting the Musselburgh Lagoons Nature reserve. The accomodation was very clean, with great facilities for with a very comfortable sofa bed. Helen herself was lovely communicative and considerate host. Would be more than happy to stay again.



Alexander

8 years on Airbnb

★★★★★ · June 2023

Lovely place with a great host, suitable for our needs and well provisioned with food and things we needed. Would stay again if in the area.



Katie

6 years on Airbnb

★★★★★ · June 2023

Lovely place to stay - this is a small room but has everything you need. The bed is a pull out couch and is quite comfortable and good size and can be very easily put away during the day for more space. Helen was so kind and welcoming and had bacon and eggs in the fridge for us for breakfast. As it clearly states in the listing it is beside their house and looks into the living room but they are very respectful of privacy and there are blinds to use if you wish. There is a bus stop very close to the house which takes you straight into Edinburgh- this ca take around 30 to 40 minutes with the stops along the way but is very frequent. Having a washing machine is a huge bonus too! The kitchen is well stocked for cooking. Great stay and would recommend!



Paige

7 years on Airbnb

★★★★★ · June 2023

Beautiful little granny flat behind the main house. Great shower pressure and hot water. Helen even left some food stuffs for us in the fridge and cupboards which was amazing!



Devlin
Toronto, Canada

★★★★★ · September 2023

Helen was very accommodating for me with my arrival time. I was greeted by her husband who showed me into the unit. Upon entry, I was stunned. The small private unit came with a very comfortable pull-out couch, lots of options for shampoo and conditioners in the shower. To top it off, the fridge was stocked with bread, eggs, bacon, jam, milk and juice for my stay! There is also an ensuite washing machine if needed. I would HIGHLY recommend a stay here!



Michael
2 years on Airbnb

★★★★★ · August 2023

Great stay, very easy and comfortable



Pamela
Lima, Peru

★★★★★ · August 2023

Had an amazing stay, Helen left everything clean and ready for us!



Magda
9 years on Airbnb

★★★★★ · August 2023

A little studio exactly as described by Helen. For our 3 nights stay it was just perfect. We appreciated the provided breakfast items, a lovely supermarket within a few mins of walk, buses to Edinburgh just around the corner. Thank you 😊.



Sharon
7 years on Airbnb

★★★★★ · August 2023

Helens place is just great, really good value for money, spotlessly clean, stocked with food basics and all round just a lovely stay with a kind and respectful host. I highly recommend this place.



Fiona
6 years on Airbnb

★★★★★ · July 2023

Lovely little studio, very clean and in perfect location to access Edinburgh centre, bus stop just round the corner. Lovely touch with the breakfast items supplied. Highly recommend

Airbnb access instructions.

About this space

Self contained studio property based in the outskirts of Edinburgh. Please note the flat does not have a separate bedroom . Walking distance from Musselburgh Racecourse, train station and local amenities with frequent buses to central Edinburgh and nearby Portobello. Visitors also have access to a small patio and garden as well as on street parking.

Please note flat is only a few feet away from my house, in the garden, - if total seclusion is what you are after this space may not be for you.

The space

Small studio flat, with sofa bed in quiet street big enough for a couple / couple with a young baby.

Fully equipped. When you reach no. 7 you will need to go through the green door/gate into the back garden, keep walking, past the shed on the right and conservatory on the left, the flat is facing you.

On the wall to the right of the single door is the keysafe, this key opens the single door, you can open the patio doors from inside.

Guest access

Guests are welcome to access the back garden if they wish - table and chairs from the flat may be taken out to the patio and you may sit outside.

Other things to note

The flat is a studio flat and has a generous double sofa bed. The flat is close to the house but is self contained and private. The sofa is a pull up double bed. There is a tab on the front of the sofa, just pull this up and towards you gently. There is a sheet and mattress protector above on a shelf and a mattress topper in the wardrobe. Due to covid I would highly recommend you use both the sheet and mattress protector.



The Licensing Board
East Lothian Council

27 October 2024

To Whom it may concern,

My wife and I would like to inform the Licensing Board regarding the character of James and Helen Cormack. We have known James and Helen for 45 years and can vouch for their good character. We hold a key to their bedsit flat in case of emergencies when they are away from home.

They have helped us and other neighbours when needed and we have no hesitation in vouching for them.

David and Linda Donachie

[REDACTED]
[REDACTED]

[REDACTED]

REPORT TO: Licensing Sub-Committee

MEETING DATE: 14 November 2024

BY: Executive Director – Council Resources

SUBJECT: Caravan Sites and Control of Development Act 1960 (“the Act”)
Seton Sands Holiday Village, Site Licence No. 14B

1 PURPOSE

To seek a decision by the Licensing Sub-Committee on the recommendations detailed below.

2 RECOMMENDATIONS

2.1 That the Sub-Committee –

Review the existing licence conditions 1.1 and 1.2 and agree the following alteration:

- The permission to site residential caravans is removed from the licence

2.2 Agree that the holders of the above licence have allowed the land to be used as a relevant permanent site without applying for the required licence.

3 BACKGROUND

3.1 Site Licence No. 14B (dated 6 April 2000) (Appendix 1) allows for the following number of caravans:

- Residential – 20 (Reducing to 13 as phased development works progress) (condition 1.1)
- Static holiday – 686 (condition 1.2)

- Touring (includes motor caravan, trailer tent or tent) – 60 (condition 1.3)
- 3.2 An application (Appendix 2) to update the site licence was submitted to East Lothian Council on 7 July 2023 seeking to permit the provision of 853 static holiday caravans (condition 1.2). The covering letter (to the application) (Appendix 3) presumed there was no need for a separate application for the Park’s residential caravans on the basis that no change was being requested.
 - 3.3 On 1 May 2017, a new licensing regime (The Licensing of Relevant Permanent Sites (Scotland) Regulations 2016) “the Regulations”) was brought into force for relevant permanent sites (Part 1A of the Act). For owners of mixed-use sites, the site owner would need to apply for a licence under the new regime by 1 May 2019.
 - 3.4 On 12 July 2023, Sheila Fitzpatrick (Team Leader – Licensing) sent an email to the applicant’s agent (Lichfields) advising of the new regulations, and requesting additional documents required to accompany the variation to the existing licence.
 - 3.5 On 22 August 2024, Lichfields acknowledged the email of 12 July 24 and advised a residential site licence was being prepared (Appendix 4).
 - 3.6 On 17 June 2024, Sheila Fitzpatrick emailed Lichfields to advise that no residential site licence application, nor the required documentation to accompany the existing licence, had been received. Lichfields responded on 18 June 2024 advising Haven (the Park owners) were in the process of gathering the information.
 - 3.7 Sheila Fitzpatrick contacted Planning colleagues on 3 July 2024 querying planning permissions for the licensed site. This was followed up on 29 August 2024 and confirmation was received that the site had permissions (dated 2018) for the following (Appendix 5):
 - Static holiday – 853
 - Touring (includes motor caravan, trailer tent or tent) – 50

Planning permissions had the following occupancy condition attached:
The static holiday caravans within the application site will only be occupied during the following specified periods...to ensure that the static holiday caravans are not used as permanent residential accommodation.

- 3.8 On 31 July 2024, Sheila Fitzpatrick wrote to Haven Leisure Limited (Lichfields copied into this letter) (Appendix 6) advising that the application received on 12 July 2023 was considered to not be competent and withdrawn, and that operating a relevant permanent site without a licence was an offence (Caravan Sites and Control of Development Act 1960, S32S).

4 POLICY IMPLICATIONS

None.

5 INTEGRATED IMPACT ASSESSMENT

5.1 The subject of this report does not affect the wellbeing of the community or have a significant impact on equality, the environment, or economy.

6 RESOURCE IMPLICATIONS

6.1 Financial – none.

6.2 Personnel – none.

6.3 Other – none.

7 BACKGROUND PAPERS

7.1 None.

| | |
|----------------------|------------------|
| AUTHOR'S NAME | Ian Forrest |
| DESIGNATION | Senior Solicitor |
| CONTACT INFO | x7389 |
| DATE | 5 November 2024 |

COPY



East Lothian
Council

EAST LoTHIAN COUNCIL

CARAVAN SITES AND CONTROL OF DEVELOPMENT ACT 1960

SITE LICENCE

Roy Hannah
DIRECTOR OF ENVIRONMENT &
TECHNICAL SERVICES

John Muir House
Haddington
East Lothian
EH41 3HA
Tel 01620 827273
Fax 01620 827450

To: Bourne Leisure Group Ltd
51-55 Bridge Street
Hemel Hempstead
Hertfordshire
HP1 1LX

With reference to your application(s) of 2 January 1963, 10 April 1979 (as amended), 14 June 1984 (as amended) and 13 April 1994 for a site licence in respect of land situated at Seton Sands Holiday Village, Seton Sands, Longniddry, East Lothian, EH32 0QF, which has the benefit of planning permission(s) (Ref. No(s) 211/62, 322/73, 53/75, 263/76, 130/77, 200/77, 18/78, 505/79, 190/80, 210/80, 286/81, 607/81, 21/82, 51/83, 26/85, 727/85, 261/86, 749/86, 693/87, 973/88, 54/89, 1086/93, 141/94, 263/95, 866/95, 862/98,99/01110FUL for use as a caravan site under part III of the Town and Country Planning (Scotland) Act 1972, otherwise than by a development order, East Lothian Council **HEREBY GRANT** a site licence in respect of said land in terms of Section 3 of the Caravan Sites and Control of Development Act 1960, subject to the following conditions, namely:-

See amended conditions attached which supersede those on Licence No 14A issued on 30 April 1996.

Dated this 6th day of April 2000


Chief Environment Services Officer

SEE NOTES ON BACK OF FORM

It is provided by the Caravan Sites and Control of Development Act 1960 as follows:-

Appeal to sheriff against conditions attached to site licence.

7. (1) Any person aggrieved by any condition (other than the condition referred to in subsection (3) of section five of this Act) subject to which a site licence has been issued to him in respect of any land may, within twenty-eight days of the date on which the licence was so issued, appeal to the sheriff having jurisdiction in place where the land is situated; and the sheriff, if satisfied (having regard amongst other things to any standards which may have been specified by the Secretary of State under subsection (6) of the said section five) that the condition is unduly burdensome, may vary or cancel the conditions.
- (2) In so far as the effect of a condition (in whatever words expressed) subject to which a site licence is issued in respect of any land is to require the carrying out on the land of any works, the condition shall not have effect during the period within which the person to whom the site licence is issued is entitled by virtue of the foregoing subsection to appeal against the condition nor, thereafter, whilst an appeal against the condition is pending.

Provisions as to breaches of condition.

9. (1) If an occupier of land fails to comply with any condition for the time being attached to a site licence held by him in respect of the land, he shall be guilty of an offence and liable on summary conviction, in the case of the first offence to a fine not exceeding one hundred pounds, and, in the case of a second or subsequent offence, to a fine not exceeding two hundred and fifty pounds.
- (2) Where a person convicted under this section for failing to comply with a condition attached to a site licence has on two or more previous occasions been convicted thereunder for failing to comply with a condition attached to that licence, the court before whom he is convicted may, if the court thinks fit, make an order for the revocation of the said site licence.
- (2A) The holder of a site licence in respect of which an order is made under the last foregoing subsection may, without prejudice to any other form of appeal under any rule of law, appeal against the order in the same manner as against a conviction, and an order so made shall not come into force –
 - a) until the expiration of the period of fourteen days commencing with the date on which the order was made or such longer or extended period so commencing as may be specified by the court either in the said order or subsequently from time to time on application in that behalf by the holder of the site licence nor
 - b) if an appeal against the order or the conviction which gave rise thereto is duly taken within the said period of fourteen days or, as the case may be, any longer or extended period specified under the foregoing paragraph, until the date when that appeal is determined or abandoned or deemed to have been abandoned.
- (3) Where an occupier of land fails within the time specified in a condition attached to a site licence held by him to complete to the satisfaction of the local authority in whose area the land is situated any works required by the condition to be so completed, the local authority may carry out these works, and may recover as a civil debt in any court of competent jurisdiction from that person any expenses reasonably incurred by them in that behalf.

Transfer of site licence and transmission on death, etc.

10. (1) When the holder of a site licence in respect of any land ceases to be the occupier of the land, he may, with the consent of the local authority in whose area the land is situated, transfer the licence to the person who then becomes the occupier of the land.
- (2) Where a local authority give their consent to the transfer of a site licence, they shall endorse on the licence the name of the person to whom it is to be transferred and the date agreed between the parties to the transfer as the date on which that person is, for the purposes of this part of this Act, to be treated as having become the holder of the licence.
- (3) If an application is made under subsection (1) of this section for the consent to the transfer of a site licence to a person who is to become the occupier of the land, that person may apply for a site licence under section three of this Act as if he were the occupier of the land, and if the local authority at any time before issuing a site licence in compliance with that application give their consent to the transfer they need not proceed with the application for the site licence.
- (4) Where any person becomes, by operation of law, entitled to an estate or interest in land in respect of which a site licence is in force and is, by virtue of his holding that estate or interest, the occupier of the land within the meaning of this part of this Act he shall, for the purposes of this part of this Act, be treated as having become the holder of the licence on the day on which he became the occupier of the land and the local authority in whose area the land is situated shall, if an application in that behalf is made to them endorse his name and the said date on the licence.

Conditions Attached to Site Licence No 14B, dated 6th April 2000

Issued in respect of: **Seton Sands Holiday Village**
Seton Sands, Longniddry, East Lothian, EH32 0QF

Conditions**1 Number of Caravans**

- 1.1 Subject to the provisions of Condition 2, the total number of residential caravans which shall be situated on the site shall not at any time exceed 20 caravans. (Reducing to 13 as phased development works progress.)
- 1.2 Subject to the provisions of Condition 2, the total number of static holiday caravans which shall be situated on the site at any time shall not exceed 686 caravans.
- 1.3 Subject to the provisions of Condition 2, the total number of touring caravans (the expression "touring caravan" mentioned throughout the conditions includes a motor caravan, trailer tent or tent) which shall be situated on the site shall not at any time exceed 60 touring caravans.

2 Siting of Caravans

- 2.1 The residential caravans shall be situated not less than 6 metres from any other caravan, not less than 3 metres from any site boundary and not less than 2 metres from any site road.
- 2.2 The static holiday caravans shall be situated not less than 5 metres from any other caravan and in addition shall not be less than 3 metres from any boundary or other permitted structure(s) on the site. (Subject to the variations permitted in paragraphs 2 and 3 of the Model Standards for Holiday Caravan Sites May 1990 Scottish Development Circular 17/1990)
- 2.3 The touring caravans on the site shall not be less than 6 metres from each other including any awning, or any other structure or static holiday caravan and shall not be less than 3 metres from any boundary. In addition, awning should not face each other or touch.

3 Type of Caravans

- 3.1 Every static holiday caravan provided on the site shall be a proprietary purpose built caravan of recent manufacture.
- 3.2 Every caravan on the site shall be kept in good repair.
- 3.3 New static holiday caravans shall be provided with WC, washhand basin and bath or shower suitably located within the caravan and the sanitary appliances connected to mains water and drainage. The sink, washhand basin and bath or shower shall be provided with a suitable piped supply of both hot and cold water.

4 Seasonal Use

- 4.1** Only residential caravans (that is a residential type of caravan, fully insulated and connected to mains water, electricity and sewerage services) located on the residential caravan area may be occupied throughout the year. The remaining areas are the subject of Seasonal Use as defined at Conditions 4.2 or 4.3 below.
- 4.2** The static holiday caravans will only be occupied during the following specified periods:
- a) Seven days per week between 1 March and 30 November of any one calendar year both dates inclusive.
 - b) Weekends (to include Friday night and Monday morning) between 1 December and 23 December of any one calendar year, both dates inclusive.
 - c) Seven days per week between 24 December and 7 January of the following year, both dates inclusive.
- 4.3** Touring caravans will not be situated on the site except during the period 1 March to 31 October in each year.

5 Hard Standings

- 5.1** All residential and static holiday caravans shall stand on a hard standing of suitable material approved by the Licensing Authority. The hard standing shall incorporate into its construction not less than four holding down points situated at each corner for the purpose of securing the caravan in accordance with the caravan manufacturer's guidance. The hard standing shall extend over the whole area occupied by the caravan.
- 5.2** Each caravan or hard standing shall be numbered in an appropriate manner to clearly identify the stance and/or the electricity points.
- 5.3** The hard standings will be routinely maintained, kept in a good state of repair and free of vegetation.

6 Fire Fighting Equipment and Facilities

- 6.1** The existing fire hydrant points must be retained and markings maintained in accordance with British Standard 3251 (Standard 'H' sign).
- 6.2** Fire points shall be sited so that no caravan is more than 30 metres from a fire point. They shall be easily accessible and clearly and conspicuously marked 'Fire Point' and 'Hose Reel'. Hose reels complying with British Standard 5306 Part 1(or equivalent) of not less than 36 metres in length permanently connected to the water main and fitted with control valve and terminating in a hand control nozzle shall be provided at each fire point. Measures to protect fire points and fire extinguishers from frost damage shall be incorporated into the specification and design of the fire point and piped water supplies.

- 6.3** Fire warning – a means of raising the alarm in the event of a fire shall be provided at each fire point to the satisfaction of the Fire Authority and Licensing Authority, in addition every static holiday caravan shall be equipped with a smoke alarm, which complies with BS5446 Part 1 1990(or equivalent), prior to the occupation of the caravan by any person(s).
- 6.4** Fire equipment – all static holiday caravans must be provided with a fire blanket, which complies with BS6575 1985(or equivalent), sited in close proximity to the cooker and a fire extinguisher sited in close proximity to the main exit door.

Fire extinguishers, capable of fighting fires involving electrical apparatus shall be provided and sited at strategic points throughout the touring caravan site area.

Fire fighting equipment should be obtained from a reliable fire appliance company who are BAFE approved (British Approvals for Firefighting Equipment Registered). Firefighting equipment should comply BS5306 PT 3 1985 and BS7863 (or equivalent).

- 6.5** Fire notices – notices complying with British Standard 5499: Part 1: 1990(or equivalent), shall be provided at each fire point and public telephone. The notice shall include the following:

1. Ensure caravan involved is evacuated.
2. Raise the alarm.
3. Call the fire brigade (telephone located at).
4. Attack the fire using the fire equipment provided, if safe to do so.

It is in the interest of all occupiers of this site to be familiar with the above routine and the method of operating the alarm and fire fighting equipment.

- 6.6** Telephone – a telephone shall be available on the site for calling the police, fire brigade, ambulance or other service in any emergency.
- 6.7** All fire fighting equipment should be maintained by a fire appliance company who are BAFE registered and approved. All fire fighting equipment should be tested in accordance with BS5306 PT 1985(or equivalent).

The fire fighting equipment must be available and sited for use at all times when the site is occupied. Alarm and fire fighting log to be maintained and be available for inspection by or on behalf of the Licensing Authority.

- 6.8** The site roads designed to provide adequate access for fire appliances and emergency vehicles, together with the site footpaths, should be kept clear at all times of any obstruction.

7 Fire Hazards

- 7.1** The licensee shall ensure that grass, other than mown, and other vegetation is cut and cuttings removed at regular intervals so as to prevent the risk of fire hazard or fire spread.

- 7.2** Combustible materials shall not be stored or permitted between or under any caravan or in such a position as to constitute a fire hazard. The use of fire generating chemicals, e.g. sodium chlorate shall be prohibited.
- 7.3** The enclosure of the underside of any residential caravan is only acceptable provided there is:-
- i) adequate permanent through ventilation on all sides of the void;
 - ii) the material(s) selected for the enclosure would not increase the risk of fire hazard; and
 - iii) the enclosure includes an access to the void for the purpose of routine maintenance or inspection.
- 7.4** Each residential caravan will be provided with a lock up shed of 4.5 square metres in area. Tents, awnings incorporating sleeping accommodation, huts or other than statutory approved structures shall not be permitted.
- 7.5** Tents, awnings incorporating sleeping accommodation, huts or other than statutory approved structures shall not be permitted within the static holiday caravan areas.
- 7.6** No structures other than statutory approved structures shall be permitted within the touring caravan area.
- 7.7** Any tanks for the storage of fuel or containers for the storage of liquefied petroleum gas located on the site are the subject of prior approval from the Licensing Authority. In the case of liquefied petroleum gas cylinders regard shall be had to the Health and Safety Executive Code of Practice for the Keeping of Liquefied Petroleum Gas in Cylinders and Similar Containers.

8 Electrical Installations

- 8.1** Electrical installations shall be installed and maintained in accordance with the requirements of the Institute of Electrical Engineers Regulations.
- 8.2** The installations shall be inspected not less than annually or such longer period as may be recommended by a person who should be one of the following:
- a professionally qualified electrical engineer;
 - a member of the Electrical Contractors Association; or
 - a qualified person acting on behalf of one of these (in which case it should be stated for whom he is acting).

Such person shall within 1 month of such inspection issue an inspection certificate in the prescribed form which shall be retained by the site operator and displayed with the site licence. The cost of such inspection and report shall be met by the site operator.

9 Water Supply

- 9.1** The site shall be provided with a water supply complying with British Standard 6700: 1997 and any subsequent modification; and in accordance with the appropriate water byelaws.

- 9.2** The touring caravan area shall be provided with an adequate supply of drinking water at a tap(s) sited not more than 90 metres from any caravan. At each tap there shall be provided a gully connecting to a satisfactory soakaway or surface water drainage system. Separate disposal points for the disposal of waste water connected to the foul water drainage system shall be provided not more than 90 metres from any caravan.

10 Sanitation and Washing Facilities

- 10.1** The static holiday caravans shall be connected to the existing and foul water drainage system.
- 10.2** The main touring caravan area shall be provided with purpose built male and female toilets immediately adjoining the area of land set aside for this use. This male and female toilet and shower provision for 60 touring caravans shall be routinely maintained, cleansed, and disinfected at least daily, kept provided with the necessary toilet requisites and be redecorated annually. A constant supply of hot water shall be provided at all washhand basins and showers.
- 10.3** The existing communal toilets, showers and laundry provision shall be retained and routinely maintained, cleansed and disinfected at least daily, kept provided with the necessary toilet requisites and be redecorated annually. A constant supply of hot water shall be provided at all washhand basins, showers and laundry sinks.

11 Collection and Storage of Refuse

- 11.1** The site shall be provided with suitable and sufficient refuse containers which should be monitored and controlled by the site operators personnel and (where appropriate) stored in designated refuse collection areas prior to collection.
- 11.2** The designated refuse collection areas will be routinely maintained and immediately after each collection will be cleansed and disinfected.
- 11.3** Routine cleansing procedures shall be adopted by the site operator to maintain the site in a clean and litter free condition. Where grass is cut, other than mown, it shall be collected as part of the grass cutting programme and removed from the area of operations to a suitable place within the site.

12 Site Notices

The site operator shall provide and maintain the following:

- 12.1** All notices referred to within conditions 5.2, 6.1, 6.5 and 8.2 above.
- 12.2** A site notice board in a prominent position with access available to all site users 24 hours/day. A copy of this licence and conditions together with a copy of the site electrical certificate, site rules and information as to the location of the nearest telephone in case of fire or other emergency shall be permanently displayed and such notices shall be protected from the weather.

12.3 The name of the site shall be prominently displayed near the site entrance from the public highway such notice to be the subject of agreement with the Licensing Authority regarding its position, colour(s), lettering style, etc, and thereafter to be routinely maintained in a good state of repair.

13 General

The site operator shall provide and maintain:

- 13.1** The site, its roads, footpaths, car parking areas, caravan display/sale area, buildings, services, installations, fences, walls and fixtures in a good state of repair.
- 13.2** All trees, shrubs and general planting throughout the site. Any grass within and immediately adjoining these areas of planting will be cut as part of the seasonal routine. The remainder of the turf and general grass areas will be mown and the turf repaired as part of the seasonal routine.
- 13.3** The licensee shall ensure that a warden is resident on the site at all times when caravans are occupied on the site.
- 13.4** The site operator shall incorporate within the site rules, satisfactory control over the sub-letting of caravans. The site rule should be written to ensure that on each occasion a caravan is sub-let it is presented in a clean and satisfactory condition and that it may not be let to more people than the caravan is designed to accommodate.
- 13.5** The site shall as far as reasonably practicable be developed, designed and maintained to meet the needs of disabled persons.
- 13.6** Caravans may as part of the seasonal routine require to be removed, relocated, or replaced within the park. This work including interim storage prior to siting, resiting or removal off-site, should be programmed and carried out in a manner that does not contravene the dimensions for the siting of caravans available for occupation as stated at Condition 2 above. The programme should be carried out in a manner and timescale that does not cause loss of amenity or nuisance to the adjoining occupied caravans.
- 13.7** Any works required to comply with the conditions of this licence shall be completed to the satisfaction of the Licensing Authority prior to the occupation of any caravans on the stances affected. Or to some agreed time period to be the subject of written agreement between the licensee and the Licensing Authority.
- 13.8** A copy of the site rules should be submitted to the Licensing Authority for comment. The site rules thereafter should not be further altered without prior consultation with the Licensing Authority.

These conditions will be subject to review by the Licensing Authority in consultation with the proprietor(s), every three years.

Eldon House,
94 Watergate Street,
Chester CH1 2NP

Telephone: 01244 328141
Facsimile: 01244 343232
Website: www.charlesfjones.co.uk

Our Ref: RDGH/MOC/C2463A/5579
Your Ref: MJE/JD

10 April 2000

In association with



Mr M J Elliott
Senior Environmental Health Officer
Consumer Protection
East Lothian Council
John Muir House
Haddington
East Lothian
EH41 3HA

Dear Mr Elliott

**CARAVAN SITES AND CONTROL OF DEVELOPMENT ACT 1960
BOURNE LEISURE GROUP LIMITED
SETON SANDS HOLIDAY VILLAGE, LONGNIDDRY**

Thank you for your letter dated 6 April 2000 enclosing the amended Site Licence No. 14B and for the kind remarks contained in your ultimate paragraph.

Yours sincerely
CHARLES FJONES & SON

[Redacted signature]

pp **R D GALE-HASLEHAM FRICS IRRV**
(Dictated by Mr Gale-Hasleham and signed in his absence)

cc Mr A Bednarek
Mr J Bratherton
Mr R Hewitt – For display purposes.

PUBLIC HEALTH & PROTECTION
RECEIVED
11 APR 2000

Our ref: MJE/JD
Your ref:
Date: 6 April 2000

For the Attention of R D Gale-Hasleham

Charles F Jones & Son
Eldon House
92-94 Watergate Street
CHESTER
CH1 2NP

COPY

Dear Sir

**CARAVAN SITES AND CONTROL OF DEVELOPMENT ACT 1960
BOURNE LEISURE GROUP LTD
SETON SANDS HOLIDAY VILLAGE, LONGNIDDRY**

I refer to my letter of 4th November 1999 and your letters of reply dated 28th January and 30th March 2000 regarding the site licence review and the site licence conditions.

Please find attached amended Site Licence No. 14B dated 6th April 2000 which supersedes all previous site licences held by your client and in particular Site Licence No. 14A issued on 30th April 1996.

I would wish to take this opportunity to thank you for your co-operation in the meetings and discussions involved in the review and amendment process.

Yours faithfully

Malcolm J Elliott
Senior Environmental Health Officer
Consumer Protection

*Direct Line: 01620 827233
Direct Fax: 01620 827918*

Enc

CARAVAN SITE LICENCE APPLICATION FORM

Caravan Sites and Control of Development Act 1960, The Caravan Sites
(Licence Applications) Order 1960, Housing (Scotland) Act 2014
Licensing of Relevant Permanent Sites (Scotland) Regulations 2016

**IMPORTANT. PLEASE READ THE ACCOMPANYING GUIDELINES
BEFORE COMPLETING THIS FORM.**

The following is only a summary of the main points of guidance.

While previously there has been only one form of caravan site licence, changes to the law have introduced two distinct types of caravan site, with effect from 1st May 2019:

1. Sites with permanent residents (residential sites) (Part 1A licence)
2. Sites for holiday or touring caravans (Part 1 licence)

In cases where a site includes both residential and holiday/touring caravans, two separate licences may be required, one for each site.

Applicants and site managers are now required to meet a minimum standard, referred to as the "fit and proper person test" and various statutory agencies and services may be consulted to ensure that such criteria are met.

Licences are now granted for the period of five (5) years, after which they will require to be renewed. New licence applications and applications for the renewal of existing licences will require the payment of the appropriate fee upon submission of the application and supporting documentation.

Complete this form carefully. There are criminal penalties for giving false or misleading information. Should your application be refused or you are aggrieved by the conditions imposed, you have the right to appeal the decision.

Contents

This application form is in several parts for different things.

Which parts you need to complete depends on what you are applying for:

| | | |
|--------|--|-----|
| Part A | About the Site | p3 |
| Part B | About the Licence | p3 |
| Part C | About you (the applicant) | p4 |
| Part D | Site Manager | p6 |
| Part E | Grant of a New Licence | p9 |
| Part F | Renewal of an Existing Licence | p10 |
| Part G | Transfer of a Licence | p11 |
| Part H | Transmission on death, sequestration or administration | p14 |
| Part I | Variation of an Existing Licence | p15 |
| Part J | Declaration | p16 |

Please select what you require the Council to process (tick all that apply):



| | | |
|---------------------------|--|---|
| Grant a New Licence | Complete Parts A, B, C, D, E and J | |
| Renew an Existing Licence | Complete parts A, B, C, F and J | |
| Vary an Existing Licence | Complete parts A, B, C, I and J (if the variation includes changing the Site Manager details, complete Part D too) | ✓ |
| Transfer a Licence | Complete parts A, B, C, D, G and J (if you want to Vary the Licence too, see Part I) | |
| Notify of a death etc. | Complete parts A, B, C, H and J (if you want to Vary the Licence too, see Part I) | |

Should you require extra space to answer any questions, please provide additional details on a separate sheet.

Part A – About the Site

Site name

Site address

Postcode

Part B – About the Licence

What type of licence are you applying for:

Part 1A (Permanent Residential Site)

Part 1 (Holiday / Touring Site)

Part C – About you, the applicant

Provide your details in Part C unless this application is to transfer a licence to a new licensee, in which case you must complete:

- details about the current Licence Holder in Part C and
- details about the transferee (the person who is to get the Licence) in Part G.

The information we need is different depending on whether the applicant is:

- (1) a natural person, or
- (2) a non-natural person (a Company or a Partnership).

Complete the box which applies to the person who is to hold the Licence.

(1) Natural person

Your full name _____

Date of birth _____

Home Postal Address / postcode (please give all addresses lived at over past 5 years)

Tel. No. _____ Email address _____

Mobile Tel. No. _____

If you have used any other names, what were they?

(include maiden names if appropriate) _____

Have you ever applied for and been refused a licence for the same or similar type of activity? YES NO

If 'yes', give details of when were you refused, which activity was refused and which authority refused you a licence/permit?

Have you ever held a caravan site licence which has been revoked? YES NO

If 'yes', give details – the address of the site, the Council involved and the date that the licence was revoked.

(2) Non-natural person

Full name

Company Number and/or Charity Number

Registered Office address

Postcode

Name and address of the individual who holds the most senior position within the management structure of the relevant partnership, company or body

Paul Flaum & Iain Macmillan (both directors).

Contact person's name (The person directly responsible for site compliance)

Gary Hosie

Contact person's home address (please give all home addresses lived at over past 5 years) _____

Contact person's date of birth _____

Tel. No. _____ Email _____

Have you ever applied for and been refused a licence for the same or similar type of activity? YES NO

If 'yes', give details of when were you refused, which activity was refused and which authority refused you a licence/permit?

Have you ever held a caravan site licence which has been revoked? YES NO

If 'yes', give details – the address of the site, the Council involved and the date that the licence was revoked.

Part D – Site manager(s)

We require information on who the site manager (the person responsible for day-to-day management of the site) will be once the licence is granted (or, if you are asking to transfer the licence, after the transfer has taken place).

The information we need is different depending on whether the site manager is:

- (1) a natural person, or
- (2) a non-natural person (a company or a partnership).

If the site manager is a natural person, complete box (1).

If the site manager is a non-natural person, complete both boxes:

box (1) for the individual who is to be directly concerned with the management of the site on behalf of that site manager, and
box (2) for the site manager itself. [Reg 2(l)]

(1) Natural person

Your full name Gary Hosie

Date of birth [REDACTED]

Home Postal Address / postcode (please give all addresses lived at over past 5 years)

[REDACTED]

Tel. No. _____ Email address Gary.Hosie@haven.com

Mobile Tel. No. [REDACTED]

If you have used any other names, what were they?

(include maiden names if appropriate) _____

Have you ever applied for and been refused a licence for the same or similar type of activity? YES NO

If 'yes', give details of when were you refused, which activity was refused and which authority refused you a licence/permit?

Have you ever held a caravan site licence which has been revoked? YES NO

If 'yes', give details – the address of the site, the Council involved and the date that the licence was revoked.

(2) Non-natural person

Full name Haven Leisure Limited

Company Number and/or Charity Number 01968698

Registered Office address 1 Park Lane, Hemel Hempstead, Hertfordshire

Postcode HP2 4YL

Name and address of the individual who holds the most senior position within the management structure of the relevant partnership, company or body

Paul Flaum & Iain Macmillan (both directors).

Contact person's name (The person directly responsible for site compliance)

Contact person's home address (please give all home addresses lived at over past 5 years)

Contact person's date of birth

Tel. No. _____ Email _____

Have you ever applied for and been refused a licence for the same or similar type of activity? YES NO

If 'yes', give details of when were you refused, which activity was refused and which authority refused you a licence/permit?

Have you ever held a caravan site licence
which has been revoked?

YES NO

If 'yes', give details – the address of the site, the Council involved and the date that
the licence was revoked.

Part E – Grant of a new licence

What land is the licence to cover? (see note E1)

If the site has a name, what is it?

Name and home address of owner of land upon which caravan site is located.

_____ Postcode _____

Does this site have permanent residents?
(ie, it is a 'Protected Site') (see note E2)

YES NO

Do you have planning permission for the use of the land
as a 'Caravan Site' or 'Relevant Permanent Site'
(otherwise than by a Development Order?)

YES NO

If 'yes' please provide the reference number of the grant of planning permission

if available _____

If 'no', do you have a 'Certificate of lawfulness of existing use or development'?

YES NO

How many caravans do you intend to place on the site? _____

Part E – Notes

- E1** Give a text description here, including address and postcode. You must also give the Council a copy of the layout plan. Read the accompanying guidelines for details of what a layout plan should contain.
- E2** If the Site is a 'Protected Site', this means that the people living in residential caravans have rights under the Mobile Homes Act 1983 – see the accompanying guidelines. If the same site has both residential caravans and some holiday/touring caravans, you need two application forms to get two licences. In one application you will answer the 'Protected Site' question 'yes', and in the other you will say 'no'.

Part F – Renewal of an Existing Licence

Since the licence was granted or last renewed, have there been any changes in the information provided to the Council then?

YES NO

If 'yes', what were the changes? _____

Part G – Transfer of a Licence

If the application is to transfer the licence to another person, provide details about the current licence holder in Part C and give details about the transferee (the person who is to get the licence) in Part G.

We also need details of who will be the site manager after transfer – complete Part D.

The information we need is different depending on whether the applicant is:

- (1) a natural person, or
- (2) a non-natural person (a company or a partnership).

Complete the box which applies to the person who is to hold the licence after transfer.

(1) Transferee is a natural person

Your full name _____

Date of birth _____

Home Postal Address / postcode (please give all addresses lived at over past 5 years)

Tel. No. _____ Email address _____

Mobile Tel. No. _____

If you have used any other names, what were they?

(include maiden names if appropriate) _____

Has the transferee ever applied for and been refused a licence for the same or similar type of activity? YES NO

If 'yes', give details of when refused, which activity was refused and which authority refused a licence/permit?

Has the transferee ever held a 'Site Licence' or 'Part 1A Site Licence' which has been revoked? YES NO

If 'yes', give details – the address of the site, the Council involved and the date that the licence was revoked.

(2) Transferee is a non-natural person

Full name _____

Company Number and/or Charity Number _____

Registered Office address _____

_____ Postcode _____

Name and address of the individual who holds the most senior position within the management structure of the relevant partnership, company or body

Contact person's name (The person directly responsible for site compliance)

Contact person's home address (give all home addresses lived at over past 5 years)

Contact person's date of birth _____

Tel. No. _____ Email _____

Has the transferee ever applied for and been refused a licence for the same or similar type of activity? YES NO

If 'yes', give details of when refused, which activity was refused and which authority refused a licence/permit?

Has the transferee ever held a 'Site Licence' or 'Part 1A Site Licence' which has been revoked? YES NO

If 'yes', give details – the address of the site, the Council involved and the date that the licence was revoked.

Part H – Transmission on death, sequestration or administration of licence holder

This applies where the ownership of the land passes "by operation of law". The licence automatically passes to the licence holder's representative. You must provide:

1. A copy of the Court Order or Protected Trust Deed authorising you to act.
2. If you are also wanting to vary the Licence, you must also complete Part I.

Which applies to you? (please tick)

The licence holder has died and I have been confirmed as the executor

The licence holder is a sequestrated individual and I am the trustee appointed by the Court

The licence holder is a limited company in administration and I am the administrator appointed by the Court

Part I – Variation of a licence

What do you want to change? (Please tick as appropriate)

| | | |
|--|---|-----------------------------|
| The site manager's details? (see note I 1) | YES <input checked="" type="checkbox"/> | NO <input type="checkbox"/> |
| The layout plan? (see note I 2) | YES <input checked="" type="checkbox"/> | NO <input type="checkbox"/> |
| The licence conditions? (see note I 3) | YES <input checked="" type="checkbox"/> | NO <input type="checkbox"/> |

Notes

- I 1. You must complete Part D if you are changing the site manager's details.
- I 2. You must provide us with a copy of the new layout plan and may require planning consent for changes.
- I 3. You must detail in writing what you want to change in the licence conditions, and why.

Part J – Declaration

This section must be completed by all applicants, transferees and site managers

Has any party named in this application:

- Been convicted of any crime or offence involving fraud or dishonesty, violence, drugs, firearms or a sexual offence?
- Practiced unlawful discrimination?
- Broken the law relating to caravans, housing, landlords or tenants?
- Breached an agreement to which the Mobile Homes Act 1983 applies (ie. A written agreement)?
- Broken the rules regarding the re-selling of gas, electricity and water?
- Engaged in antisocial behaviour or had a complaint made about their antisocial behaviour?
- Breached a site licence condition for a previous mobile home site licence?

If so, subject to the provisions of the Rehabilitation of Offenders Act 1974, please give particulars below. Include offences for which any person mentioned was admonished (continue on a separate sheet if necessary).

Note: All criminal convictions must be declared

| NAME | DATE | COURT | OFFENCE | SENTENCE |
|-------------|-------------|--------------|----------------|-----------------|
| | | | | |
| | | | | |
| | | | | |
| | | | | |
| | | | | |
| | | | | |
| | | | | |
| | | | | |

Given the above particulars, I ask the Council to grant this application and I confirm the following:

I declare that all particulars given by me on this form and in any accompanying documents are true and accurate. I hereby consent to the Council carrying out such background enquiries as they consider necessary to ascertain my suitability as an applicant. I acknowledge that this may require consultation with other agencies including The Scottish Fire and Rescue Service, Police Scotland, and various Local Authority organisations and departments.

Any person who, in making this application or in connection with making this application, makes any statement which he or she knows to be false or recklessly makes any statement which is false in a material particular shall be guilty of an offence.

I confirm that the licence holder will comply with any protected site agreements between the site owner and the occupiers of individual caravans.

I agree to inform the Council in writing of any change in the information in this form and the accompanying documents within 7 days of that change.

I agree that the Council can send any correspondence about the application and licence by email to the contact address shown in this form and I will inform the Council should these contact details change.

Print name LICHFIELDS ON BEHALF OF HAVEN LEISURE LIMITED

Signature 

Date 07/07/2023

I have completed and enclosed: (please tick each as appropriate)

| Document | Enclosed (please tick) |
|---|-------------------------------------|
| The appropriate parts of this application for completion (A – J) relevant to the licence application type | <input checked="" type="checkbox"/> |
| Layout Plan (<i>Note: See accompanying guidance</i>) | <input checked="" type="checkbox"/> |
| Copy of the Planning Permission or 'Certificate of lawfulness of existing use or development' | <input checked="" type="checkbox"/> |
| A copy of the current public liability insurance certificate | <input type="checkbox"/> |
| A copy of the current gas safety certificate for the site | <input type="checkbox"/> |
| A copy of the current electrical safety certificate for the site | <input type="checkbox"/> |
| A blank copy of the 'Protected Site Agreement' (<i>Note: A written agreement must exist between the site owner and occupiers on residential sites</i>) | <input type="checkbox"/> |
| Payment of fees (<i>Note: Fees may vary depending upon the application made</i>) | <input type="checkbox"/> |
| A copy of the Court order or Protected Trust Deed authorising you to act. (<i>Note: Only required for Part H: Transmission upon death, sequestration or administration</i>) | <input type="checkbox"/> |

The Minster Building
21 Mincing Lane
London EC3R 7AG

020 7837 4477
london@lichfields.uk
lichfields.uk

Licencing Department
East Lothian Council
John Muir House
Brewery Park
Haddington
East Lothian
EH41 3HA

Date: 07 July 2023
Our ref: 04051/96/NT/RHG/
Your ref:

Dear Sir/Madam

Haven Seton Sands Holiday Village: Site Licence Application

On behalf of our client, Haven Leisure Limited ('Haven'), freehold owner and operator of Haven Seton Sands Holiday Park in East Lothian, please find enclosed an application to update the site licence associated with the Park. The current site licence is dated 6th April 2000.

We provide with this covering letter the following documents:

- a Completed application form;
- b Proposed Site Plan for permission 18/00843/PM (Drg. No.: SS05/03);
- c Decision notice for 18/00843/PM;
- d Seton Public Liability Insurance Certificate;
- e Park map showing roads, footpaths, toilet blocks and other buildings, water stations, recreation spaces, fire points and parking spaces (not to scale); and,
- f Park Layout Plan – to date (1:1500).

Since the Park's existing site licence was issued in April 2000, six planning permissions relating to additional caravans have been granted. The details of these permissions are set out below.

| | Planning Permission | Date of Consent | Description |
|---|---------------------|-----------------|--|
| 1 | 06/00753/FUL | 06/03/2008 | Change of use from agricultural land to form extension to existing caravan site. |
| 2 | 06/00754/OUT | 06/11/2008 | Expansion to accommodate in total 780 statics and 100 tourers (and other facilities). Condition 6 sets out the cap for a limit for 686 static caravans and 100 touring pitches. A red line plan was submitted for this application showing the extension (Drg No.: SAP0536/018). The following permissions are contained within the development area |

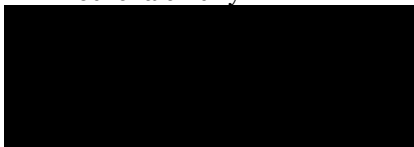
| | | | |
|---|--------------|------------|---|
| | | | identified in this permission: 06/00753/MJR; 11/00975/AMC; and, 13/00675/AMC. |
| 3 | 11/00975/AMC | 14/06/2012 | Approval of matters specified in conditions of planning permission in principle 06/00754/MJR: expansion of holiday park to accommodate additional 195 static caravans (and other facilities). |
| 4 | 13/00675/AMC | 04/04/2014 | Approval of matters specified in conditions of planning permission in principle 06/00754/MJR: expansion of holiday village to accommodate 80 touring caravans (and other facilities). |
| 5 | 13/00678/P | 18/03/2014 | Alterations to layout of part of Holiday Village for the siting of 15 static caravans (and other facilities). This increased the Park's limit to 795 statics. |
| 6 | 18/00843/PM | 19/12/2018 | Full planning permission for the development of an area for static and touring pitches and associated works. The Officers Report confirms that this permission increased the number of static pitches to 853 and touring pitches to 50 and that there is sufficient justification to exceed the limit set out in Condition 6 of 06/00754/OUT. |

This application seeks to vary Condition 1.2 of the existing site licence which states that “the total number of static holiday caravans which shall be situated on the site at any time shall not exceed 686 caravans.” We seek to update the site licence to permit the provision of 853 static caravans following the granting of planning permission 18/00843/PM that increased the provision of static caravans at Seton Sands to 853. On the basis that no change is requested to condition 1.1 of the existing site licence we presume there is no need for a separate application for the Park’s residential caravans.

The Park has paper gas and fire safety certificates for individual caravans however these have not been submitted as part of the application as the volume of certificates will be difficult to manage. If this is unsuitable, please contact us to discuss how best to proceed.

If you require any further information, please contact me or my colleague Rhiannon Harrop-Griffiths. We look forward to reviewing a draft site licence in due course.

Yours faithfully



Helen Ashby-Ridgway
Planning Director

Copy
Haven Leisure Ltd

Appendix 1: Planning History relating to caravan development since existing site licence was issued (6th April 2000).

| | | |
|--------------|--|----------------------|
| 06/00753/FUL | Full Planning Permission - Change of use of agricultural land to form extension to existing caravan site. | Approved 06.03.08 |
| 06/00754/OUT | Outline Planning Permission for the expansion of holiday village to accommodate in total 780 statics and 100 tourers, with a 9-hole family golf course with club house, together with relocation, upgrade and expansion to existing commercial facilities, plus landscaping works and upgrade to access and car parking. | Approved 06.11.08 |
| 11/00975/AMC | Approval of matters specified in conditions of planning permission in principle 06/00754/OUT - Expansion of holiday village to accommodate additional 195 static caravans, a 9 hole golf course and associated works (Part Retrospective). | Approved 14.06.12 |
| 13/00675/AMC | Approval of matters specified in conditions of planning permission in principle 06/00754/OUT- Expansion of holiday village to accommodate 80 touring caravans, a toilet/shower block and associated works. | Approved 04.04.14 |
| 13/00678/P | Full Planning Permission - Alterations to layout of part of Holiday Village for the siting of 15 static caravans, formation of bulk gas compound and erection of bin store. | Approved 18.03.14 |
| 18/00843/PM | Full Planning Permission - Development of an area for static and touring pitches and associated works. | Approved 19.12.18 |

From: [Helen Ashby-Ridgway](#)
To: [Fitzpatrick, Sheila](#); [Emily Currie](#)
Cc: [Rhiannon Harrop-Griffiths](#); gary.hosie@haven.com
Subject: RE: Site Licence Application - Seton Sands Holiday Park [LICH-DMS.FID211063]
Date: 22 August 2023 08:57:20
Attachments: [image001.png](#)
[image002.png](#)
[image003.gif](#)

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.

Good morning Sheila

We note our email correspondence of 13 July. We're currently preparing the residential site licence application and this will be submitted shortly.

Kind regards,

Helen

Helen Ashby-Ridgway
Planning Director

BSc (Hons) MSc MRTPI

Lichfields, Helmont House, Churchill Way, Cardiff CF10 2HE

T 029 2043 5880 / M 07741266080

E helen.ashby-ridgway@lichfields.uk

Lichfields.uk

This email is for the use of the addressee. It may contain information which is confidential and exempt from disclosure. If you are not the intended recipient you must not copy, distribute or disseminate this email or attachments to anyone other than the addressee. If you receive this communication in error please advise us by telephone as soon as possible.

Nathaniel Lichfield & Partners Limited (trading as "Lichfields") is registered in England, no. 2778116, registered office at The Minster Building, 21 Mincing Lane, London EC3R 7AG.

From: Fitzpatrick, Sheila <sfitzpatrick1@eastlothian.gov.uk>
Sent: Tuesday, August 22, 2023 8:35 AM
To: Emily Currie <emily.currie@lichfields.uk>
Cc: Rhiannon Harrop-Griffiths <rhiannon.harrop-griffiths@lichfields.uk>; Helen Ashby-Ridgway <helen.ashby-ridgway@lichfields.uk>; gary.hosie@haven.com
Subject: FW: Site Licence Application - Seton Sands Holiday Park [LICH-DMS.FID211439]

CAUTION: This email originated from an external source.

Good morning,

I don't appear to have received a response to my email of 12 July 2023?

Regards,

Sheila Fitzpatrick
Team Leader – Licensing and Landlord Registration
East Lothian Council
Democratic & Licensing Services
John Muir House
HADDINGTON, EH41 3HA

01620 820623

sfitzpatrick1@eastlothian.gov.uk

From: Fitzpatrick, Sheila

Sent: 12 July 2023 15:45

To: emily.currie@lichfields.uk

Cc: rhiannon.harrop-griffiths@lichfields.uk; helen.ashby-ridgway@lichfields.uk; gary.hosie@haven.com

Subject: FW: Site Licence Application - Seton Sands Holiday Park [LICH-DMS.FID211439]

Good afternoon Emily,

Thank you for your email. I will be handling your application and correspondence can be sent directly to this email address.

- It appears that the Public Liability Insurance Certificate attached is actually an Employers Liability Insurance Certificate (which expired 31 March 2023). Can you please forward the current Public Liability insurance document.
- Does Seton Sands Holiday Park hold Gas and Electrical safety documents for the common areas of the park? These, rather than individual unit, safety certificates are to be submitted.
- The covering letter (from Helen Ashby-Ridgway) states that no change to condition 1.1 of the existing licence is requested. The Licensing of Relevant Permanent Sites (Scotland) Regulations 2016 introduced separate licensing requirements for Residential Caravans. For this reason a separate application will be required for these units. The application form is the same and Part B specifies the type of licence being applied for.
- The fee to vary the existing Holiday/Tourer licence is £69. The fee for the new licence required for the Residential units is £578 (assuming there are less than 26 units of this kind). Payments can be made at [Online Payments \(e-paycapita.com\)](https://www.e-paycapita.com)

I hope this is of assistance.

Regards,

Sheila Fitzpatrick
Team Leader – Licensing and Landlord Registration
East Lothian Council
Democratic & Licensing Services
John Muir House
HADDINGTON, EH41 3HA

01620 820623

sfitzpatrick1@eastlothian.gov.uk

From: Licensing <licensing@eastlothian.gov.uk>
Sent: 07 July 2023 11:43
To: Fitzpatrick, Sheila <sfitzpatrick1@eastlothian.gov.uk>
Subject: FW: Site Licence Application - Seton Sands Holiday Park [LICH-DMS.FID211439]

From: Emily Currie <emily.currie@lichfields.uk>
Sent: 07 July 2023 11:39
To: Licensing <licensing@eastlothian.gov.uk>
Cc: Helen Ashby-Ridgway <helen.ashby-ridgway@lichfields.uk>; Rhiannon Harrop-Griffiths <rhiannon.harrop-griffiths@lichfields.uk>
Subject: Site Licence Application - Seton Sands Holiday Park [LICH-DMS.FID211439]

You don't often get email from emily.currie@lichfields.uk. [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 Sir/Madam,

On behalf of our client, Haven Leisure Limited, please find attached an application to update the site licence associated with Seton Sands.

We would be grateful if you could please confirm safe receipt of the attached and provide contact details for the member of staff who will be responsible for overseeing this site licence application.

Kind regards,

Emily

Emily Currie
Senior Planner
BSc (Hons) MSc MRTPI
Lichfields, Helmont House, Churchill Way, Cardiff CF10 2HE
T 029 2043 5880 / M 07880382612
E emily.currie@lichfields.uk

Lichfields.uk  

App No. 18/00843/PM

EAST LoTHIAN COUNCIL

DECISION NOTICE

TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997

**TOWN AND COUNTRY PLANNING
(DEVELOPMENT MANAGEMENT PROCEDURE) (SCOTLAND) REGULATIONS 2008**

Bourne Leisure Ltd
c/o Katy Clark
Lichfields

101 George Street
Edinburgh
EH23ES

APPLICANT: Bourne Leisure Ltd

With reference to your application registered on 16th August 2018 for planning permission under the above mentioned Acts and Regulations for the following development, viz:-

Development of an area for static and touring pitches and associated works
at
Seton Sands Holiday Village
Port Seton
Prestonpans
East Lothian

East Lothian Council as the Planning Authority in exercise of their powers under the above-mentioned Acts and Regulations hereby **GRANT PLANNING PERMISSION** for the said development in accordance with the particulars given in the application, the plan(s) docketed as relative hereto and the conditions set out below:-

CONDITIONS:

- 1 The static holiday caravans within the application site will only be occupied during the following specified periods and outwith these periods they will not be used for any purpose:
 - (1) Seven days per week between 1st March and 30th November in any one calendar year, both dates inclusive.

(2) Weekends (to include Friday night and Monday morning) between 1st December and 23rd December of any one calendar year, both dates inclusive.

(3) Seven days per week between the 24th December and 7th January of the following year, both dates inclusive.

Reason:

To ensure that the static holiday caravans are not used as permanent residential accommodation.

- 2 No development shall take place until there has been submitted to and approved in writing by the Planning Authority a scheme of landscaping. The scheme shall provide details of: the height and slopes of any mounding on or recontouring of, the site; tree and shrub sizes, species, habitat, siting, planting distances and a programme of planting. The scheme shall include indications of all existing trees and hedgerows on the land, details of any to be retained, and measures for their protection in the course of development.

All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding season following the occupation of the buildings or the completion of the development, whichever is the sooner, and any trees or plants which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Planning Authority gives written consent to any variation.

Reason:

In order to ensure the implementation of a landscaping scheme to enhance the appearance of the development in the interests of the amenity of the area.

- 3 Prior to the commencement of development, a SUDS scheme shall be submitted for the written approval of the Planning Authority, in consultation with the Scottish Environment Protection Agency, and all work shall be carried out in accordance with the approved scheme.

Reason:

In order to ensure that there is no flood risk to nearby property.

The report on this application is attached to this Decision Notice and its terms shall be deemed to be incorporated in full in this Decision Notice.

Details of the following are given in the application report:

- the terms on which the Planning Authority based this decision;
- any variations made to the application in terms of Section 32A of the Town and Country Planning (Scotland) Act 1997; and
- where applicable the summary of the terms of any agreement entered into under Section 75 of the Town and Country Planning (Scotland) Act 1997.

A copy of the Section 75 Agreement can be inspected in the application file at Environment Reception, John Muir House, Haddington.

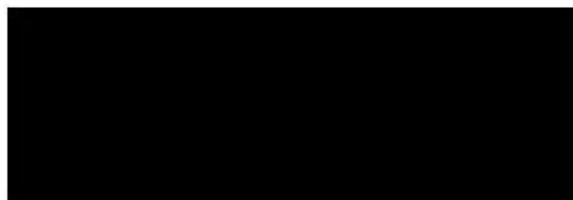
The docketed plans to which this decision relate are as follows:

| <u>Drawing No.</u> | <u>Revision No.</u> | <u>Date Received</u> |
|--------------------|---------------------|----------------------|
| PLAY AREA | - | 16.08.2018 |
| SS05/01 | C | 16.08.2018 |
| SS05/02 | C | 16.08.2018 |
| SS05/04 | C | 16.08.2018 |
| SS05/03 | H | 26.09.2018 |
| DWG1001 | C | 17.12.2018 |
| MP01 | D | 17.12.2018 |

ADVISORY NOTES

1. In accordance with Section 58(1) of the Town and Country Planning (Scotland) Act 1997 (as amended), the development to which this planning permission relates must commence within **THREE YEARS** of the date of this decision notice. **If development has not commenced within this time period, then this planning permission will lapse.**
2. It should be understood that this permission does not carry with it any necessary consent or approval for the proposed development under other statutory enactments.

19th December 2018



Iain McFarlane
Service Manager - Planning

NOTES ABOUT APPEAL OF DECISION

If the applicant is aggrieved by the decision of the Planning Authority to grant permission for the proposed development subject to conditions, the applicant may appeal to the Scottish Ministers under Section 47 of the Town and Country Planning (Scotland) Act 1997 within three months from the date of this decision notice. The notice of appeal should be addressed to Directorate for Planning and Environmental Appeals, 4 The Courtyard, 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.

If permission to develop land is refused or granted subject to conditions, whether by the Planning Authority or by the Scottish Ministers, and the owner of the land claims that the land has become incapable of reasonably beneficial use in its existing state and cannot be rendered capable of reasonably beneficial use by the carrying out of any development which has been or would be permitted, the owner of the land may serve on the Planning Authority a purchase notice requiring the purchase of the owner of the land's interest in the land in accordance with Part 5 of the Town and Country Planning (Scotland) Act 1997.

TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997

TOWN AND COUNTRY PLANNING

(DEVELOPMENT MANAGEMENT PROCEDURE) (SCOTLAND) REGULATIONS 2008

Section 27A (1) of the above-mentioned Act requires that Notice of Initiation of Development must be served to the Council **prior** to the start of development for which planning permission is granted. Failure to do so is a breach of planning control under section 123(1) of the above Act and may result in the Council taking enforcement action.

NOTICE OF INITIATION OF DEVELOPMENT

Notice is hereby given that the under-mentioned scheme of development is expected to commence on
...../...../20....

Planning authority reference: **18/00843/PM**

Date of decision notice: **19th December 2018**

Address/Location of site:

**Seton Sands Holiday Village
Port Seton
Prestonpans
East Lothian**

Name and address of developer:

Name and contact details of site agent:

Owner of land (if not as above):

Signed:

Print Name:

Date:

TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997

TOWN AND COUNTRY PLANNING

(DEVELOPMENT MANAGEMENT PROCEDURE) (SCOTLAND) REGULATIONS 2008

Section 27B (1) of the above-mentioned Act requires that this notice must be served to the Council on completion of the approved scheme of development.

NOTICE OF COMPLETION OF DEVELOPMENT

Notice is hereby given that the under-mentioned scheme of development was completed on/...../20....

Planning authority reference: **18/00843/PM**

Date of decision notice: **19th December 2018**

Address/Location of site:

**Seton Sands Holiday Village
Port Seton
Prestonpans
East Lothian**

Name and address of developer:

Owner of land (if not as above):

Signed:

Print Name:

Date:

**EAST LoTHIAN COUNCIL
DEVELOPMENT MANAGEMENT**

INFORMATION NOTE TO APPLICANT

Please note that Section 27C (1) of the Town and Country Planning (Scotland) Act 1997 requires that for development belonging to the categories of national developments, major developments and bad neighbour developments the person (s) carrying out the development must, for the duration of the development, display at the site a notice of a prescribed form as set out in Schedule 7 of the Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2008. As the development for which planning permission reference has been granted is a national/major/bad neighbour development you are required to display such a notice, a template copy of which is attached to this information note for your use.

The notice must be displayed in a prominent place at or in the vicinity of the site of the development, be readily visible to the public and printed on durable material. Failure to do so is a breach of planning control under section 123(1) of the Town and Country Planning (Scotland) Act 1997 and may result in the Council taking enforcement action.

NOTICE

DEVELOPMENT IN PROGRESS

NATIONAL/MAJOR/BAD NEIGHBOUR DEVELOPMENT

(Delete as applicable)

Development at

Notice is hereby given that planning permission has been granted subject to conditions/unconditionally to:

name/address of developer

on/...../..... by East Lothian Council (reference):/...../.....

The development comprises (description).....

Further information regarding the planning permission including the conditions, if any, on which it has been granted can be obtained during office opening hours (0900 – 17.00 Monday to Thursday and 0900 – 1600 on Fridays) at East Lothian Council, Environment Reception, John Muir House, Haddington EH41 3HA Tel. 01620 827216. Alternatively the information can be viewed at: www.eastlothian.gov.uk

Appendix 6



Licensing and Landlord Registration

John Muir House

Haddington

East Lothian

EH41 3HA

Tel 01620 827664

If phoning or calling ask for: Sheila Fitzpatrick

Ext. No. 8223

Date: 31 July 2024

Haven Leisure Limited

No. 1 Park Lane

Hemel Hempstead

HERTFORDSHIRE

HP2 4YL

Dear Sir/Madam,

Caravan Sites and Control of Development Act 1960

Seton Sands, Links Road, Port Seton, EH32 0QF

With effect of 1 May 2019, changes to the law introduced two distinct types of caravan site:

- Sites with permanent residents (residential sites) (Part 1A licence)
- Sites for holiday or touring caravans (Part 1 licence)

On 12 July 2023 an application to vary the existing licence (14B, issued 6 April 2000) was received.

On the same date, correspondence was issued advising not all associated documents had been received to accompany the application and that a separate, Residential Site Licence application was required to be submitted.

At today's date, no progress has been made regarding either licence. Subsequently, East Lothian Council will consider the application to vary licence reference 14B to be not competent and withdrawn.

I must advise that Under S32S of the 1960 Act it is an offence to run a relevant permanent site without a licence. If someone is convicted of the offence they can be fined up to £50,000. You can find guidance on the licensing regime at [Caravan Sites | Licences | East Lothian Council](#).

Yours sincerely,

SHEILA FITZPATRICK
Team Leader – Licensing and Landlord Registration
licensing@eastlothian.gov.uk

cc. Rhiannon Harrop-Griffiths
Lichfields
Helmont House, Churchill Way
CARDIFF
CF10 2HE