

LOCAL REVIEW BODY

21 November 2024

Application No: 24/00229/P

**78C High Street, Dunbar, EH42 1JH**

Appointed Officer's Submission

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# OFFICER REPORT

**13th June 2024**

App No. **24/00229/P**

Application registered on **8th May 2024**  
Target Date **7th July 2024**

Proposal	<b>Change of use of flat to short term holiday let (Retrospective)</b>	SDELL	N
		CDEL	N
Location	<b>78C High Street Dunbar EH42 1JH</b>	Bad Neighbour Development	N

APPLICANT: **Mr Harendra Pappala**

Is this application to be approved as a departure from structure/local plan? N

**78C High Street  
Dunbar  
EH42 1JH**

DECISION TYPE:

**Application Refused**

## PLANNING ASSESSMENT

This application relates to 78C High Street, a flatted dwelling located on the third floor of a tenement building, located along Mason's Close, just off of the High Street in Dunbar's Town Centre as defined by Policy TC2 of the adopted East Lothian Local Development Plan 2018. The application property is listed as being of special architectural or historic interest (Category B) and is located within the Dunbar Conservation Area.

The property is bounded to the north and south by access lanes, beyond which is further tenement buildings with retail on the ground floor level and residential dwellings on the first floor and levels above. The property is bounded to the east by the pedestrian footpath and public road of the high street and it's bounded to the west by residential properties, beyond which is the Ridge Project and a community garden.

The third floor flat comprises of two bedrooms, a separate bathroom, a kitchen and a lounge. Access is obtained to the flatted building from a close on the southern boundary of the site just off the high street. The flat is accessed via a communal entrance door and stairwell. At the time of inspection, the entrance door was ajar. The property shares an entrance and stairwell with three other flats, one of which (no. 78B) also falls under the ownership of the applicant. In planning terms, Flats 78A, B & D are all in residential use (Sui Generis - Flats).

Planning permission is sought retrospectively for the change of use of the two bedroomed residential flat at 78C High Street, Dunbar to a two -bedroom unit of short-term self-catering holiday let accommodation.

No alterations have been undertaken to the flat, either internally or externally, to facilitate the retrospective change of use.

The applicant has confirmed in writing that:

- i. The flat has been marketed/used for short term lets since September 2017;
- ii. The average length of stay 4 - 6 weeks;
- iii. The maximum number of visitors in one booking is 4 adults;
- iv. Bins/recycling are managed by a commercial cleaning company/housekeeper;
- v. The property is advertised on Airbnb, Booking.com and the applicant is a member of the Association of Scotland's Self-Caterers.
- vi. Guests use the key safe box provided;
- vii. The third floor flat, the subject of this application, shares a communal entrance and stairwell;
- viii. The flat is used on a short term let basis for holiday makers and local workers.
- ix. A ring doorbell camera has been installed to check guest numbers.

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

The development plan is National Planning Framework 4 (NPF4) and the adopted East Lothian Local Development Plan 2018 (ELLDP 2018). Policies 7 (Historic Assets and Places), 13 (Sustainable transport) and 30 (Tourism) of NPF4 are relevant to the determination of this application. Policies TC2 (Town and Local Centres), CH1 (Listed Buildings), CH2 (Development Affecting Conservation Areas), T1 (Development Location and Accessibility) and T2 (General Transport Impact) of the adopted ELLDP 2018 are relevant to the determination of this application.

Material to the determination of this application are Sections 59 and 64 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997.

Section 59 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 requires that in considering whether to grant planning permission for development which affects a listed building or its setting, a planning authority shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

Section 64 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 requires that a planning authority must pay special attention to the desirability of preserving or enhancing the character or appearance of the area in which the building is located.

No representations have been received in relation to this application for planning permission.

This application seeks retrospective planning permission for the change of use of a two-bedroomed flat dwelling to form a two bedroomed unit of short-term holiday let accommodation. The property sleeps a total of 4 adults.

The East Lothian Economic Development Strategy 2012-22 identifies tourism as one of the strengths of the East Lothian economy and a source of employment opportunities in the future. The adopted ELLDP 2018 states that a range of hotel, guesthouse and other accommodation attracts visitors and encourages them to stay and benefit the economy of East Lothian. The adopted ELLDP states that all leisure and tourism related development proposals, including visitor attractions, hotels and holiday accommodation, will be assessed against all relevant Local Development Plan policies.

The change of use of this residential flat to a short-term holiday let would provide accommodation within the area of Dunbar which attracts visitors and encourages them to stay in East Lothian. This in turn supports existing long-established businesses and benefits the wider economy of this local authority area.

The adopted ELLDP 2018 does not contain a specific policy on the change of use of flats to holiday lets, nor does it include any policies with relevance to the change of use of flats to short term accommodation. However, part e) of Policy 30 (Tourism) of NPF4 states that: Development proposals for the reuse of existing buildings for short term holiday accommodation will not be supported where the proposal will result in:

- (i) An unacceptable impact on local amenity or the character of a neighbourhood or area; or
- (ii) The loss of residential accommodation where such loss is not outweighed by demonstrable local economic benefits.

Policy TC2 (Town and Local Centres) of the ELLDP 2018 supports a range of changes of uses in principle. Proposals that have a significant environmental impact, particularly on housing will not be supported.

In the determination of this application, it is necessary to assess the impact of the change of use of the application property to form a unit of short-term holiday let accommodation on the amenity of the existing neighbouring residential properties or the character of the neighbourhood or area. Development incompatible the local amenity of an area will not be permitted.

The Council's Senior Environmental Health Officer advises that whilst the normal use of a property would not result in loss of amenity to neighbours, the use of properties for short term holiday lets can result in future guests misusing and abusing the property in a manner that is antisocial and can result in a significant impact upon amenity of neighbours. However, it is stated that the Council's Environmental Health Service cannot assume that antisocial behaviour issues will arise and thus cannot impose any enforceable conditions to protect the amenity of neighbours.

The Council's Antisocial Behaviour Team advise that they have had no record of any incidents relating to any anti-social behaviour matters at this address and thus they raise no objection to this retrospective planning application.

Police Scotland advise that there has been no police incidents at this address (having checked their records over the last three years) in association with the use of this property as a short-term holiday let and thus, they raise no objection to this retrospective planning application.

The use of the application property as a holiday let enables it to be let out for short duration stays, resulting in a turnover of people over short time periods with a significant proportion of occupants likely to be visitors to the area.

Such a regular turnover of users/occupants would change the nature of comings and goings not only to the application property itself, but within the communal entrance and stairwell of the residential building as well as the close.

Most users/occupants of the short term let accommodation would have a degree of luggage or other property (sports equipment / work tools) to take through the communal entrance and stairwell, which in itself could lead to a level of disturbance and nuisance not associated with the permanent/long term residential use of the property. This is harmful to the amenity of the occupants of the residential flatted properties within the residential flatted building of 78 High Street, irrespective of whether they live in the properties on a permanent basis or not. Whilst it is accepted that permanent residents may also make noise, this would not be on the same frequency as regularly changing guests who arrive and depart sometimes at unsociable hours, and thus differs from typical residential circumstances.

This level of additional activity is evidently different to that expected with the permanent/long term use of the flat as a private residence again which is harmful to the amenity of the existing occupants of the residential properties within the residential flatted building of 78 High Street, Dunbar.

Moreover, allowing frequently changing guests unfettered access to otherwise secure or semi secure shared areas changes the actual and perceived level of security for the existing permanent residents and further reduces existing residential amenity. Whilst the permanent residents are likely to have visitors of their own from time to time, those permanent residents would remain in control of security to communal areas. The introduction of frequently changing guests regularly into these secure areas, independent of the owner, would therefore differ from typical residential circumstances.

Given the specific circumstances and location of the application property within the residential building of 78 High Street which contains several permanent/long term residences and which share a communal entrance and stairwell with th flat, the retrospective change of use of the applicant's third floor flat as a two bedroom unit of short term self-catering holiday let accommodation is incompatible with and harmful to the amenity of the occupiers of the residential properties within the residential building of 78 High Street. By having an unacceptable impact on local amenity, the proposal is contrary to part e) of Policy 30 of NPF4 and with Policy TC2 of the adopted ELLDP 2018.

The Council's Road Services were consulted as part of this application but raised no objections in respect of proposals, being satisfied that they do not conflict with Policy 13 of NPF4 or with Policies T1 and T2 of the adopted ELLDP 2018.

As set out above, no alterations have been undertaken to the property, either internally or externally, to facilitate the retrospective change of use and none are proposed through this application.

Accordingly, the proposal does not have a detrimental impact on the special architectural or historic interest of the listed building or on the character and appearance of this part of the

Dunbar Conservation Area. On these considerations, the proposal does not conflict with Policy 7 of NPF4 or with Policies CH1 or CH2 of the adopted ELLDP 2018.

In assessing the impact of the change of use of a flatted dwelling to form a short-term holiday let, part e) of Policy 30 of NPF4 states that the loss of residential accommodation must be outweighed by demonstrable local economic benefits to be compliant in policy terms.

The Council's Housing Strategy & Development Service state that the change of use of this property from a long-term residential dwelling to a short term let is not considered a significant loss to residential housing stock because it has been let for 5 years or more. Consequently, the Council's Housing Strategy & Development Service raise no objection in respect of this application.

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

In the particular circumstances of this case, it is stated that:

- i) The aggregate economic benefit from short term holiday lets as a vital element in the supply of visitor bedstock within the County and the provision of a sustainable and resilient supply of overnight holiday accommodation is key to delivering the Council's strategic priority of being "Scotland's leading coastal, leisure and food & drink destination";
- ii) Based on primary research commissioned by the Council, there is a demonstrable economic benefit to having a wide range of accommodation types in East Lothian, with the tourism sector contributing £155m to the local economy in 2021 and supporting 10% of the workforce. Visitors staying overnight in non-serviced accommodation contributed £60.1m to the local economy in 2021, a figure which has been rising year on year. The majority of visitors to East Lothian are repeat visitors, 81%, and rely on good availability of high quality accommodation year on year to facilitate this.
- iii) Non-serviced accommodation (short term holiday lets) contribute positively to the local economy (£279m in 2019). Using the sampling outlined above, this property accounts for 4 bedspaces and a potential annual economic impact of £90,908 and 2 FTE jobs. This is borne out by the information provided by the applicant.
- iv) The operation of short-term holiday letting is a bonafide business activity that contributes to employment and economic benefit in East Lothian. The proposal provides high-quality tourist accommodation attracting visitors to the town and wider area providing economic benefit.
- v) An increasing number of overnight stays in East Lothian are for work purposes, e.g. major events, servicing major infrastructure. This is expected to increase over the next 10-15 years as more nationally significant infrastructure is developed or decommissioned in East Lothian. In this context, the loss of short term accommodation is likely to have significant negative impact on the local tourist economy in monetary and reputational terms.

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

The local economic benefits associated with the use of the applicant's third floor flat operating as a two-bedroom unit of short-term self-catering holiday accommodation does not outweigh the unacceptable impact on local amenity, with particular regard to the other residential flatted dwellings located within this flatted building. Therefore, the change of use is not in accordance with the Development Plan and there are no material planning considerations that outweigh the fact that the change of use is not in accordance with the Development Plan.

The holiday let use of the flatted property is incompatible with and harmful to the amenity of the occupants of other flatted properties used as residential dwellings within the residential building of 78 High Street and as such is contrary to part e) of Policy 30 of National Planning Framework 4 and Policy TC2 of the ELLDP. No material planning considerations outweigh this conflict with the Development Plan.

The application property of 78C High Street as a holiday let is unauthorised and a breach of planning control. Enforcement action will be taken to ensure the cessation of the short term let use with the period for compliance with the enforcement notice being three months.

#### REASON FOR REFUSAL:

- 1 The holiday let use of the flatted property is incompatible with and harmful to the amenity of the occupants of other flatted properties used as residential dwellings within the residential building of 78 High Street and as such the proposal is contrary to part e) of Policy 30 of National Planning Framework 4 and Policy TC2 of the ELLDP.

#### LETTERS FROM

13th June 2024



App No. 24/00229/P

**EAST LoTHIAN COUNCIL  
DECISION NOTICE**

**TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997  
TOWN AND COUNTRY PLANNING  
(DEVELOPMENT MANAGEMENT PROCEDURE) (SCOTLAND) REGULATIONS 2013**

**Mr Harendra Pappala**  
**78C High Street**  
Dunbar  
EH42 1JH

**APPLICANT: Mr Harendra Pappala**

With reference to your application registered on 8th May 2024 for planning permission under the above mentioned Acts and Regulations for the following development, viz:-

**Change of use of flat to short term holiday let (Retrospective)**  
**at**  
**78C High Street**  
**Dunbar**  
**EH42 1JH**

East Lothian Council as the Planning Authority in exercise of their powers under the above-mentioned Acts and Regulations hereby **REFUSE PLANNING PERMISSION** for the said development.

The reasons for the Council's refusal of planning permission are:-

- 1 The holiday let use of the flatted property is incompatible with and harmful to the amenity of the occupants of other flatted properties used as residential dwellings within the residential building of 78 High Street and as such the proposal is contrary to part e) of Policy 30 of National Planning Framework 4 and Policy TC2 of the ELLDP.

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;
- details of any variations made to the application in terms of Section 32A of the Town and Country Planning (Scotland) Act 1997.

The plans to which this decision relate are as follows:

<u>Drawing No.</u>	<u>Revision No.</u>	<u>Date Received</u>
PHOTO 01	-	01.04.2024
PHOTO 02	-	01.04.2024
PHOTO 03	-	01.04.2024
PHOTO 04	-	01.04.2024
PHOTO 05	-	01.04.2024
PHOTO 06	-	01.04.2024
PHOTO 07	-	01.04.2024
DWG 01	-	08.05.2024

**14th June 2024**



Keith Dingwall  
Service Manager - Planning  
(Chief Planning Officer)

## NOTES

If the applicant is aggrieved by the decision to refuse permission for the proposed development, the applicant may require the planning authority to review the case under section 43A of the Town and Country Planning (Scotland) Act 1997 within three months from the date of this notice. The notice of review should be addressed to the Clerk to the Local Review Body, Committee Team, Communications and Democratic Services, John Muir House, Haddington, East Lothian EH41 3HA.

If permission to develop land is refused or granted subject to conditions 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.

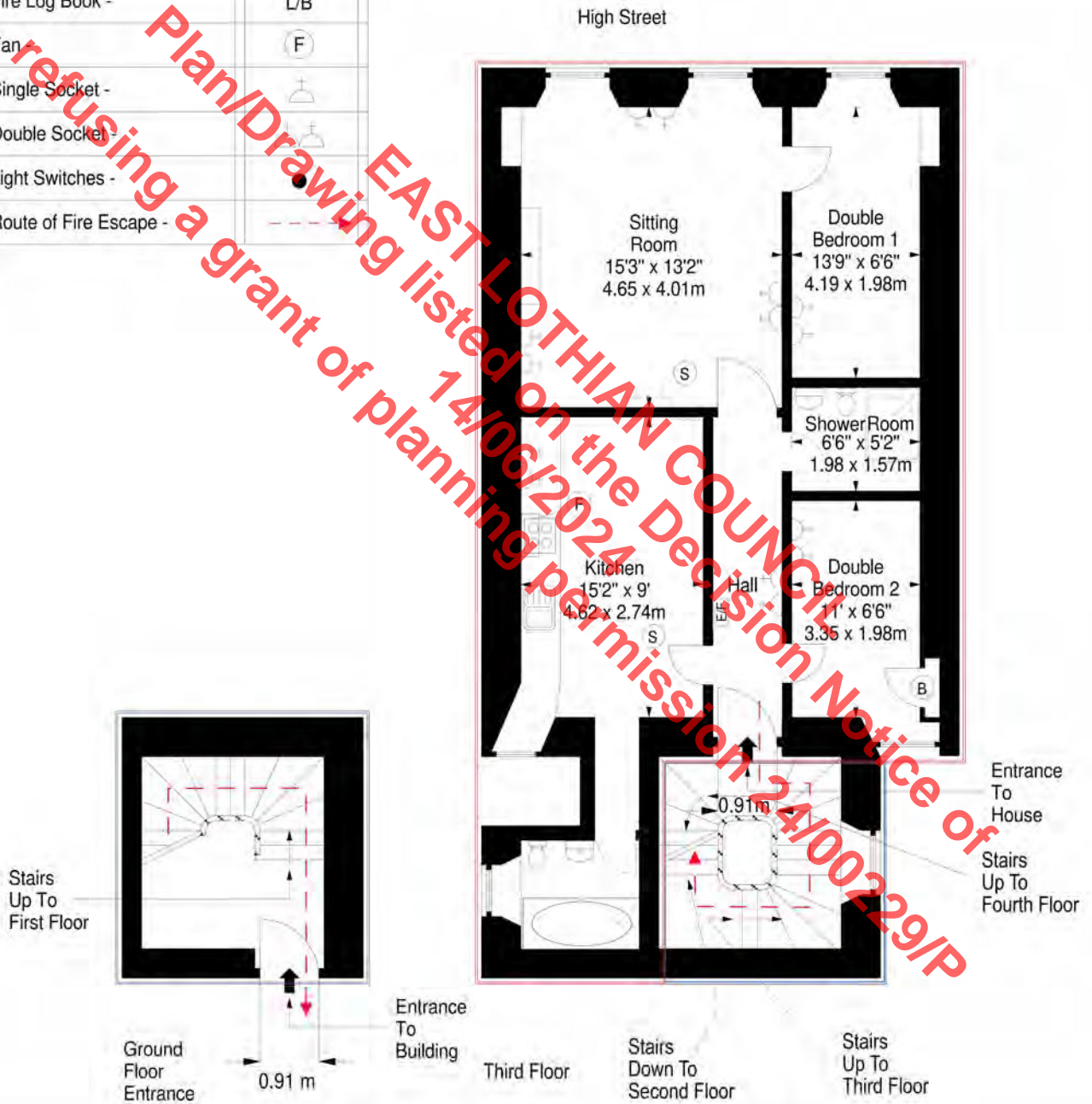
**KEY**

Maximum Occupancy -	5
Smoke Detector -	(S)
Carbon Monoxide Detector -	(C)
Heat Detector -	(H)
Electricity Fuseboard -	[E/F]
Fire Extinguisher -	(E)
Fire Alarm Panel -	[F/P]
Fire Blanket -	[F/B]
Fire Action Notice -	[F/A]
Fire Log Book -	L/B
Fan -	(F)
Single Socket -	(S)
Double Socket -	(S)
Light Switches -	(S)
Route of Fire Escape -	(S)



SCALE 1:1250

refusing a grant of planning permission 24100229/P  
 EAST LoTHIAN COUNCIL  
 14/06/2024 Decision Notice of



**78C High Street,  
Dunbar,  
East Lothian, EH42 1JH**

Approx. Gross Internal Area  
713 Sq Ft - 66.24 Sq M

PLANNING PERMISSION

APPLICATION For SHORT TERM LET

EXISTING/  
PROPOSED  
FLOOR PLAN

SCALE 1:100  
PRINT AT A4

PLANS DRAWN:  
MAR 2024





**EAST LoTHIAN COUNCIL**  
**refusing a grant of planning permission 24/00229/P**  
**Plan/Drawing listed on the Decision Notice of**  
**14/06/2024**





**EAST LoTHIAN COUNCIL**  
Plan/Drawing listed on the Decision Notice of  
refusing a grant of planning permission 24/J00229/IP  
14/06/2024



EAST LoTHIAN COUNCIL  
refusing a grant of planning permission 24/00229/IP  
14/06/2024





EAST LoTHIAN COUNCIL  
Plan/Drawing listed on the Decision Notice of  
refusing a grant of planning permission 24/J00229/IP  
14/06/2024



EAST LoTHIAN COUNCIL  
refusing a grant of planning permission 24/00229/P  
Plan/Drawing listed on the Decision Notice of  
14/06/2024

refusing a grant of planning permission 24/00229/P  
EAST LOTHIAN COUNCIL  
14/06/2024  
Decision Notice of  
Plan/Drawing listed on the

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OPEN

Mon-Sat 10-5



## 4. Development Plan Policies

Policies 7 (Historic Assets and Places), 13 (Sustainable transport) and 30 (Tourism) of NPF4 are relevant to the determination of this application. Policies TC2 (Town and Local Centres), CH1 (Listed Buildings), CH2 (Development Affecting Conservation Areas), T1 (Development Location and Accessibility) and T2 (General Transport Impact) of the adopted ELLDP 2018 are relevant to the determination of this application.

### **Policy 7 (Historic assets and places)**

(a) Development proposals with a potentially significant impact on historic assets or places will be accompanied by an assessment which is based on an understanding of the cultural significance of the historic asset and/or place. The assessment should identify the likely visual or physical impact of any proposals for change, including cumulative effects and provide a sound basis for managing the impacts of change. Proposals should also be informed by national policy and guidance on managing change in the historic environment, and information held within Historic Environment Records.

(b) Development proposals for the demolition of listed buildings will not be supported unless it has been demonstrated that there are exceptional circumstances and that all reasonable efforts have been made to retain, reuse and/or adapt the listed building. Considerations include whether the:

- i. building is no longer of special interest;
- ii. building is incapable of physical repair and re-use as verified through a detailed structural condition survey report;
- iii. repair of the building is not economically viable and there has been adequate marketing for existing and/or new uses at a price reflecting its location and condition for a reasonable period to attract interest from potential restoring purchasers; or
- iv. demolition of the building is essential to delivering significant benefits to economic growth or the wider community.

(c) Development proposals for the reuse, alteration or extension of a listed building will only be supported where they will preserve its character, special architectural or historic interest and setting. Development proposals affecting the setting of a listed building should preserve its character, and its special architectural or historic interest.

(d) Development proposals in or affecting conservation areas will only be supported where the character and appearance of the conservation area and its setting is preserved or enhanced.

Relevant considerations include the:

- i. architectural and historic character of the area;
- ii. existing density, built form and layout; and
- iii. context and siting, quality of design and suitable materials.

(e) Development proposals in conservation areas will ensure that existing natural and built features which contribute to the character of the conservation area and its setting, including structures, boundary walls, railings, trees and hedges, are retained.

(f) Demolition of buildings in a conservation area which make a positive contribution to its character will only be supported where it has been demonstrated that:

- i. reasonable efforts have been made to retain, repair and reuse the building;
- ii. the building is of little townscape value;
- iii. the structural condition of the building prevents its retention at a reasonable cost; or
- iv. the form or location of the building makes its reuse extremely difficult.

(g) Where demolition within a conservation area is to be followed by redevelopment, consent to demolish will only be supported when an acceptable design, layout and materials are being used for the replacement development.

(h) Development proposals affecting scheduled monuments will only be supported where:

- i. direct impacts on the scheduled monument are avoided;
- ii. significant adverse impacts on the integrity of the setting of a scheduled monument are avoided; or
- iii. exceptional circumstances have been demonstrated to justify the impact on a scheduled monument and its setting and impacts on the monument or its setting have been minimised.

(i) Development proposals affecting nationally important Gardens and Designed Landscapes will be supported where they protect, preserve or enhance their cultural significance, character and integrity and where proposals will not significantly impact on important views to, from and within the site, or its setting.

(j) Development proposals affecting nationally important Historic Battlefields will only be supported where they protect and, where appropriate, enhance their cultural significance, key landscape characteristics, physical remains and special qualities.

(k) Development proposals at the coast edge or that extend offshore will only be supported where proposals do not significantly hinder the preservation objectives of Historic Marine Protected Areas.

(l) Development proposals affecting a World Heritage Site or its setting will only be supported where

their Outstanding Universal Value is protected and preserved.

(m) Development proposals which sensitively repair, enhance and bring historic buildings, as identified as being at risk locally or on the national Buildings at Risk Register, back into beneficial use will be supported.

(n) Enabling development for historic environment assets or places that would otherwise be unacceptable in planning terms, will only be supported when it has been demonstrated that the enabling development proposed is:

- i. essential to secure the future of an historic environment asset or place which is at risk of serious deterioration or loss; and
- ii. the minimum necessary to secure the restoration, adaptation and long-term future of the historic environment asset or place. The beneficial outcomes for the historic environment asset or place should be secured early in the phasing of the development, and will be ensured through the use of conditions and/or legal agreements.

(o) Non-designated historic environment assets, places and their setting should be protected and preserved in situ wherever feasible. Where there is potential for non-designated buried archaeological remains to exist below a site, developers will provide an evaluation of the archaeological resource at an early stage so that planning authorities can assess impacts. Historic buildings may also have archaeological significance which is not understood and may require assessment.

Where impacts cannot be avoided, they should be minimised. Where it has been demonstrated that avoidance or retention is not possible, excavation, recording, analysis, archiving, publication and activities to provide public benefit may be required through the use of conditions or legal/planning obligations.

When new archaeological discoveries are made during the course of development works, they must be reported to the planning authority to enable agreement on appropriate inspection, recording and mitigation measures

### **Policy 13 (Sustainable transport)**

(a) Proposals to improve, enhance or provide active travel infrastructure, public transport infrastructure or multi-modal hubs will be supported. This includes proposals:

- i. for electric vehicle charging infrastructure and electric vehicle forecourts, especially where fuelled by renewable energy;

ii. which support a mode shift of freight from road to more sustainable modes, including last-mile delivery;

iii. that build in resilience to the effects of climate change and where appropriate incorporate blue and green infrastructure and nature rich habitats (such as natural planting or water systems).

(b) Development proposals will be supported where it can be demonstrated that the transport requirements generated have been considered in line with the sustainable travel and investment hierarchies and where appropriate they:

i. Provide direct, easy, segregated and safe links to local facilities via walking, wheeling and cycling networks before occupation;

ii. Will be accessible by public transport, ideally supporting the use of existing services;

iii. Integrate transport modes;

iv. Provide low or zero-emission vehicle and cycle charging points in safe and convenient locations, in alignment with building standards;

v. Supply safe, secure and convenient cycle parking to meet the needs of users and which is more conveniently located than car parking;

vi. Are designed to incorporate safety measures including safe crossings for walking and wheeling and reducing the number and speed of vehicles;

vii. Have taken into account, at the earliest stage of design, the transport needs of diverse groups including users with protected characteristics to ensure the safety, ease and needs of all users; and

viii. Adequately mitigate any impact on local public access routes.

(c) Where a development proposal will generate a significant increase in the number of person trips, a transport assessment will be required to be undertaken in accordance with the relevant guidance.

(d) Development proposals for significant travel generating uses will not be supported in locations which would increase reliance on the private car, taking into account the specific characteristics of the area.

(e) Development proposals which are ambitious in terms of low/no car parking will be supported, particularly in urban locations that are well-served by sustainable transport modes and where they do not create barriers to access by disabled people.

(f) Development proposals for significant travel generating uses, or smaller-scale developments where

it is important to monitor travel patterns resulting from the development, will only be supported if they are accompanied by a Travel Plan with supporting planning conditions/obligations. Travel plans should set out clear arrangements for delivering against targets, as well as monitoring and evaluation.

(g) Development proposals that have the potential to affect the operation and safety of the Strategic Transport Network will be fully assessed to determine their impact. Where it has been demonstrated that existing infrastructure does not have the capacity to accommodate a development without adverse impacts on safety or unacceptable impacts on operational performance, the cost of the mitigation measures required to ensure the continued safe and effective operation of the network should be met by the developer.

While new junctions on trunk roads are not normally acceptable, the case for a new junction will be considered by Transport Scotland where significant economic or regeneration benefits can be demonstrated. New junctions will only be considered if they are designed in accordance with relevant guidance and where there will be no adverse impact on road safety or operational performance.

#### **Part (e) of Policy 30 (Tourism)**

Development proposals for the reuse of existing buildings for short term holiday letting will not be supported where the proposal will result in:

- i. An unacceptable impact on local amenity or the character of a neighbourhood or area; or
- ii. The loss of residential accommodation where such loss is not outweighed by demonstrable local economic benefits.

#### **East Lothian Local Development Plan 2018 (ELLDP 2018)**

##### **Policy TC2: Town and Local Centres**

Within a town or local centre, uses that will be acceptable in principle include retailing, business and office use, restaurants, leisure and entertainment, and the principle of a change of use from one of these uses to another will be supported. Residential use may also be acceptable, particularly in a backland or above ground floor location. However, changes of use from a ground floor town or local centre use to residential use will only be permitted where there is evidence that the premises is no longer viable as a town or local centre use. New buildings within a town or local centre will be expected to reflect the prevailing vertical mix of land uses in the area by providing town or local centre uses at the ground floor where appropriate in their context. Proposals that would have a significant environmental impact, particularly on housing, will not be permitted.

##### **Policy CH1: Listed Buildings**

Internal or external alterations or extensions to listed buildings will only be permitted where they



do not harm the architectural or historic character of the building.

The demolition of a listed building will not be permitted unless the building is no longer of special interest, is incapable of repair or there are overriding environmental or economic reasons, and it must be satisfactorily demonstrated that every effort has been made to continue the present use or to find a suitable new use.

New development that harms the setting of a listed building will not be permitted.

### **Policy CH2 (Development Affecting Conservation Areas)**

All development proposals within or affecting a Conservation Area or its setting must be located and designed to preserve or enhance the special architectural or historic character or appearance of the Conservation Area. Proposals for new development should accord with the size, proportions, orientation, alignment, density, materials, and boundary treatment of nearby buildings and public and private spaces. Parking requirements of new developments must accord with the Council's adopted parking standards unless it can be demonstrated that a reduced level of parking (which in exceptional circumstances could be no parking provision) will achieve positive townscape benefits without compromising road safety.

The Council will set out in supplementary planning guidance more detailed policies on the circumstances in which it would support proposals for alterations to shop fronts, external security, external wall treatment and the display or installation of advertisements in Conservation Areas.

### **Policy T1: Development Location and Accessibility**

New developments shall be located on sites that are capable of being conveniently and safely accessed on foot and by cycle, by public transport as well as by private vehicle, including adequate car parking provision in accordance with the Council's standards. The submission of Travel Plans may also be required in support of certain proposals.

### **Policy T2: General Transport Impact**

New development must have no significant adverse impact on:

- Road safety;
- The convenience, safety and attractiveness of walking and cycling in the surrounding area;
- Public transport operations in the surrounding area, both existing and planned, including convenience of access to these and their travel times;
- The capacity of the surrounding road network to deal with traffic unrelated to the proposed development; and
- Residential amenity as a consequence of an increase in motorised traffic.

Where the impact of development on the transport network requires mitigation this will be provided by the developer and secured by the Council by planning condition and / or legal agreement where appropriate.

**Currie, Fiona**

---

**From:** Clark, Colin - EHO  
**Sent:** 21 May 2024 09:11  
**To:** Environment Reception  
**Cc:** Smith, Amelia  
**Subject:** RE: 24/00229/P-Amelia Smith - Planning Consultation

I refer to your consultation request of 13<sup>th</sup> May 2024 in connection with the above and would advise as follows.

While the normal use of a property would not result in loss of amenity to neighbours, the use of properties for short-term holiday let can result in future guests in the accommodation misusing and abusing the property in a manner that is antisocial and can result in significant impact upon amenity of neighbours. Environmental Health cannot assume such ASB will arise however, and cannot impose any enforceable conditions to protect amenity of neighbours.

East Lothian Council will have to determine whether or not any such future proposals are acceptable having regard to existing planning policy which may need to be revised to address this situation. I would suggest that you also consult with the Safer Communities Team in the event they may wish to comment further.

Regards

**Colin Clark | Senior Environmental Health Officer, Public Health & Environmental Protection | Protective Services | East Lothian Council | John Muir House | Haddington | EH41 3HA |**  
Tel. 01620 827443 [REDACTED] | Email. [cclark1@eastlothian.gov.uk](mailto:cclark1@eastlothian.gov.uk) | Visit our website at [www.eastlothian.gov.uk](http://www.eastlothian.gov.uk)

-----Original Message-----

**From:** Environmental Health/Trading Standards <[ehs@eastlothian.gov.uk](mailto:ehs@eastlothian.gov.uk)>  
**Sent:** Monday, May 13, 2024 5:02 PM  
**To:** [REDACTED]  
**Subject:** FW: 24/00229/P-Amelia Smith - Planning Consultation

-----Original Message-----

**From:** [environment@eastlothian.gov.uk](mailto:environment@eastlothian.gov.uk) <[environment@eastlothian.gov.uk](mailto:environment@eastlothian.gov.uk)>  
**Sent:** Monday, May 13, 2024 4:58 PM  
**To:** Environmental Health/Trading Standards <[ehs@eastlothian.gov.uk](mailto:ehs@eastlothian.gov.uk)>  
**Subject:** 24/00229/P-Amelia Smith - Planning Consultation

Please see attached document in relation to the following application: Change of use of flat to short term holiday let (Retrospective) at 78C High Street Dunbar EH42 1JH

[[https://gbr01.safelinks.protection.outlook.com/?url=https%3A%2F%2Fwww.eastlothian.gov.uk%2Fimages%2FELC\\_Be\\_Nice\\_EMAIL\\_FOOTER\\_\\_zerotolerance\\_1.png&data=05%7C02%7Ccclark1%40eastlothian.gov.uk%7C40ab13b5c33e4dc9c76508dc7365ffa9%7C85e771afe90a4487b4071322ba02cc82%7C0%7C0%7C638512129126533435%7CUnknown%7CTWFpbGZsb3d8eyJWIjojMC4wLjAwMDAiLCJQIjoiV2luMzIiLCJBTiI6Ik1haWwiLCJ](https://gbr01.safelinks.protection.outlook.com/?url=https%3A%2F%2Fwww.eastlothian.gov.uk%2Fimages%2FELC_Be_Nice_EMAIL_FOOTER__zerotolerance_1.png&data=05%7C02%7Ccclark1%40eastlothian.gov.uk%7C40ab13b5c33e4dc9c76508dc7365ffa9%7C85e771afe90a4487b4071322ba02cc82%7C0%7C0%7C638512129126533435%7CUnknown%7CTWFpbGZsb3d8eyJWIjojMC4wLjAwMDAiLCJQIjoiV2luMzIiLCJBTiI6Ik1haWwiLCJ)]

XVCI6Mn0%3D%7C0%7C%7C%7C&sdata=oj9DDHWQAKJd61O+06eC5RgFbICo6LF+E2Vq8i6UsDU%3D&reserved=0]

## PLANNING APPLICATION RESPONSE – SHORT TERM HOLIDAY LETS

*The following observations represent the comments of the consultee on the submitted application as they relate to the area of expertise of that consultee and on the basis of the information provided. A decision on the application can only be made after consideration of all relevant information, consultations and material considerations.*

**Planning application reference** – 24/00274/P

**Proposal** – Change of use of flat to short term holiday let (Retrospective)

**Location** – 78c High Street, Dunbar, EH421JH

**Planning Officer** – Amelia Louise Smith

### ECONOMIC DEVELOPMENT POLICY BACKGROUND

The East Lothian Local Economy 2024-2034 was adopted by East Lothian Council on 23<sup>rd</sup> April 2024. Economic development is a key priority for East Lothian and is at the forefront of The East Lothian Partnership Plan 2017-27. The Local Economy Strategy 2024-2024 is a reflection of the priority placed on economic development and acts as a guiding framework for future activity and policy development. It sets out clear strategic direction and is the foundation of the vision set out in the East Lothian Plan of:

*Working in partnership to achieve an even more prosperous, safe and sustainable East Lothian, with a dynamic and thriving economy that enables our people and communities to flourish.*

To help achieve the vision, three strategic goals have been set:

1. To increase the number of businesses in East Lothian with growth and employment potential.
2. To reduce income inequality across East Lothian, and to improve access to employment in rural areas.
3. To increase the number of socially and environmentally responsible businesses, expand plural ownership of the economy, and grow community wealth.

The three strategic goals are underpinned by six objectives:

1. To be the destination of choice for innovative, socially, and environmentally responsible businesses to set up, grow, and succeed.
2. To provide high quality opportunities for people to learn, develop skills, and grow their potential.

## EAST LoTHIAN COUNCIL ECONOMIC DEVELOPMENT AND REGENERATION

3. To build on East Lothian's reputation as a great place to live, work, and learn by adopting a pro-business approach, seeking and supporting sustainable investment, and by empowering communities.
4. To capitalise on the economic opportunities of and take a leading role in the just transition to a net zero economy.
5. To maximise the opportunities of being a part of the Edinburgh and South-East Scotland City Region.
6. To promote a successful, accessible, and sustainable tourism sector that provides quality experiences and benefits our local communities.

### Short Term Holiday Lets in East Lothian

Tourism is a mainstay of the East Lothian economy employing 10% of the workforce (3,075 FTE jobs). Overnight visitors contributed a total of £155m to the local economy in 2021, of that £60.1m was by visitors staying in local non-serviced accommodation. Most visitors to East Lothian are repeat visitors, 81%. The 2021 figures show significant negative impact following COVID-19 and taken in isolation are not representative of the value of tourism to the East Lothian economy in 'normal' times. Below we have used the figures from 2019 which was the last pre-COVID-19 year for the sector.

Short term holiday lets, whether flats or houses, are classed as non-serviced accommodation. Stays in this type of accommodation have become increasingly popular in recent years. In 2003, 6% of visitors stayed in a rented house or flat, rising to 30% in 2021. Other forms of accommodation have shown a fall in popularity over the same period, e.g. caravan parks, B&B/ guest houses, serviced apartments, and staying with friends / relatives. Most operators of short-term holiday lets in East Lothian are small or micro businesses. Hotel stays during this period have also risen, although there was a drop from 20% of stays to 19% between 2018 and 2021 representing a switch to non-serviced accommodation over the COVID-19 period. It remains to be seen if this is a developing trend. Hotel accommodation, and especially accommodation in larger hotels, is limited in East Lothian, promotion to overnight visitors is therefore focused on independent travellers, and not on-group travel.

Accommodation available to visitors does not operate in isolation. It forms a crucial part in the overall experience and destination offer. It is also the case that an increasing number of those staying in East Lothian's serviced and non-serviced accommodation are in the area for work. Significant numbers of workers visit the area regularly in association with the operation and maintenance of Torness Power Station and the Viridor Energy Recovery Facility as well as major sporting events e.g. golf tournaments. Over the next 10-15 years significant new projects to develop electricity grid connections for renewable energy and the decommissioning of Torness are anticipated to place high demand on local accommodation, and there is a risk that this may reduce the number of overnight stays by tourists to the area due to a shortage of beds. Any loss of bed stocks will negatively impact on many sectors that rely on the visitor economy including food and drink, retail, attractions, and activities.

Analysis commissioned by the Economic Development Service of the economic impact of non-serviced accommodation in East Lothian is detailed below. This is based on analysis of economic data from 2019, the last year not to have been impacted by COVID-19.

## EAST LoTHIAN COUNCIL ECONOMIC DEVELOPMENT AND REGENERATION

2019	Total Accommodation	Total Excluding Shared Access NSA	Impact of Removing Shared Access NSA
Number of NSA Establishments	203	114	-89
Number of NSA Bedspaces	6,111	5,495	-616
NSA Visitor Numbers	130k	110k	-20k
NSA Visitor Days	853k	721k	-132k
Direct Economic Impact	£210m	£200m	-£10m
Indirect Economic Impact	£69m	£65m	-£4m
<b>Total Economic Impact</b>	<b>£279m</b>	<b>£265m</b>	<b>-£14m</b>
VAT Revenue	£35m	£33.4m	-£1.6m
NSA Direct Employment (FTEs)	1,007	740	-267
Total Employment (FTEs)	4,434	4,104	-330

There are 89 NSA units in the data set that contribute 616 bedspaces of local accommodation. The total annual economic impact of those as short-term holiday lets is £14m, or £140m over the next ten years (at 2019 rates). Those 89 short-term lets support 330FTE jobs in East Lothian. Each bedspace in an NSA short term let provides around £22,727 of annual economic benefit and supports 0.5FTE jobs in East Lothian.

The impact of removing flats, studio flats, and apartments from non-serviced accommodation bedstock is evident. Fewer staying visitors would be able to stay within the area; the estimated drop in staying visitor numbers is 20,000 with a corresponding drop of 132,000 visitor days. Visitor days take into account those visitors who stay at any destination for more than a day. For example, if a family of five stay three nights, they will not only account for five visitors, but also fifteen visitor days.

The drop in staying visitors would have a corresponding effect on the economic impact of visitors to the area, reducing direct expenditure related to NSA by £10m, and by conservatively taking the wider supply chain into consideration, an overall total economic reduction of £14m to the visitor economy. The negative economic impact would further result in a reduction in VAT revenue of £1.6m. In 2019, the average NSA generated c£86k towards the local visitor economy, buoyed up by the use of the sector by golfers, especially during major golfing competitions.

The above reductions in bedstock and estimated staying visitor numbers would not only impact visitor expenditure and total economic impact, but also employment related to servicing and maintaining 89 properties if removed from accommodation bedstock. Should that happen, there is an estimated direct loss of 267 FTE jobs. Conservatively taking into account the supply chain and indirect employment, there is an estimated total loss of employment of 330FTE jobs within the wider tourism sector.

## EAST LoTHIAN COUNCIL ECONOMIC DEVELOPMENT AND REGENERATION

The needs of those seeking NSA are largely based on length of stay, and for staying visitors to East Lothian the current average length of stay in NSA 6.7 days, which suggests a high level of week-long rentals. It is therefore unlikely this segment of the visitor population would consider serviced accommodation for this length of stay due to cost and difference in amenities and independence and would therefore seek accommodation out-with East Lothian, with the subsequent loss to the local visitor economy. The economic impact of visitors staying in the area for a week in NSA, far outweighs that of visiting the area as a day tripper- the average spend per person of those staying in NSA in 2019 was £97.44 per day, and £643.13 per stay; the average spend per day tripper was £52.52.

### Context

Economic Development has been asked to comment on the above application for change of use from a flat to a short-term holiday let in the context of National Planning Framework 4 Policy 30 (Tourism) Part e) development proposals for the reuse of existing buildings for short term holiday letting. The intent of Policy 30 is to encourage, promote and facilitate sustainable tourism development that benefits local people, is consistent with [Scotland's] net zero and nature commitments, and inspires people to visit Scotland. The intended outcomes of Policy 30 are for communities and places to enjoy economic, social and cultural benefits from tourism, supporting resilience and stimulating job creation.

Part a) of the policy introduces a presumption of support for new or extended tourist facilities or accommodation in locations identified within local development plans. Part b) sets out the consideration to be taken into account (e.g. contribution to the local economy, impact on communities e.g. hindering provisions of homes), and part e) instances in which proposals for change of use will not be supported.

Specifically, part e) of gives regard to “development proposals for the reuse of existing buildings for short term holiday letting”, noting that these will not be supported where the proposal will result in:

- i) An unacceptable impact on local amenity or the character of a neighbourhood or area; or
- ii) The loss of residential accommodation where such loss is not outweighed by demonstrable local economic benefits.

Part e) should be read in conjunction with parts a) and b) of the policy, and in terms of part ii), which we address within this response, it should be considered at an area rather than individual property basis. The test set out in part ii) does not suggest that the relative economic benefit of long term lets or owner occupation should be set against that of use as a short term let within the tourist sector, rather that there should be an area based assessment that sets housing loss (hindering of the provision of homes e.g. though over provision of short term lets in an area) against the economic benefit of short term lets as contributor to the local economy.

The table below provides information on the number of short term let application received by East Lothian Council, the number of second homes and the number of long term empty properties.



## EAST LoTHIAN COUNCIL ECONOMIC DEVELOPMENT AND REGENERATION

STL Licenses Operational March 2023	East Lothian	Edinburgh City Region	Scotland
Total licenses in operation	40	357	2,085
2022 dwelling estimates	51,409	680,226	2,699,379
Total licenses granted per 10k dwellings	7.8	5.2	7.7
<b>Received by March 2024</b>			
Total valid licence apps received	417		
Total granted	228		
Pending Determination	186		
Withdrawn	3		
Refused	0		
Total number of secondary lets (houses & flats)	293		
Total licenses granted per 10k dwellings	44.4 (0.44%)		
Total licenses received per 10k dwellings	81 (0.81%)		
<b>Total secondary lets received per 10k dwellings</b>	<b>57 (0.57%)</b>		
<b>Second Homes 2023</b>			
Total	471	5,780	24,061
<b>Second homes per 10k dwellings</b>	<b>91.6 (0.92%)</b>	85 (0.85%)	89.2 (0.89%)
<b>Long Term Empty Homes 2023</b>			
Total	498	12,739	46,217
<b>Long-term empty per 10k dwellings</b>	<b>96.9 (0.97%)</b>	187.3 (1.87%)	171.2 (1.71%)

The following table shows the number of short term let licences received by property type.

Type of premises	Total received as at end of March 2023	Total received as at end of March 2024
Detached House	12	102
Semi-detached house	5	58
Terraced House	5	55
Self-contained flat	17	172
Unconventional Dwelling	8	30
<b>Total Applications</b>	<b>47</b>	<b>417</b>

The current public register of short term let license applications for Dunbar town postcodes shows 20 applications for flatted properties representing 85 bedspaces.

## EAST LoTHIAN COUNCIL ECONOMIC DEVELOPMENT AND REGENERATION

Operators making an application for change of use are asked to supply additional information in respect of the operation or proposed operation of their property as a short term let, e.g. length of time in operation, average number of nights occupied, what the local economic benefit is, and what they intend to do with the property if a change of use is not granted etc. This information is summarised below.

The property in question is a 2 bedroom / 4 bedspace upper flat located in Dunbar. It has operated as a short term let for 7 years with an average stay of 4 – 6 weeks due to hosting primarily people working in the area in addition to holiday makers.

The applicant has provided information in relation to the economic benefit of the STL:

“Accommodation provides both direct and indirect employment opportunities. Benefits various hospitality staff whom we employ. Accommodation is favoured by contractors from nearby firms and industries who require extended stays away from home. Their patronage supports struggling local businesses on the high street. Furthermore, the accommodation benefits tourists and local eateries, including restaurants, chip shops, and cafes.”

### Economic Development Recommendation

It is the view of the Economic Development Service that in terms of National Planning Framework 4 Policy 30 part e) ii. there are demonstrable local economic benefits delivered by all types of short-term holiday lets in East Lothian and that existing provision of this type of accommodation must be retained, protected, and supported where there is no demonstrable and unacceptable impact on local amenity, the character of the area, or loss of residential accommodation. Furthermore, new applications for short term lets should be supported and encouraged in order that East Lothian continues to expand its capacity to host overnight visitors.

In the above noted case the Economic Development Service **supports** the proposal for change to short term holiday let.

Reason(s):

- The aggregate economic benefit from short terms lets as vital element in the supply of visitor bedstock within the County. Provision of a sustainable and resilient supply of overnight holiday accommodation within the County is key to delivering the Council’s strategic priority of promoting a “successful, accessible, and sustainable tourism sector that provides quality experiences and benefits our local communities”.
- Based on primary research commissioned by the Council, there is a demonstrable economic benefit to having a wide range of accommodation types in East Lothian, with the tourism sector contributing £155m to the local economy in 2021 and supporting 10% of the workforce. Visitors staying overnight in non-serviced accommodation contributed £60.1m to the local economy in 2021, a figure which has been rising year

## EAST LoTHIAN COUNCIL ECONOMIC DEVELOPMENT AND REGENERATION

on year. The majority of visitors to East Lothian are repeat visitors, 81%, and rely on good availability of high-quality accommodation year on year to facilitate this.

- Non-serviced accommodation (short term holiday lets) contribute positively to the local economy (£279m in 2019). Using the sampling outlined above, this property accounts for 4 bedspaces and a potential annual economic impact of £90,908 and 2 FTE jobs.
- The operation of short-term holiday letting is a bonafide business activity that contributes to employment and economic benefit in East Lothian. The proposal provides tourist accommodation attracting visitors to the town and wider area providing economic benefit.
- An increasing number of overnight stays in East Lothian are for work purposes, e.g. major events, servicing major infrastructure. This is expected to increase over the next 10-15 years as more nationally significant infrastructure is developed or decommissioned in East Lothian. In this context, the loss short term accommodation is likely to have significant negative impact on the local tourist economy in monetary and reputational terms.

This proposal supports the following strategic goals and objectives of the Local Economy Strategy 2024-2034:

- To promote a successful, accessible, and sustainable tourism sector that provides quality experiences and benefits our local communities.

The proposal supports the intent and outcomes of National Planning Framework 4, Policy 30 (Tourism):

- To encourage, promote and facilitate sustainable tourism development that benefits local people, is consistent with [Scotland's] net zero and nature commitments, and inspires people to visit Scotland.
- Communities and places enjoy economic, social and cultural benefits from tourism, supporting resilience and stimulating job creation.

Additional recommendation(s)

- That should the application be refused all bookings for 2024/25 should be allowed to be honoured by the applicant, subject to any requirement to obtain a short term let licence.

**Response author:** Jamie Baker, Service Manager, Economic Development **Date:** 24/05/2024

## Currie, Fiona

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**From:** Hussain, Aizaz  
**Sent:** 29 May 2024 15:07  
**To:** Smith, Amelia  
**Cc:** [REDACTED]  
**Subject:** TRANSPORT PLANNING RESPONSE: 24/00229/P- Planning Consultation

EAST LoTHIAN COUNCIL ROAD SERVICES  
From: Asset & Regulatory Manager  
To: Service Manager, Planning

---

Proposal: Change of use of flat to short term holiday let (Retrospective) at 78C High Street Dunbar EH42 1JH

This planning application is for a retrospective change of use of flat to a short-term holiday let at 78C High Street in Dunbar. The property is situated within a block of flats and has no private parking; therefore, the short-term let visitors are required to park on the street, which is considered acceptable.

We have reviewed the documents submitted by the applicant in support of this planning application, which confirm that no internal changes are proposed. Hence, we conclude that there would be no changes in the likely parking demands.

Therefore, we confirm that we do not have any objections to this planning application.

Please advise the applicant that all works within or affecting the public road including works on the footway or verge must be authorised in advance by this Council as Roads Authority.

Sent on behalf of IAN  
LENNOCK  
ROAD SERVICES, ASSET & REGULATORY MANAGER

If telephoning, please ask for:

**Aiz**

**Aizaz Hussain**  
Transportation Planning Officer  
[REDACTED]

East Lothian Council  
Penston House, Macmerry Industrial Estate, Macmerry, East Lothian EH33 1EX



# EAST LoTHIAN COUNCIL: HOUSING STRATEGY & DEVELOPMENT

## PLANNING APPLICATION RESPONSE

### POLICY BACKGROUND

East Lothian Council's Housing Strategy and Development Service are consulted on planning applications to assess the loss in residential accommodation relating to the change of use from long term residential accommodation to short term holiday lettings. The policy background and local context helps the Housing Strategy and Development Service to identify

In accordance with Policy 30 (Tourism) of the National Planning Framework 4:

*'e) Development proposals for the reuse of existing buildings for short term holiday letting will not be supported where the proposal will result in:*

- i. An unacceptable impact on local amenity or the character of a neighbourhood or area;*
- or*
- ii. The loss of residential accommodation where such loss is not outweighed by demonstrable local economic benefits.'*

Housing to 2040 (H2040) is Scotland's long-term national housing strategy. H2040 recognises that local authorities should be empowered

*'to strike a better balance between local housing need and the concerns of residents with that of the tourism industry, both of which are crucial to support thriving communities.'*

Local authorities have a duty to prepare a Local Housing Strategy (LHS) according to the Housing (Scotland) Act 2021. The Local Housing Strategy is the sole strategic document for East Lothian which brings together a wide range of housing priorities. The LHS 2024-2029 was approved by Cabinet in January 2024. Following priorities are relevant to the change of use to short term lettings:

- 'Priority 1: Communities are supported to flourish, be distinctive and well connected.*
- Priority 2: Housing Supply is accessible, affordable and provides a range of choices to meet the needs of households across East Lothian.'*

The LHS is supported by an assessment of housing need and demand (HNDA). The HNDA3 was approved by the Scottish Government as robust and credible in 2022.

### LOCAL HOUSING CONTEXT

#### *Pressures in the private rented sector*

The following data has been extracted from the Local Housing Strategy 2024-2029, and HNDA3. East Lothian's housing stock is predominantly made up of private sector housing. Owner-occupied stock increased by 2.3% compared to the previous LHS and lies at 67.8%. The private rented stock (PRS) decreased across those 5 years and is down at 8.5% (previously 11%). The social housing stock accounts for 23.7% of all stock and has remained stable.

Demand for affordable housing has never been so high. There are over 4,200 households on the Council's housing list and 400 homeless applications and current supply is unable to meet the demand for affordable housing. Between 2021/22 and 2022/23, East Lothian Council's housing list increased by 700 households. Almost a quarter (24%) of housing list applications are made by households currently living in the PRS.

There is a need for an increased supply in long term rental properties, particularly in the East of the county. PRS tenants seeking social rented housing in East Lothian are concentrated in North Berwick Coastal (36%), Haddington and Lammermuir (31%) and Dunbar and East Linton (27%). These three wards also have the least amount of social rented housing per 1,000 population.

The private rented sector’s contribution to reducing homelessness is important and cannot be understated. The LHS 2018-2023 introduced new policies supporting homeless applicants to secure a PRS property through a rent deposit scheme. The uptake has been 60 households per annum. However, in 2022/23 the uptake dropped to 30 households, this was because a lack of suitable PRS properties came forward that financial year.

#### *Pressures on small properties*

This rise in ageing population and reduction in young people starting families results in a projected increase of single and two adult households at 14.3% and 13.2% respectively compared to households with children which lies at 5%.

Current available data shows that there is significant pressure on the supply of 1 and 2 bed properties in both the private and social sector<sup>1</sup>:

- 1) 2 bed properties account for only 2.3% of new build homes in the private sector, compared to 3 and 4 bed homes which account for 40% respectively.<sup>2</sup>
- 2) 80% of homelessness applications are single person households.
- 3) Single households are most affected by Unsuitable Accommodation Breaches.
- 4) Highest demand for 1-2 bed properties are in wards Musselburgh, Tranent/Wallyford/Macmerry and Preston/Seton/Gosford.

#### *Accessible housing*

East Lothian faces an ageing population and an increase in smaller households. Those aged 75+ are expected to have the largest increase in population of 32%. People aged 65 to 74 will also have a significant increase of 23.2%. North Berwick Coastal area has the largest proportion of older people followed by Haddington and Lammermuir.

North Berwick Coastal	27%
Haddington and Lammermuir	22%
Tranent, Wallyford, Macmerry	15%
Musselburgh	20%
Dunbar and East Linton	21%

An ageing population results in the need of smaller, more accessible homes. According to the wheelchair needs assessment carried out in 2022, East Lothian has an estimated unmet need of 430 wheelchair accessible homes and couple households had the biggest need of adaptable homes in 2020. Furthermore, the private sector housing grant which supports the delivery of adaptations in the private housing sector has face significant budgetary constraints. Particularly the installation of larger adaptations such as curved stairlifts or through floor lifts come with a high cost and can be avoided through securing ground floor properties.

#### *Short Term Lets in East Lothian*

<sup>1</sup> South East Scotland Housing Needs and Demand Assessment 3

<sup>2</sup> Local Housing System Analysis – Housing supply and affordability

In 2022, Housing Strategy & Development commissioned Arneil Johnston to undertake research into the Private Rented Sector in East Lothian. This included an insight into the extent to which the PRS in East Lothian has been affected by the growth of Short Term Lets (STLs).

By taking a snapshot of available properties in October 2022, 387 STL vacancies were identified and analysed, with a focus on properties which could only be residential dwellings.

The highest proportion of STL snapshot vacancies were in North Berwick Coastal area partnership (58%), followed by 19% in Dunbar & East Linton. Musselburgh had the lowest proportion of STLs (2%) along with Fa'side and Preston Seton Gosford (3.4%). The study shows that North Berwick Coastal has been impacted the most in terms of properties being taken out of the residential market, with 22% of the properties that could be long term residential, now functioning as STLs.

Short Term Lets (STLs) by Area Partnership, Snapshot October 2022.			
Area Partnership	PRS	Number of STLs	% of STLs
Dunbar & East Linton	914	76	20%
Fa'side	995	13	3%
Haddington & Lammermuir	1735	32	8%
Musselburgh	844	25	7%
North Berwick Coastal	836	225	58%
Preston Seton Gosford	636	13	3%
<b>Total</b>	<b>5960</b>	<b>387</b>	<b>100%</b>

Source: Arneil Johnston (2022) Research into the PRS in East Lothian

The increase in STLs can lead to a decrease in properties in the long-term rental market as landlords opt for STLs instead. This puts further pressure on an already stretched housing system, increasing long term rents as demand outstrips supply. Rents across East Lothian are already high with an average PRS rent of £1,041 per calendar month with rents in North Berwick (£1,162) being the highest in the region. Tourism often relies on low paid seasonal workers. If there is insufficient affordable housing for these employees there will not be a workforce to sustain the industry.

## POLICY APPROACH

Housing Strategy and Development recognise the need to balance the economic benefits that tourism bring to the area however pressures on the current housing supply cannot be ignored. Even a small number of dwellings converted to STLs can have a disproportionate impact on meeting housing need. This is contrary to the LHS 2024-2029 which seeks housing supply to be accessible, affordable and provide a range of choices.

The Local Housing Context shows that 1-2 bedroom properties are in the highest demand whether that is in terms of homeless household applications, the housing list, and the general trend of an increase in smaller households in owner-occupied properties. 1-2 bedroom properties are not being built to the same extent as larger properties. The ageing population increases the need for retaining ground floor, easily adaptable and accessible housing. Costs for adaptations are increasing beyond SG grants, putting pressure on care services. This also increases the Council's housing list due to ever decreasing options in the private sector. The west of the county see the highest pressures in terms of the need for smaller properties to accommodate homeless people. North Berwick see the highest pressures in terms of people from the PRS and older people. Given these pressures, Housing Strategy cannot support all applications for short term letting.

Recent reforms to the Private Residential Tenancy give a series of rights to renters relating to when a landlord can evict a household. Where an individual wishes to convert an existing long term rented residential dwelling into a short term let, the owners must clearly evidence that the previous tenant

- has been evicted in accordance with the Private Housing (Tenancies) (Scotland) Act 2016; and

- was not made homeless as a result.

Housing Strategy & Development Service **will not** favour planning applications:

- Where the property consists of a one bed or two bedroom; as originally built; particularly when located in wards Musselburgh, Tranent/Wallyford/Macmerry and Preston/Seton/Gosford; and/or
- Where the property is deemed as adaptable<sup>3</sup>: level access properties; ground floor properties; no internal steps; potential space for wet floor shower adaptation; and/or
- Where the property is located within the North Berwick Coastal ward; and/or
- In cases of tenancy eviction; where meeting the Private Housing (Tenancies) (Scotland) Act 2016 has not been demonstrated.

Housing Strategy & Development **will** favour applications where:

- The proposed short term let is the host's principal home; and/or
- The proposed short term let is deemed as an established short-term secondary let property e.g. has been let for over 5 years from date of application; and/or
- The annual occupancy rate of the property is 6months or more; and/or
- Where the property has been long term vacant prior to being used as a short term let.

Each application will be assessed based on its own merit and the interconnection of the different criterion mentioned will be weighted in each case.

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<sup>3</sup> A property is defined by East Lothian Council as being adapted or adaptable where it has a ground floor bedroom (or a room that can be used as a bedroom) and ground floor bathroom (or space to provide a bathroom within the existing footprint of the property) and can be ramped to provide level access.)



## **HOUSING STRATEGY & DEVELOPMENT RESPONSE**

**Planning application reference – 24/00229/P**

**Proposal – Change of use to short term holiday let**

**Location – 78C High Street, Dunbar, East Lothian, EH42 1JH**

**Planning Officer – Amelia Smith**

Housing Strategy has been asked to comment on the approval of the change of use 78C High Street, Dunbar, East Lothian, EH42 1JH to a short term holiday let. The proposal is a first application for planning permission for short-term letting of a fully furnished property. The property is a two bedroom flat located on the second floor with a shared communal entrance. It has been used as a short term let for the past seven years.

The Housing Strategy & Development Service do not object the proposal set out in the above noted application.

Reason(s):

The change in use of this property to a short term let is not considered a significant loss because:

- The proposed short term let is deemed as an established short-term secondary let property e.g. has been let for over 5 years from date of application; and/or

Please advise the applicant that, should planning permission be granted, then the letting of the property to seasonal workers is strongly recommended. Should planning permission not be granted, then the long term letting of the property would be a significant contribution to the housing system.

**Response author: Craig Entwistle**

**Date: 06/06/2024**

**Currie, Fiona**

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**From:** Baird, Elaine <E [REDACTED]>  
**Sent:** 14 May 2024 10:04  
**To:** Environment Reception  
**Subject:** RE: 24/00229/P-Amelia Smith - Planning Consultation [OFFICIAL]

**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.

**OFFICIAL**

Good morning

Address checked over the past 3 years. No ASB reported at address.

Thanks

Elaine

-----Original Message-----

From: environment@eastlothian.gov.uk <environment@eastlothian.gov.uk>  
Sent: Monday, May 13, 2024 4:58 PM  
To: [REDACTED]  
Subject: 24/00229/P-Amelia Smith - Planning Consultation

Please see attached document in relation to the following application: Change of use of flat to short term holiday let (Retrospective) at 78C High Street Dunbar EH42 1JH

\*\*\*\*\*  
\*\*\*\*\*

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## Currie, Fiona

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**From:** Raselli, Gail  
**Sent:** 16 May 2024 09:24  
**To:** Environment Reception  
**Subject:** FW: 24/00229/P-Amelia Smith - Planning Consultation  
**Attachments:** [REDACTED]

Morning,

Nothing on the ASB register for this address.

Thanks  
Gail

-----Original Message-----

**From:** Black, Kenneth [REDACTED]  
**Sent:** Monday, May 13, 2024 5:14 PM  
**To:** Raselli, Gail [REDACTED]  
**Subject:** FW: 24/00229/P-Amelia Smith - Planning Consultation

GR  
Can you do the necessary.  
Thanks  
Kenny

-----Original Message-----

**From:** environment@eastlothian.gov.uk <environment@eastlothian.gov.uk>  
**Sent:** Monday, May 13, 2024 4:58 PM  
**To:** [REDACTED]  
**Subject:** 24/00229/P-Amelia Smith - Planning Consultation

Please see attached document in relation to the following application: Change of use of flat to short term holiday let (Retrospective) at 78C High Street Dunbar EH42 1JH

[[https://gbr01.safelinks.protection.outlook.com/?url=https%3A%2F%2Fwww.eastlothian.gov.uk%2Fimages%2FELC\\_Be\\_Nice\\_EMAIL\\_FOOTER\\_\\_zerotolerance\\_1.png&data=05%7C02%7Cenvironment%40eastlothian.gov.uk%7C8b95235bb4da4f6e5ed808dc75817cbd%7C85e771afe90a4487b4071322ba02cc82%7C0%7C0%7C638514446497917997%7CUnknown%7CTWFpbGZsb3d8eyJWljoIMC4wLjAwMDAiLCJQIjoiV2luMzliLCJBTil6Ik1haWwiLCJXVCi6Mn0%3D%7C0%7C%7C%7C&sdata=%2BDKRfFyTEgNJ2jAMfU%2BH51sI941JjoFtLEp7fTPfZP4%3D&reserved=0](https://gbr01.safelinks.protection.outlook.com/?url=https%3A%2F%2Fwww.eastlothian.gov.uk%2Fimages%2FELC_Be_Nice_EMAIL_FOOTER__zerotolerance_1.png&data=05%7C02%7Cenvironment%40eastlothian.gov.uk%7C8b95235bb4da4f6e5ed808dc75817cbd%7C85e771afe90a4487b4071322ba02cc82%7C0%7C0%7C638514446497917997%7CUnknown%7CTWFpbGZsb3d8eyJWljoIMC4wLjAwMDAiLCJQIjoiV2luMzliLCJBTil6Ik1haWwiLCJXVCi6Mn0%3D%7C0%7C%7C%7C&sdata=%2BDKRfFyTEgNJ2jAMfU%2BH51sI941JjoFtLEp7fTPfZP4%3D&reserved=0)]

## 6. Recommended Conditions

i. The property shall be let for overnight occupation by a maximum of three persons (comprising of 4 adults) at any one time.

Reason:

To ensure that the terms of the lets protect occupants of nearby residential properties from noise/disturbance.

ii. A register of the date and number of occupants for each let shall be maintained for the property by the owner/letting agent and shall be available at all reasonable times for inspection, on request, by the Planning Authority.

Reason:

To ensure compliance with condition 1.