

LRB-2023-46

23/01362/FLL – Change of use of flat to form short-term let accommodation unit (in retrospect) at 2 Jubilee Place, Pitlochry, PH16 5GA

**PAPERS SUBMITTED
BY THE
APPLICANT**



Pullar House 35 Kinnoull Street Perth PH1 5GD Tel: 01738 475300 Fax: 01738 475310 Email: onlineapps@pkc.gov.uk

Applications cannot be validated until all the necessary documentation has been submitted and the required fee has been paid.

Thank you for completing this application form:

ONLINE REFERENCE 100638001-003

The online reference is the unique reference for your online form only. The Planning Authority will allocate an Application Number when your form is validated. Please quote this reference if you need to contact the planning Authority about this application.

Applicant or Agent Details

Are you an applicant or an agent? * (An agent is an architect, consultant or someone else acting on behalf of the applicant in connection with this application)

☐ Applicant ☒ Agent

Agent Details

Please enter Agent details

Company/Organisation:	Ian Lewis Design		
Ref. Number:		You must enter a Building Name or Number, or both: *	
First Name: *	Ian	Building Name:	
Last Name: *	Lewis	Building Number:	2
Telephone Number: *	07890 755494	Address 1 (Street): *	St Colmans
Extension Number:		Address 2:	Moulin
Mobile Number:		Town/City: *	Pitlochry
Fax Number:		Country: *	UK
		Postcode: *	PH16 5HF
Email Address: *	ian@ianlewisdesign.co.uk		

Is the applicant an individual or an organisation/corporate entity? *

☒ Individual ☐ Organisation/Corporate entity

Applicant Details

Please enter Applicant details

Title:	<input type="text" value="Other"/>	You must enter a Building Name or Number, or both: *
Other Title:	<input type="text" value="Mr and Mrs"/>	Building Name: <input type="text"/>
First Name: *	<input type="text" value="Ian"/>	Building Number: <input type="text"/>
Last Name: *	<input type="text" value="Lewis"/>	Address 1 (Street): * <input type="text"/>
Company/Organisation	<input type="text"/>	Address 2: <input type="text"/>
Telephone Number: *	<input type="text"/>	Town/City: * <input type="text"/>
Extension Number:	<input type="text"/>	Country: * <input type="text"/>
Mobile Number:	<input type="text"/>	Postcode: * <input type="text"/>
Fax Number:	<input type="text"/>	
Email Address: *	<input type="text"/>	

Site Address Details

Planning Authority:	<input type="text" value="Perth and Kinross Council"/>
Full postal address of the site (including postcode where available):	
Address 1:	<input type="text" value="2 JUBILEE PLACE"/>
Address 2:	<input type="text"/>
Address 3:	<input type="text"/>
Address 4:	<input type="text"/>
Address 5:	<input type="text"/>
Town/City/Settlement:	<input type="text" value="PITLOCHRY"/>
Post Code:	<input type="text" value="PH16 5GA"/>

Please identify/describe the location of the site or sites

Northing	<input type="text" value="758161"/>	Easting	<input type="text" value="294245"/>
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Description of Proposal

Please provide a description of your proposal to which your review relates. The description should be the same as given in the application form, or as amended with the agreement of the planning authority: *
(Max 500 characters)

23/01362/FLL - Change of use of flat to form short-term let accommodation unit (in retrospect) at 2 Jubilee Place, Pitlochry PH16 5GA

Type of Application

What type of application did you submit to the planning authority? *

- ☒ Application for planning permission (including householder application but excluding application to work minerals).
- ☐ Application for planning permission in principle.
- ☐ Further application.
- ☐ Application for approval of matters specified in conditions.

What does your review relate to? *

- ☒ Refusal Notice.
- ☐ Grant of permission with Conditions imposed.
- ☐ No decision reached within the prescribed period (two months after validation date or any agreed extension) – deemed refusal.

Statement of reasons for seeking review

You must state in full, why you are seeking a review of the planning authority's decision (or failure to make a decision). Your statement must set out all matters you consider require to be taken into account in determining your review. If necessary this can be provided as a separate document in the 'Supporting Documents' section: * (Max 500 characters)

Note: you are unlikely to have a further opportunity to add to your statement of appeal at a later date, so it is essential that you produce all of the information you want the decision-maker to take into account.

You should not however raise any new matter which was not before the planning authority at the time it decided your application (or at the time expiry of the period of determination), unless you can demonstrate that the new matter could not have been raised before that time or that it not being raised before that time is a consequence of exceptional circumstances.

Please refer to our Planning Statement accompanying original application for Planning Consent, a copy of which is attached. The requirements of the Checklist (Do I need Planning Permission to use my property as a Short Term Let) are satisfied for items 2 - 9 inclusive. Item 1 is the only point 'at issue' - 'is your property a flat?' Yes, it is a flat but with its own, unshared, access to the public road. Please also refer to our Planning Refusal comments attached.

Have you raised any matters which were not before the appointed officer at the time the Determination on your application was made? *

☐ Yes ☒ No

If yes, you should explain in the box below, why you are raising the new matter, why it was not raised with the appointed officer before your application was determined and why you consider it should be considered in your review: * (Max 500 characters)

Please provide a list of all supporting documents, materials and evidence which you wish to submit with your notice of review and intend to rely on in support of your review. You can attach these documents electronically later in the process: * (Max 500 characters)

1 Claims for Review Body consideration 2 Planning Statement in support of application 3 Planning checklist

Application Details

Please provide the application reference no. given to you by your planning authority for your previous application.

23/01362/FLL

What date was the application submitted to the planning authority? *

09/08/2023

What date was the decision issued by the planning authority? *

17/10/2023

Review Procedure

The Local Review Body will decide on the procedure to be used to determine your review and may at any time during the review process require that further information or representations be made to enable them to determine the review. Further information may be required by one or a combination of procedures, such as: written submissions; the holding of one or more hearing sessions and/or inspecting the land which is the subject of the review case.

Can this review continue to a conclusion, in your opinion, based on a review of the relevant information provided by yourself and other parties only, without any further procedures? For example, written submission, hearing session, site inspection. *

☒ Yes ☐ No

In the event that the Local Review Body appointed to consider your application decides to inspect the site, in your opinion:

Can the site be clearly seen from a road or public land? *

☒ Yes ☐ No

Is it possible for the site to be accessed safely and without barriers to entry? *

☒ Yes ☐ No

Checklist – Application for Notice of Review

Please complete the following checklist to make sure you have provided all the necessary information in support of your appeal. Failure to submit all this information may result in your appeal being deemed invalid.

Have you provided the name and address of the applicant? *

☒ Yes ☐ No

Have you provided the date and reference number of the application which is the subject of this review? *

☒ Yes ☐ No

If you are the agent, acting on behalf of the applicant, have you provided details of your name and address and indicated whether any notice or correspondence required in connection with the review should be sent to you or the applicant? *

☒ Yes ☐ No ☐ N/A

Have you provided a statement setting out your reasons for requiring a review and by what procedure (or combination of procedures) you wish the review to be conducted? *

☒ Yes ☐ No

Note: You must state, in full, why you are seeking a review on your application. Your statement must set out all matters you consider require to be taken into account in determining your review. You may not have a further opportunity to add to your statement of review at a later date. It is therefore essential that you submit with your notice of review, all necessary information and evidence that you rely on and wish the Local Review Body to consider as part of your review.

Please attach a copy of all documents, material and evidence which you intend to rely on (e.g. plans and Drawings) which are now the subject of this review *

☒ Yes ☐ No

Note: Where the review relates to a further application e.g. renewal of planning permission or modification, variation or removal of a planning condition or where it relates to an application for approval of matters specified in conditions, it is advisable to provide the application reference number, approved plans and decision notice (if any) from the earlier consent.

Declare – Notice of Review

I/We the applicant/agent certify that this is an application for review on the grounds stated.

Declaration Name: Mr Ian Lewis

Declaration Date: 07/11/2023

2 Jubilee Place, Pitlochry, PH16 5GA

Application for Change of Use from Residential to Short-term Lets

Planning reference: 23/01362/FLL

We are aggrieved by the decision of Perth and Kinross Planning and Development Management Department to refuse consent for this application.

We understand fully the reasoning behind recent changes in Planning Law but consider that the application has been mis-handled, given the established working status of the property and the advice and guidance given on the Council website. Our reasons are:

1. The Guidance for Applicants – Planning Checklist:

We attach a copy of the *'Checklist - Do I need Planning Permission to use my property as a short term let?'* in which we have indicated our negative responses to eight out of the nine questions.

The only question to which we have replied in the positive is Question 1- *'Is your property a flat?'*

It would appear that the only issue on which a Planning Application would turn is that of the property being a flat, and the specific issues which attend the short term letting of flats.

Most of the pertinent issues have been covered by the Checklist; the only one, to our knowledge, is whether or not the flat has direct and un-shared access to the public road. We confirm that it does; furthermore, it has its own dedicated car-parking space as well as other, freely available, parking spaces.

We are of the opinion that the Delegated Planning Officer has not dealt with the application consistent with the ruling stated in the Checklist and has gone on to apply Planning Policies which are outwith the specific remit of the application.

2. Reasons for Refusal:

The Planning Officer has gone beyond the remit (outlined above) by invoking Policy 30 of the Planning Framework 4 (2023). Notwithstanding this:

It is stated that *'the proposal will result in.....i) An unacceptable impact on local amenity and character of the area...'*

No evidence or reasoning has been provided to substantiate this statement. No acknowledgement has been made with reference to our Planning Statement (submitted with our application and attached to this application for Review) in which we confirmed that the property had been effectively let on a short-term basis for eight years without complaint from nearby residents of the estate.

It is also stated that *'the proposal will result in.....ii) the loss of residential accommodation where such loss is not outweighed by demonstrable local economic benefits'*

Again, no evidence has been provided to substantiate this claim. It may be argued that, as the property has been under STL for the past eight years, continuation of the same will not result in a '*loss of residential accommodation*' as such, as it has never been '*residential*' since it was built.

Continuation of the STL status of the property will provide further and continuing employment of cleaning services, laundry services as well as the obvious considerable spending of visitors in local shops and restaurants.

Item 2 under Reasons for Refusal refer to Policies within NPF 4 and LDP 2 and mainly cite issues concerning amenity and effects STL will impose on nearby or neighbouring residents. This is, again, outwith the remit of the application and this is vindicated by the fact that not a single objection was raised by any of the 36 households notified during the Planning process.

An inaccuracy in the description of the development exist where (the development) is described as '*....private, quiet, enclosed residential development*'. Jubilee Place is, in fact a public road.

We would argue that there is very little difference in '*amenity*' between long-term and short term residential accommodation; in fact the demographic of the likely users of the property is likely to be middle-aged to retired couples who are generally respectful of '*amenity*'.

3. Delegated Report:

National Planning Framework 4:

Policies 14 (Design, Quality and Place) and 30 (Tourism) are cited as relevant to this application.

Policy 14 deals with Development within established residential areas and it is stated that '*the use of the property as a short term let is considered to be incompatible with the character of the residential flat development*'.

No account appears to have been taken of the facts that:

- a) The property has been used for about 8 years as an STL, without any complaint from the 36 neighbours notified.
- b) The property on the ground floor of the building has been similarly deployed for a similar number of years – making the continued use of both flats as STLs preferable than having a '*mix*' of uses within the same block.
- c) There were no representations from any of the 36 neighbouring proprietors notified by the Council.
- d) The flat (without external play area or facilities) lends itself to use by older (and therefore normally quieter) people. It may be argued that a family or families with small children might pose a greater threat of noise pollution within the '*existing private, quiet, residential character of the courtyard*'.

- e) The matter of car parking is raised as an inconvenience in spite of the fact that one car-parking space is owned by the applicants and there are further 'spare' parking areas well delineated. There is more likelihood that more than one car might be used by long-term residents (eg: a couple commuting to different places of work) than a retired holiday maker arriving in one car.

Summary:

1. It is apparent that the only issue outstanding on the 'Do I need Planning Consent' checklist has been ignored by the case officer who has then sought to identify general guidance in Planning policy to result in a refusal.
2. The several issues raised in our Planning Statement (accompanying the Planning application) have been ignored.
3. The complete absence of objections from 36 immediate neighbours appears not to have been considered.

**Ian Lewis Design
7 November 2023**



Planning & Development
Development Management
Perth & Kinross Council
Pullar House, 35 Kinnoull Street
Perth PH1 5GD

Email: DevelopmentManagement@pkc.gov.uk
Telephone: (01738) 475300

CHECKLIST

DO I NEED PLANNING PERMISSION TO USE MY PROPERTY AS A SHORT TERM LET?

If you answer **YES** to **ANY** of the following questions you **NEED PLANNING PERMISSION**:

1. Is your property a flat?	Yes	No
2. Do any of your guests have to access the property via any communal areas? (i.e., shared gardens, stairwells, etc.)	Yes	No
3. Does your property share a communal parking area? (i.e., it does not have its own designated space)	Yes	No
4. Will any of your guests be regularly checking in or out at unsociable hours? (between 9pm and before 7am)	Yes	No
5. Does your property have an external hot tub, an external living area (or similar), for use by guests in a predominately residential area?	Yes	No
6. Do you allow parties to be held in the property by guests? (including accepting stag and hen bookings etc)	Yes	No
7. Will the use of your property as a short-term let impact security for neighbours? (i.e., the use of key boxes for access and shared areas, such as entranceways or gardens)	Yes	No
8. Have you changed any public rooms into additional accommodation? (i.e., changing a living room to a bedroom)	Yes	No
9. Do you consider that the use of the property might detract from the character or amenity of the area in any way?	Yes	No

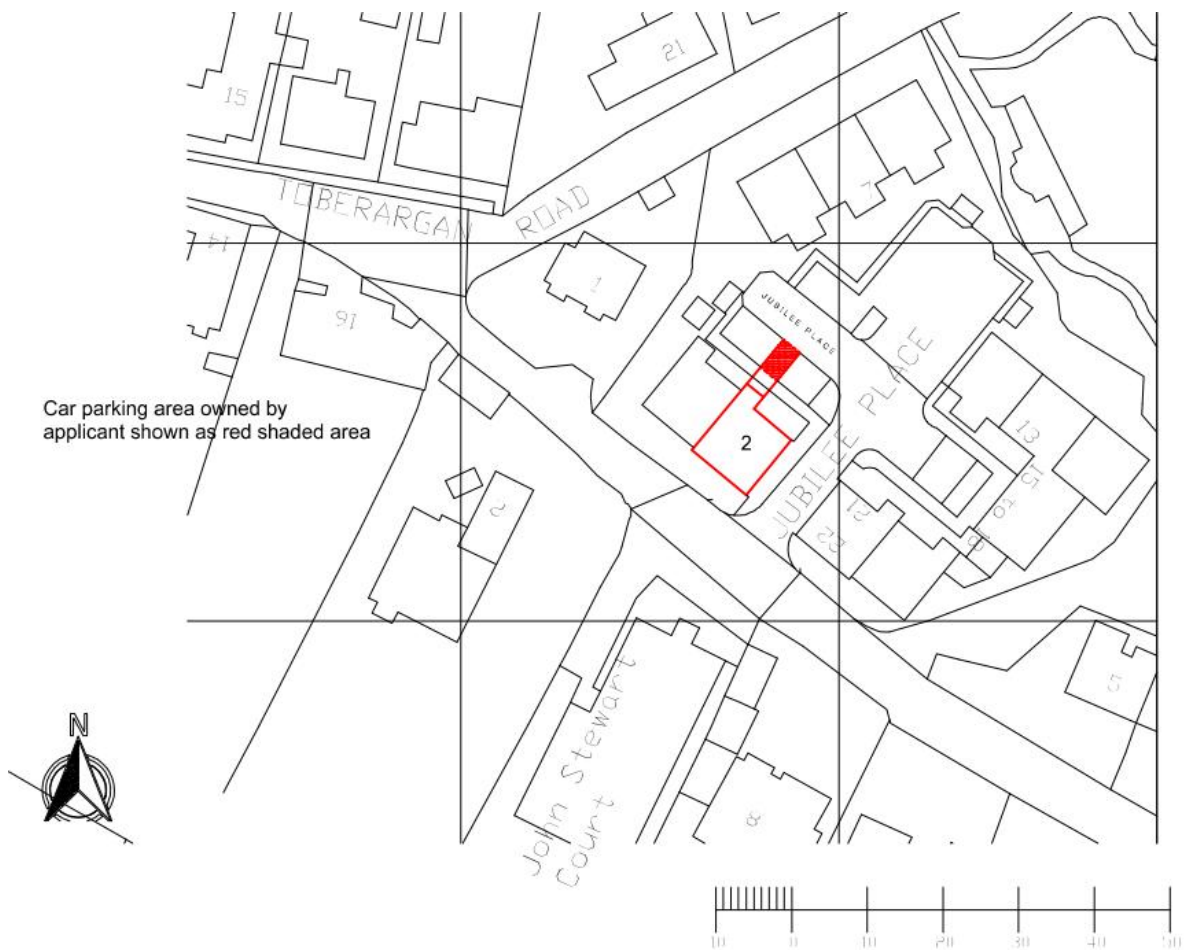
If you have answered **NO** to **ALL** of these questions you should not require planning permission, but you may wish to consider the submission of a Certificate of Lawfulness for a definite decision that the development is lawful. If you answer yes to any of the above questions but have been operating continuously as a short-term let for at least 10 years and are able to evidence this, then planning permission may not be required and you should

submit a Certificate of Lawfulness if you want formal confirmation planning permission is not required.

Notes:

1. This checklist is not a "Certificate of Lawful Use or Development" under Section 150 or 151 of the Town and Country Planning (Scotland) Act 1997 (as amended). If you wish to obtain written confirmation that planning permission is not required for a development or use, you will need to [submit an application for Certificate of Lawfulness](#).
2. If your property is a [listed building](#), 'Listed Building Consent' will be required to alter or extend it, irrespective of whether or not planning permission is required. A search of Listed Buildings can be carried out on [Historic Environment Scotland's](#) website.
3. Consent from a landlord may also be required and, or title deeds checked.
4. This checklist deals with Planning Permission for a change of use only. Any alterations proposed to facilitate the change of use may be subject to planning permission. Please review the [do I need permission checklists on our website](#).
5. You may require a [Building Warrant](#) for the works proposed.
6. The developer should satisfy themselves that all necessary permissions, consents and licenses are in place prior to the commencement of any works or use.

Latest revision: May 2023



Location plan

Scale 1:1000/A4

Issue B 17.08.23 Red outline corrected/modified to extend to public road (Jubilee Place)
Issue C 21.08.23 Red line further correction

Ian Lewis design

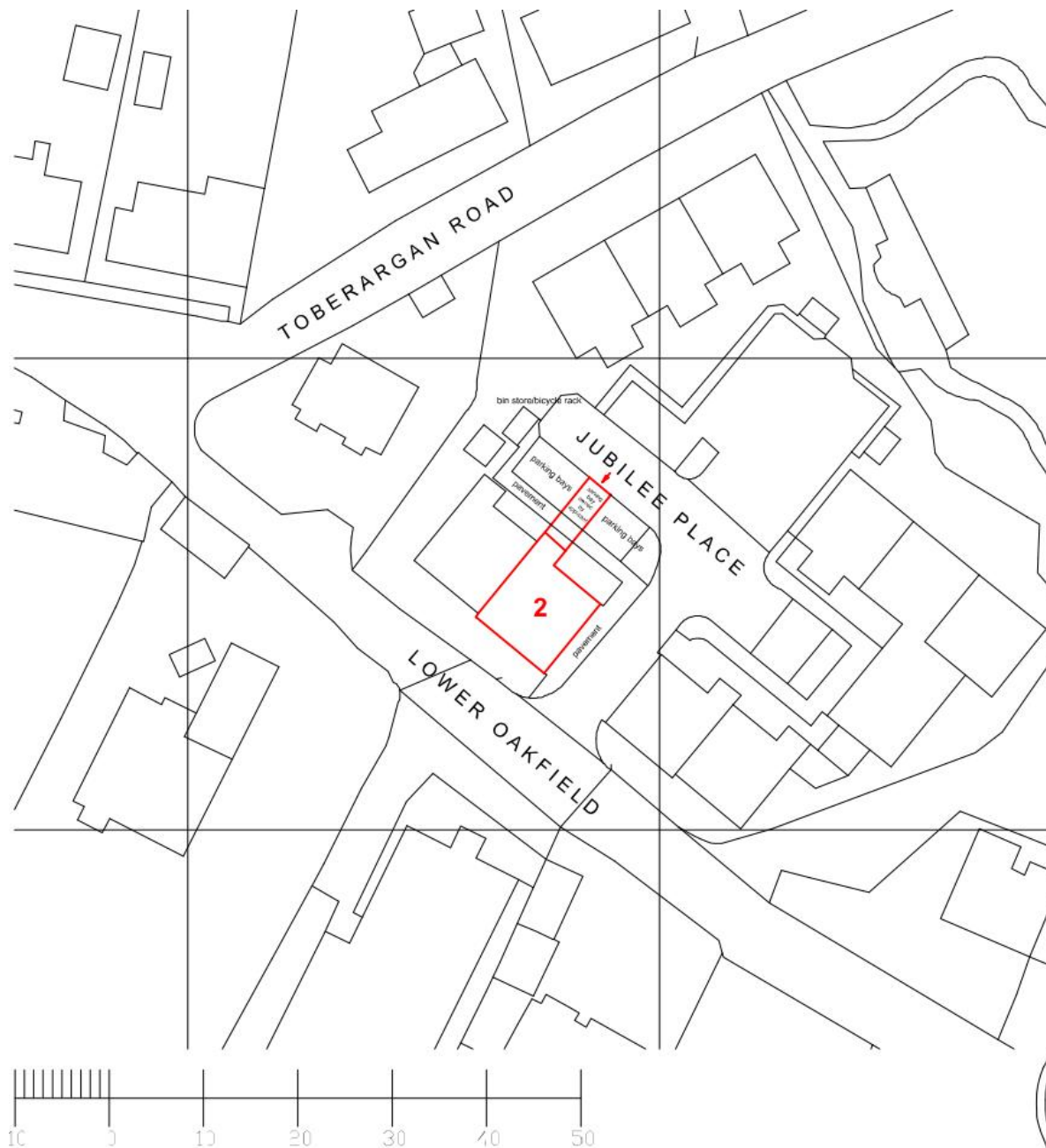
2 St Colmans, Moulin, Pitlochry, PH16 5HF
tel: 01796 482722 e-mail: ian@pooldesign.co.uk

2 Jubilee Place, Pitlochry, PH16 5GA

Location plan

Scale: 1:1000

Drawing no: 2JP 02



Note:

No garden ground attaches to the property other than communal amenity ground maintained by factors

Jubilee Place includes turning spaces and access to parking bays

Issue A 17.08.23 Issued for Planning Consent
Issue B 21.08.23 Note re: 'shared garden ground' removed

Ian Lewis design

2 St Colmans Moulin Pitlochry, PH16 5HF
tel: 07890 755494 e-mail: ian@ianlewisdesign.co.uk

Self-catering flat

2 Jubilee Place, Pitlochry, PH16 5GA

I R & A Lewis

Site plan

Scale:

1:500/A3

Drawing no:

2JP 03

2 Jubilee Place, Pitlochry, PH16 5GA

Application for Change of Use from Residential to Short-term Lets

Planning Statement in support of application:

2 Jubilee Place is a first floor flat built circa 2015 and comprises two bedrooms, one en-suite, bathroom, sitting room and kitchen. It has its own direct access to the street and its own parking area. It is one of 22 similar flats built on the former curling rink and Pitlochry Festival Theatre site. The applicants are in the process of purchasing the flat

The following may be noted:

1. The current owners of the property have let it on a short-term basis to visitors to Pitlochry from 5 September 2015 to 6 January 2023; their rationale for the sale of the property was that the business generated (including repeat bookings) could be continued by the new owners.
2. As at 1 April 2023, the property was commercially rated as a 'Self-catering Unit' by the Tayside Valuation Joint Board; a commercial rateable value and rate were applied. We presume that this was in place from the outset.
3. At the owners' instance, the property was re-listed at the TVJB as residential; reason unknown.
4. We understand that a small number of nearby properties (which includes the ground-floor flat below) are used for short-term lettings; the area is particularly suitable for non-car owners because of its proximity to the town centre and other tourist attractions.
5. The accommodation is ideal for a maximum of four persons (ie a family group).
6. The flat has its own direct access to the street.
7. The flat has its own dedicated car-parking area.
8. The flat will have been built to recent Building Standards and will therefore have a high standard of sound insulation between floors and adjoining properties.
9. The environs of the Jubilee Place 'estate' are fully maintained by Factors thus ensuring a continuing high standard of presentation.
10. We propose to let the property using a national commercial agency (Sykes, Cottages.com or similar) but to exclude the likes of AirBnB. The lets would, for the most part, be weekly with just a few 3-day lets in the quiet season (for instance, providing much sought after accommodation for the Enchanted Forest event). This would result in little disturbance to nearby residents.
11. The responses to questions 2 – 9 inclusive on the PKC Checklist 'Do I need Planning Permission to use my property as a Short Term Let?' are in the negative. Question 1 (is your property a flat?) is the only question which is 'yes'. Please see copy attached.
12. A Landlords' License is to be applied for in the event of Planning Consent being given.

Ian Lewis Design
9 August 2023

