

LRB-2023-37

23/00581/FLL - Change of use of flat to form short-term let accommodation unit, Flat 4, 38 Bonnethill Road, Pitlochry, PH16 5BS

FURTHER INFORMATION

- Further Information from Planning Officer, as requested by the LRB Members on 16 November 2023

Planning Officer comments

LRB-2023-37 - Planning Application 23/00581/FLL – Change of use of flat to form short-term let accommodation unit at Flat 4, 38 Bonnethill Road, Pitlochry PH16 5BS

The above planning application was refused on July 28th 2023 on the following grounds:

- 1 The change of use is contrary to Policy 30: Tourism (part e) of National Planning Framework 4 (2022) and Policy 1A: Placemaking of the Perth & Kinross Local Development Plan 2 (2019) as the proposal involves the loss of a residential unit to short term let accommodation within an area which is subject to a high saturation of holiday accommodation, relative to the potential total housing stock. The loss of such a mainstream housing unit will have a negative impact on the amenity of the area and the loss of the accommodation has not been outweighed by any demonstrable local economic benefit.*

Since the original refusal decision was made, Non-statutory Planning Guidance for the Change of Use of Residential Property to Short-Term Let (STL Guidance) has been produced due to concerns expressed over the impact of STLs on services, local business staffing and expansion, as well as housing affordability. The STL Guidance was formally adopted by the Council on 1 November 2023 following consultation during Summer 2023.

The STL Guidance acknowledges that while short-term lets can bring economic benefits to the host and local areas, this must be balanced against the impact the loss of that residential property has on the availability of housing for local people, affordable housing in particular, and the potential for adverse impacts on residential amenity where an increased proportion of the housing stock becomes short-term lets.

Six considerations have been outlined within the STL Guidance to assist in the application of the policy framework set out in NPF4. The considerations include location, larger residential properties, refurbishment of long-term empty properties, local amenity and character, business diversification, and the relationship between loss of residential accommodation and local economic benefits. The location consideration contains reference to three area types: city and town centres; mixed-use areas within settlements; and predominantly residential areas.

The adopted STL Guidance forms the most up-to-date indication of Council policy intent on the matter, and as such is a material consideration in addition to other policy factors and supplementary guidance in the assessment of the proposals.

In this instance, the application site is within Pitlochry Town Centre with its associated mix of uses and levels of activity. The effect of the proposal on local amenity and character of this area should therefore be considered, in addition to the loss of residential accommodation and local economic benefits which may accrue from the proposal.

As relevant to the assessment of criterion (i) of NPF4 Policy 30(e), the STL Guidance has indicated that town centres may be well suited to the introduction of short-term let accommodation in terms of residential amenity and the area's character. In this instance, the flat is within Pitlochry Town Centre and whilst the flat is accessed via a communal entrance, this itself did not form a ground for refusal due to the existence of a previously approved short term let accommodation unit on the ground floor of the building at 38 Bonnethill Road. As such, had this proposal been considered by the Council as Planning Authority after November 1st 2023, the impact of this proposed short-term let accommodation unit on local amenity and the character of the immediate vicinity is likely to have been considered acceptable.

In respect of criterion (ii) of NPF4 Policy 30(e), the proposal would result in the loss of a flat to short term let accommodation in an urban location. It is also acknowledged that the Council's Housing Strategy have undertaken consultation in respect of the introduction of a Short Term Let Control Area, however no such Control Area has yet been formally designated. Whilst the assessment of this policy criterion for the application as originally submitted referred to a postcode district level of saturation of potential short-term lets, it has since been considered that a more up to date analysis of the proliferation of short-term lets in the area, including but not limited to recent licensing data, requires to be undertaken before the Council as Planning Authority decide whether to progress with the designation of a Short Term Let Control Area. In this instance, given the town centre location of the proposal, it is considered that the loss of this one-bedroom flat in the town centre to short term let accommodation would not have a significant impact on the availability of residential accommodation in the local area, and whilst the economic benefits associated with the proposal are likely to be modest, this no longer constitutes grounds for concern in this instance. As such, had this proposal been considered by the Council as Planning Authority after November 1st 2023, the proposed loss of a residential flat to short-term let accommodation is likely to have been considered acceptable.

In summary, had this proposal been considered against the STL Guidance adopted in November 2023, it is likely that it would have satisfied the relevant criteria within Policy 30: Tourism (part e) of National Planning Framework 4 (2022) and Policy 1A: Placemaking of the Perth & Kinross Local Development Plan 2 (2019), and accord with the Development Plan as a whole. Therefore, the proposal would likely have been recommended for **approval** subject to the following conditions:

Conditions and Reasons

1 This planning permission will last only for three years from the date of this decision notice, unless the development has been lawfully started within that period.

Reason - This is a Planning Permission in terms of Section 58 of the Town and Country Planning (Scotland) Act 1997, as amended by Section 32 of the Planning (Scotland) Act 2019.

2 The development hereby approved must be carried out in accordance with the approved drawings and documents, unless otherwise provided for by conditions imposed by this decision notice.

Reason - To ensure the development is carried out in accordance with the approved drawings and documents.

3 The development hereby approved shall be used solely as a short term let accommodation, and shall not be occupied as the sole or main residence of any occupant.

Reason - In order to clarify the terms of this planning permission.

Informatives

1 Part of the approved development includes holiday accommodation or Short-term Let accommodation (STL). The developer is advised that holiday accommodation and STLs require to be licensed under the terms of Article 3 of the Civic Government (Scotland) Act 1982 (Licensing of Short-terms Lets) Order 2021 and therefore a licence application should be made to Perth and Kinross Council prior to operation commencing. Further information and application forms are available at <https://www.pkc.gov.uk/shorttermlets>.

For the avoidance of doubt, if Local Review Body are minded to uphold the Review and grant planning permission, the above conditions and informative would be suggested by Development Management to be attached to the decision notice.

Kind regards,

John Cooney BAI MA MRTPI
Planning Officer
12th January 2024

