

**LRB-2023-53**

**23/01040/FLL – Change of use of flat to form short-term let accommodation unit (in retrospect), 4 Knowehead House, Dundee Road, Perth, PH2 7EY**

## **REPRESENTATIONS**



**Mr Andrew Wood (Objects)**

**Comment submitted date: Thu 27 Jul 2023**

The conversion of this building was supported to multi occupancy. However for the residents both within the building and in the neighboring properties the use of this flat as become an significant issue due to noise and and the use of the roof area and roof hot tub for parties.

The property is in a conservation area and has shared areas (both inside the building and outside) with all the other occupants who are entitled to quiet enjoyment of their homes. The current use is a blight on the neighboring properties and the reason for this objection.

In the event the local authority are minded to grant this application strict conditions should be applied to the number of occupants and the use of the property for parties and the roof terrace and hot tub at night.

# Memorandum

To Development Management & Building  
Standards Service Manager

From Regulatory Services Manager

Your ref 23/01040/FLL

Our ref DAT

Date 28 July 2023

Tel No 01738 476481

Communities

Pullar House, 35 Kinnoull Street, Perth PH1 5GD

## **Consultation on an Application for Planning Permission**

**23/01040/FLL RE: Change of use of flat to form short-term let accommodation unit (in retrospect) 4 Knowehead House Dundee Road Perth PH2 7EY**

I refer to your letter dated 25 July 2023 in connection with the above application and have the following comments to make.

### **Environmental Health Recommendation**

**I have no objections to the application but recommend the undernoted informative be included in any given consent.**

### **Comments**

This application is for the change of use of a first-floor flatted dwelling at 4 Knowehead House, Dundee Road, Perth into a short term let accommodation unit. The property is located in the City Centre and is currently utilised as a short-term let.

### **Holiday Accommodation**

As the development is for a holiday accommodation unit, there is the potential for noise from the users of the properties to affect neighbouring residential properties, however due to the introduction of Civic Government (Scotland) Act 1982 (Licensing of Short-term Lets) Order 2022, these will be required to be licensed and noise conditions will form part of the licence. This would include both internal and external areas, including the use of the hot tub.

Therefore, whilst I have no objections to the application, I would recommend the following informative be attached to any given consent.

### **Informative**

#### **Short Term Let**

The applicant is advised that under The Civic Government (Scotland) Act 1982 (Licensing of Short-term Lets) Order 2022, a licence is required to operate a short-term let. More information can be found at <https://www.pkc.gov.uk/shorttermlets>

Handwritten signature or initials, possibly 'OS', in black ink.



5 August 2023

Planning and Development  
Perth and Kinross Council  
Pullar House  
Perth

**Planning Application in the name of Lee Deans: Reference 23/01040/FLL**

Attached please find my comments on this application.

Yours sincerely



Jack Dale

COMMENTS ON PLANNING APPLICATION - REFERENCE 23/01040/ FLL

**Submitted by Jack Dale**

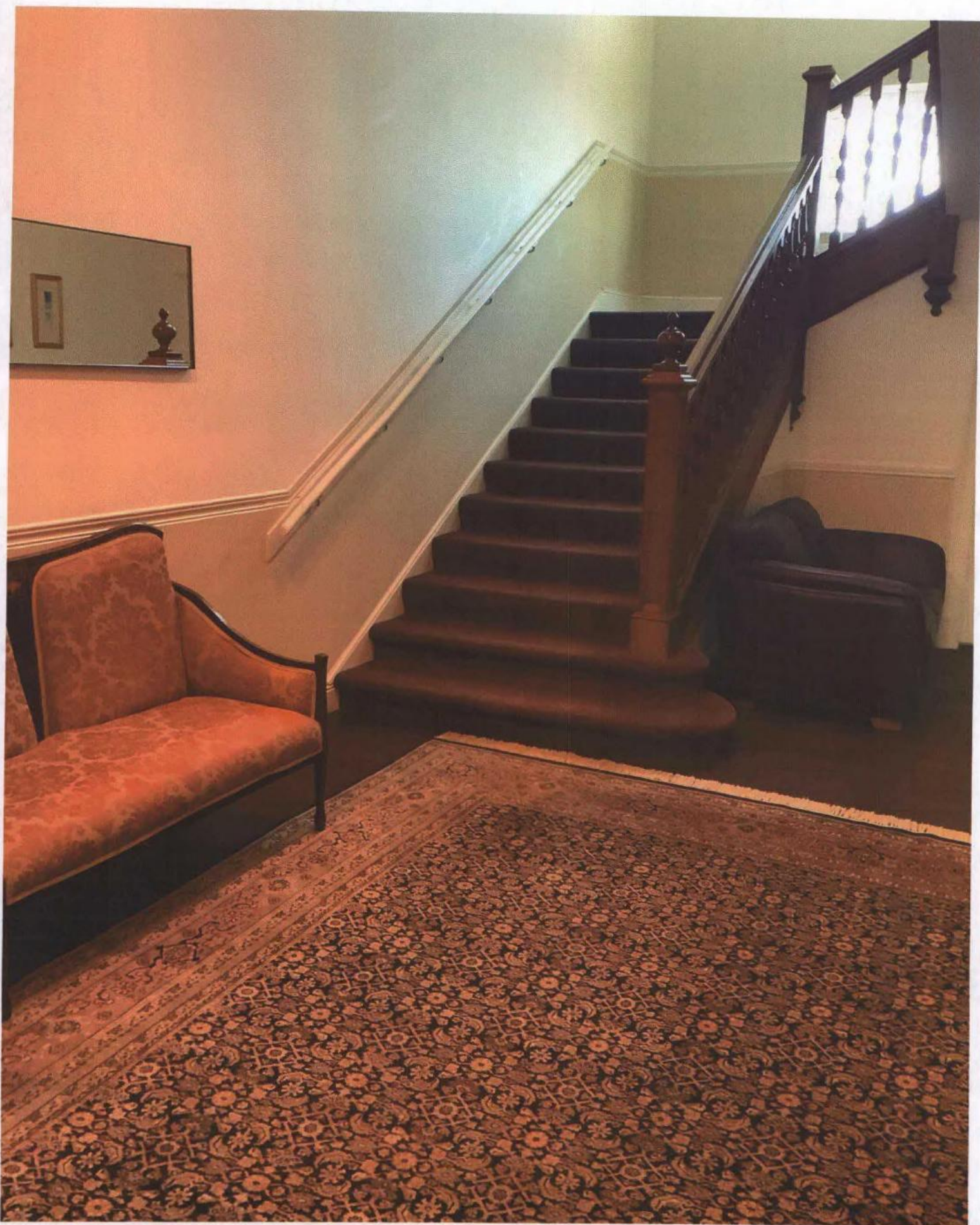
1. Flat 4 Knowehead House has been let short-term through Airbnb for several years. The following brief comments, therefore, are based on experience not hypothesis.
2. Flat 4 has one large, one small double bedroom and a sofa-bed in the kitchen / living room. It can therefore sleep 6 adults, and does so frequently. It also has access to a large balcony which overlooks the street, the garden and the carpark, on which Mr Deans has installed a hot-tub. The common term of occupancy is two or three nights.
3. Knowehead House is a listed mid-19th century mansion house, recently divided into five apartments. The main door leads into a reception hallway, giving access to four of the flats, which is furnished and carpeted. (Photos attached.) It is decidedly not a common-access staircase of the standard tenement type, It is, in effect, an elegant and pleasant extension of our homes.
4. As indicated in point 2 above, it is not uncommon in any week for the house entrance and reception hall to be used by up to twenty strangers. ***In my view this is excessive and constitutes a serious intrusion on the privacy of the resident owners, and their freedom to exploit the reception area. Furthermore, all of these passers-by have access to the key to the main door, which I believe creates a security risk for the other owners.***
5. Over the years the behaviour of some of the tenants has caused problems for the resident owners. E.g. noise from the living room, from the balcony and hot-tub, misuse of the refuse bins, discarding cigarette butts from the balcony, leaving the main door open, and general carelessness with the property. Mr Deans has made serious efforts to ameliorate this misconduct, which I acknowledge. But inevitably the task of policing this falls on the permanent residents, and it is they who suffer until Mr Deans is able to implement corrective action.
6. Finally I note that several statements by Mr Deans are contentious. I dispute (among others) that the occupancy rate is only 60%; that any let ever extended to three months; that there have been zero anti-social complaints; and that "multiple units" have been let for holiday purposes. That "only" flats ■ and 4 must use the common reception hall is seriously misleading. Flat ■ is only sporadically occupied (by two persons) and so the strangers from flat 4 regularly and grossly outnumber the three resident owners in flats ■ and ■ making use of the reception hall.  
***It must be seriously questioned whether the current usage of flat 4 is appropriate in a building of this character and quality.***

5 July 2023

Poor Quality original



Poor quality original





## **Mrs Jenny Jameson (Objects)**

**Comment submitted date: Sun 06 Aug 2023**

I would like to strongly object to planning permission being granted to Lea Deans /Deans Retreats at 4 Knowehead House.

( REDACTED ) as a result of Mr Deans intensive AirBnB business is enormous and also poses various security risks ( REDACTED )

There is a communal hallway which is used daily ( REDACTED ) number one's property as well as number three and four - apartment number five also uses it if access to meters is required. Given apartment four is occupied on a very regular basis by guests who stay from one night to three or four this results in very heavy traffic of strangers coming and going through ( REDACTED ) shared hallway( REDACTED ) security is threatened never knowing who may be staying or accessing the house. Having a key safe outside the house also increases our vulnerability and is another very obvious security risk.

No member of the Deans family or representative from Deans Retreats is ever present when guests arrive to explain the house rules or personalise the service and highlight this is a residential building and as such a higher level of consideration should be paid to the residents whose permanent home this is.

The flat is advertised as Knowehead Penthouse, with a hot tub on the balcony and sleeping up to 6. It is not a penthouse apartment, the hot tub was installed without any discussion with the residents or any safety checks and it is a two bedroom flat which sleeps 4. The way it is portrayed obviously attracts people keen to enjoy the facilities and party.

Many guests like to party on the balcony - cigarettes are regularly found ( REDACTED) . There is total disregard for the property or the fact it is in a conservation area and the noise that comes from the guests on the balcony or in the hot tub is significant which has to be endured by us and neighbours in other properties on Dundee Road and Commercial Street.

Often guests have food delivered or other guests arriving - the bell is broken or they cannot hear it as it is never answered ( REDACTED )

Mr Deans was completely disingenuous when he bought the flat, when he fitted the key safe (without discussion) he said it was because his girlfriend forgot her keys when in fact it was for his guests, when he moved out after only several weeks he said it was temporary and at no point did he mention short term letting although this was obviously his intention all along.

Safety is a major concern - because many guests party on the balcony and in the hot tub with alcohol there is a definite health and safety risk which has never been addressed by Mr Deans or his family. The mix of alcohol, water and only a short glass balustrade between the balcony and a significant drop seems like an accident waiting to happen. Mr Deans has never answered sufficiently our question of who

would be liable for any damage to person or property in the event of such an accident

Mr Deans is rarely available for any meetings with the other residents and the factor - in the time he has owned apartment 4 he has been unavailable for over 75% of the residents meetings.

The general friendly, helpful and neighbourly atmosphere of Knowehead House has been completely disrupted by this intensive Airbnb business which seems to put profit over residents happiness and quality of life. A business which causes significant disruption physically and mentally to the other owners. It seems grossly unfair that ( RECATED ), have to suffer because of one money making operation.

The residential nature of Knowehead House is completely at odds with intensive AirBnB.

## **Mr Christopher Craig (Objects)**

**Comment submitted date: Mon 07 Aug 2023**

Statement concerning the Material Change of Use Planning Permission Application for 4 Knowehead House, Dundee Road, Perth PH2 7EY

As Owners of [Redacted] since 2017, we have enjoyed residing at this property. For us, it is our second home that friends, family, coworkers and the occasional short-term let utilize for their enjoyment. The intensive, commercial letting of 4 Knowehead House seems contrary to the originally intended redevelopment of the building as a residential property with the occasional opportunity to rent as a holiday let, as outlined in the Deed of Conditions.

We also have a specific concern about the section of the application whereby the flat is characterized as a "Penthouse Apartment with Rooftop Hot-tub". The hot tub in question was installed without the knowledge or consent of the other Owners at Knowehead and was placed on the balcony of 4 Knowehead House, which is also the roof of 5 Knowehead House and is, therefore, a common element. As a "common element", the other Owners of Knowehead House could be exposed to potential liability for damage, bodily injury or death should an accident occur. At no point has evidence of the indemnification of the other Owners of Knowehead been provided by Deans Retreat, nor has any evidence been provided that a structural engineering assessment to determine the suitability of the roof to support the weight of a hot tub been provided.

Christopher Craig and David Bluhm

## Comments to the Development Quality Manager on a Planning Application

<b>Planning Application ref.</b>	23/01040/FLL	<b>Comments provided by</b>	Stephanie Durning
<b>Service/Section</b>	Housing Strategy	<b>Contact Details</b>	Planning and Policy Officer <a href="mailto:SDurning@pkc.gov.uk">SDurning@pkc.gov.uk</a>
<b>Description of Proposal</b>	Change of use of flat to form short-term let accommodation unit (in retrospect)		
<b>Address of site</b>	4 Knowehead House, Dundee Road, Perth PH2 7EY		
<b>Comments on the proposal</b>	<p>The proposal is for the change of use of a residential flat in a residential area of on a main access road into Perth City.</p> <p>Relevant NPF4 Policy 30: states that <i>Development proposals for the reuse of existing buildings for short term holiday letting will not be supported where the proposal will result in:</i></p> <ul style="list-style-type: none"> <li><i>i. An unacceptable impact on local amenity or the character of a neighbourhood or area; or</i></li> <li><i>ii. The loss of residential accommodation where such loss is not outweighed by demonstrable local economic benefits</i></li> </ul> <p>The Local Housing Strategy 2022-27 includes an action to develop planning policy through the Local Development Plan 3 where appropriate for STL Control Areas. The postcode district level of saturation of potential short-term lets for PH2 is 1.1% and below the level at which it may be considered appropriate to introduce a control area in order to help manage high concentrations of STLs where it affects the availability of residential housing or the character of a neighbourhood.</p>		
<b>Recommended planning condition(s)</b>			
<b>Recommended informative(s) for applicant</b>			
<b>Date comments returned</b>	07.08.2023		

## **Dr Sathyadeep Samiappan (Objects)**

**Comment submitted date: Mon 07 Aug 2023**

Summary of objection to the Airbnb activities at 4 Knowehead house , Dundee road , Perth , PH27EY

1. I am living in [Redacted] The amount of disturbance and noise I experience can't be explained in words. It was listed in his hose policies that no parties and to keep noise levels low after 10 pm but it is not always the case.
2. Most of the people who rent Flat-4 prefer to party and stay in the balcony late nights . My bed room is [Redacted] They run and shout which you can hear clearly inside my bed room. On top of it they have installed a hot tub without getting permission from the owners and also not paying any attention how much disturbance it could cause to the people living beneath.
3. People turn un hot tub at 11 pm an it make growling noise and wakes me up from my sleep and need to text [Redacted] who will try to sort out the issue may be in an hour but by then I move down to my down stairs bed room to sleep . I have now permanently moved to downstairs bedroom as I couldn't tolerate it.
4. I can't win this situation as every time new people come they have no respect to the neighbours . Throwing cigarettes in my garden and the front door . Champagne corks etc some chocolate wrappers and rubbishes. They even throw at our cars and concerned regarding fire risk.
5. I am new to this country and not exactly how to raise my concerns to the council . But I take this as an opportunity to raise my concern.
6. This is a old Victorian house and I feel it has its limitations on what it could handle. No proper measures were taken when installing the hot tub by Mr Lee Deans. No permission asked from other owners. It is a heavy hot tub and its mechanics will cause significant noise through the roof of the flat located beneath, no proper checks made. Also in his statement he mentioned all the roof is sound proofed which is a false statement . The hot tub was installed to promote his bossiness with zero consideration to the neighbours. Some people turn the hot tub on after 10 pm and causes lot of disturbance to me. I try contacting Lee on many occasions he get back to me probably in 30 minutes and it will take almost 1 hour to resolve the issue. There was an occasion he didn't resolve the issue and says he didn't get any notification about my message and got back to me next day morning. This shows his inefficiency in managing the property. He never prevented the issues happening and also takes time to resolve the issue . I am the one suffering because of his inefficiency.
7. This is my first home put my heart and soul I can't use my own house freely and can't even live in peace .I kindly request the council to take look into my concerns and do your best to resolve the situation . Thanking you.

JOHN FORBES  
PATRICIA BURNETT

8/8/23

PLANNING OBJECTION  
NO. 4 KNOWHEAD HOUSE

We are writing to object to the Planning Permission Application from her Doors to operate a Airbnb occupation at Flat 4, Knowhead House.

We have heard and witnessed rowdy behavior from parties most weekends and sometimes through the week - from the outside balcony from early afternoon through the night, mainly from young drunk parties. We have also smelt what we believe is drugs being smoked. As it is a glass balcony with a hot tub, I worry for the safety of any young people using it.

The noise of shouting, singing and loud music can be heard very clearly down to our house. I personally would consider moving if I lived in the same building. It is mainly elderly people that live in this area and is very upsetting putting up with the noise.

I am hopeful that some compassion and respect is given to the residents.

Regards

P. Burnett + J. Forbes

## Mr Alexander Jameson (Objects)

**Comment submitted date: Tue 08 Aug 2023**

Knowehead House - Objections to No.4 Airbnb Planning Application - 23\_01040\_FLL by Mr A Jameson [Redacted]

Background - We purchased [Redacted] in March 2017 to downsize and live in a quiet residential property. To explain, our Apartment is [Redacted] The balcony adjacent to No.4 forms the roof over part of [Redacted]. Lee Deans owns the No.4 flat.

1. Intensive Airbnb - Lee Deans (Deans Retreats) operates an intensive Airbnb occupation throughout the year. This often has significant effects on some of the residential residents in the building, particularly Apartments [Redacted] being contiguous with No.4 flat. Lee Deans could not give an exact figure as to how many days he lets out each season, but our experience is generally 2 or 3 groups per week and for 1 to 3 days.

2. Early Days - Lee purchased No.4 in Autumn 2020 and subsequently lived in the flat for the first 2-3 months. Lee clearly always intended to use the flat for Airbnb but pretended it was going to be his own residence. This pretence did not last long and on 20.07.21 he circulated an email as follows:

[Redacted]

The unforeseen circumstances were never explained by Lee to the other residents, but why bother saying you are going to be a resident owner, when it is obvious that is not the case?

3. Hot Tub - Just before Lee moved into No.4 he installed a hot tub on the flat roof of No. 5 flat, without the other Owners' permission. No professional safety checks were carried out on the roof of No.5 flat for this large and heavy Hot Tub. The hot tub is noisy to use with a grinding sound affecting No.5 Apartment below.

4. Safety - We remain very concerned about Airbnb guests partying and drinking on the first floor roof with only a low parapet wall and glass screens that are not properly reinforced. We are concerned that Lee has not carried out a professional risk assessment and health & safety on his business activities at Knowehead. He has never offered to share any reports with us. It is also a concern that guests drink on the balcony and in the hot tub. If an accident happened would the joint owners be liable as the so called balcony may also be a roof that is in "common ownership".

5. Car Safety - Occasionally cigarette butts are thrown over the side of the balcony by Airbnb guests. They land in the car park close to our parked car. We have complained to Lee about this risk to our cars on various occasions and it happened again last weekend. Lee said he put out ash trays and it is mentioned in his rules, but that has not prevented it from happening. This may be an infrequent risk to our cars, but it is still serious. It also summarises the general disregard for the neighbouring owners by a few guests.

6. Access - No.4 Apartment has no separate access, but has to use the front door and the common hallway, which is also used by No. 1, 2, and 3 Apartments. No.5 Apartment has a right to access the hallway if necessary but has its own access. Lee contends in his Justification Statement that only Apartment 3 & 4 use the hallway but this is completely incorrect. Lee is not there often enough to say who uses what door and his statement is just guesswork.

7. Airbnb Guests - The Airbnb guests arrive at random times; they never have to meet Lee or a representative from Deans Retreats; there is sometimes more than 6 guests; and they often have celebrations or parties. The quantity of bottles of alcoholic drinks collected by Lee's glass recycling bin demonstrates the regularity that Airbnb guests drink or party or both. On occasions we have helped the guests if Lee is not contactable.

8. Key Safe - Soon after the Airbnb started at No.4, Lee fitted a key safe on outside wall next to the front door. He did not ask the other owners if he could fit his key safe on a wall that is the common property of all the owners. He relies on this for getting his guests into the communal hallway. We have suggested to him that he should have someone to meet and greet and explain the rules, but he does not want to do this. If the lock safe is not permitted, he may have to find another way to provide access for his guests.

9. Party Flat - The hot tub attracts guests looking for a party flat. This is not helped by the online details advertising accommodation for 6 in a small 2 bedroom flat. We hear the normal footfall from upstairs in No.4, which is to be expected. But also we hear the shouting, loud music and activity even until 2am in the morning. On occasions we have knocked on the No.4 door to ask if the noise can be reduced but 2-3 times the door was locked and no one can hear us from inside. We prefer to try and sort out problems with the guests or with Lee, rather than report it to the Council or the Police.

10. Unsuitable Property - Lee confirms that his Airbnb activity is for 60% of the year (this suggests approx 220 nights). This figure appears to us to be on the low side, but in any case it is far too intensive for a small residential building with four other residential flats. This intense activity and the constant change of 1-3 groups arriving each week is uncertain and stressful.

11. Noise - Whilst Lee has fitted a noise monitor in No.4 Apartment, we have asked him in writing to fit a second noise monitor on the balcony. He has refused to do this. His Airbnb guests make a lot of the noise on the balcony, but it is not detected by the internal monitor. This may explain why Lee is not aware of the full extent of the noise and partying. Residents across the other side of the Dundee Road and Commercial Street can confirm this problem.

Even when the noise does exceed 77db inside the No.4 flat, then it takes a complaint from his neighbours before Lee knows there is a problem. Surely commercial businesses should avoid any significant noise issues to residential neighbours and not just wait until it has exceeded the maximum noise, before trying



to stop it. This is the critical point which prevents this intensive Airbnb use of No.4 by Deans Retreats from every being a compatible activity.

12. Airbnb Rules - Lee has some rules for guests but the rules are often ignored or not read by his guests. This results in Airbnb cars parking in the wrong parking place despite each space being clearly numbered; more than 2 cars; no attempt at recycling in the correct waste bins; the parties are either too loud or carrying on well beyond 10pm; and general anti-social behaviour from a significant number of the guests over the last 2 years.

However the most ineffective rule that Lee has is "No Parties Allowed". There are two obvious difficulties with Lee's rules:

- He did not share or discuss his Airbnb rules with the other neighbours, which might have dealt with some of our concerns two years ago.
- On arrival guests are not met by either Lee or a representative from Deans Retreats. This is an opportunity wasted to reiterate the rules and tell the Airbnb guests that consideration for the safety and well being of the neighbours is paramount.

13. Recycling - Up to 2022, the owners have jointly used 5 green, 4 blue and 1 brown bin. When the Airbnb business started there was a massive change in recycling. Most of the Airbnb rubbish went into the green bin with most guests completely ignoring the Council's guidance for recycling in the other coloured bins. Regularly glass bottles were dumped in the green bin by his guests with no practical attempt by Lee to separate glass. We suggested he put in coloured bins in the Apartment and his cleaner removes and recycle the waste and glass correctly. Lee was unable to remedy the lack of recycling by his guests, with many complaints from his neighbours.

After two years of pressure by all of us, Lee has eventually got a commercial glass recycling bin, which he uses and I agree it works well. Lee has also arranged an extra No.4 green bin which he manages. He has not arranged his own blue bin, but as before, very little is recycled by No.4 guests into the communal blue bins. It is noteworthy that Lee in his justification Statement says "...we have noticed a great uptake on this and almost fill a bin per month uplift"(Page 7 Line 1) This is a lot of glass bottles from one Apartment in a month and indicative of the No.4 problems.

14. Meetings - Knowehead Owners have had formal and regular management meetings with our Factor since 2017. It was not possible to hold meetings during parts of the Covid pandemic, but even so Lee has only attended 2 Owner meetings out of 8 since 2021. Lee does not contribute in any significant way to the management of the property, organising contractors, contributing to the gardening or taking out the communal bins.

15. Airbnb - Airbnb short term letting is undoubtedly taking business away from local Hotels and other short term providers. It is not necessarily the case that this is new business and there may not be much of an economic benefit if it is just displacing other local businesses. Hotels are better placed to cater for multiple guests without the antisocial behaviour more associated with Airbnb letting. It is obvious in Perth

that Deans Retreats is very unpopular, for example at Howard's Court and the Monart Apartments. Since 2021, this Airbnb business has definitely completely changed the atmosphere at Knowehead House.

16. Planning - This intensive Airbnb business has had a significant impact on Knowehead House and even some neighbours across the two adjacent roads. The partying activities of the "hot tub" balcony and the noise from No.4 must be an unacceptable impact on the local area. Under the National Planning Framework NPF4-30, if the loss of this Apartment to a commercial business is not outweighed by the local economic benefits, then the proposal for a change of use should not be supported by the Council.

From the Justification Statement for this Planning Application, there is no evidence that the Airbnb activity at No.4 adds economic benefits to Perth. This short term letting business could have transferred from other short term providers locally. From our observations a good proportion of the guests do not leave No.4 during their stay and often come well provided with food and supplies. Some will go to Deans Restaurant, but by nature Airbnb guests are pretty self-sufficient. We do not have statistics to prove this but surely it must be a possible to prove an economic benefit to outweigh the stress and significant problems caused by a poorly managed Airbnb business.

17. Conclusions - In some situations Airbnb works well, for example in self-contained house. But where it is in close proximity with other residential properties, a high level of cooperation and trust is needed between neighbours. Sadly there is little or no trust between Lee Deans and the other owners at Knowehead House. This is not personal, but it is because [Redacted]

I understand that there has been a high level of animosity and objections from some of the other properties in Perth that have Airbnb activity managed by Deans Retreats including Howard's Court and the Monart Apartments. This consistency suggests there is a more significant problem here.

WE therefore urge the Council to this reject this change of use Planning Application.

## Development Management

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**From:** Alexander Jameson [REDACTED]  
**Sent:** 16 August 2023 11:42  
**To:** Development Management  
**Cc:** Alexander Jameson [REDACTED]  
**Subject:** Comment of Planning Application 23/01040/FLL - No.4 Knowehead House, Dundee Road, Perth, PH2 7EY  
**Attachments:** 23\_01040\_FLL- Comments by AJ on the No.4 JUSTIFICATION\_STATEMENT - 16 August 2023 (Final).docx

**CAUTION:** This email originated from an external organisation. Do not follow guidance, click links, or open attachments unless you have verified the sender and know the content is safe.

Dear Sir/Madam,

I attach an extra document to attach to my objection that was submitted on 8<sup>th</sup> August.

Looking through the Justification Statement by Lee Deans/Deans Retreats I found numerous incorrect statements or comments that were unclear. Please can you take into consideration for this change of use application **my comments in red** in the attached document. They can be verified by the other 4 owners of the Apartments at Knowehead. All of the 4 residential neighbours have already objected to Lee's application.

Thank you for your assistance.

Regards,

Alexander Jameson

[REDACTED]

## Planning Permission Justification Statement - 23\_01040\_FLL - COMMENT

Development Proposal: Change of Use from residential to Short Term Visitor Accommodation

Location: 4 Knowehead House, Dundee Road, Perth, PH2 7EY

Applicant: Mr Lee Deans, Company Deans Retreats

**Comments and corrections below in red by Mr A & Mrs J Jameson, No.2 Knowehead House, Dundee Road, Perth, PH2 7EY**

### 1. Purpose

**1.1 Previous Use** Knowehead House, Dundee Road, Perth, PH2 7EY was converted into 5 flatted properties in 2017. Since completion in 2017, No.4 Knowehead House has been used as a Short Term Visitor Let. It has been owned by Mr Lee Deans and managed by business Deans Retreats since November 2020. (This statement is **incorrect**. No.4 was not used for Airbnb from 2017 when Corryard Developments converted the building to 5 Apartments. It was for sale until Corryard went into Receivership and then it was sold to Lee Deans. The Airbnb short term letting and change of use at No.4 started just after Lee moved in during 2021.

**1.2 Current Use** 4 Knowehead House, Dundee Road, Perth, PH2 7EY is used to offer luxury short term accommodation. (**Comment** - We suggest that No.4 is only "reasonable" quality accommodation, for up to 6 guests in two small double bedrooms and a sitting room. The balcony is an exposed location next to the busy Dundee Road, which Lee describes on Page 2 as "a very busy main through road"). Within the title deeds of the building, there is provision for all properties [REDACTED] to be used for residential, rental or holiday let. Due to this provision and multiple units (**Comment** - "multiple" means No.4 and one other Apartment, where the Owners visit part time and occasionally let out the 1 bedroom flat, but only for a few days each year. Many of their guests are friends & family. This is completely different residential use by the Owners and not comparable to the intensive Airbnb business letting at No.4) in the building having been used for holiday let purposes since 2017 (**Incorrect** - 2017 is guesswork and any Airbnb activity started much later. The change of use by Lee started in 2021 and this application is retrospective. It is obvious that No.4 changed from a residential use to a business use letting approx. 220 nights per year), I did not think there was a material change of use present. After discussion with Perth and Kinross planning department we were recommended to submit a planning application. (**Comment** - This change of use application should have happened in 2021)

**1.3 Intended Use** The intent is to continue to use 4 Knowehead House, Dundee Road, Perth, PH2 7EY as a luxury Short Term Let unit. This is also referred to as Serviced Accommodation or holiday let. Stay durations are constantly varied depending on guest needs and typically range between 2 days to 3 months. (**Incorrect** - The only 3 month period of occupation of No.4 since 2017 has been by Lee Deans himself just after he bought the Apartment. Presumably he did not stay for 2-3 months in No.4 as a Airbnb guest of Deans Retreats). On average the occupancy rate for the year is 60% (approx. 220 nights

is claimed to be the average figure per year. It sounds on the low side but we have not kept a record) and number of guests that stay in the dwelling is three.

**2. Site Location** The site is located on a picturesque location looking over the river Tay and Perth City. The city centre is 0.4 miles where guests can access a range of local amenities including shops, restaurants, attractions, barbers, pharmacy, newsagents and beauty shops. It is approximately 0.8 miles (15 minute walk) from Perth Bus and Train stations. The close proximity of public transport to the site significantly reduces the requirement for guest vehicles and improves the use of shared public transport, giving benefit to the environment. **(Incorrect – At least 90-95% of guests arrive by car and occasionally additional friends arrive. None of the Airbnb guests are met on arrival by Lee or his family and so it will be difficult for him to assess car numbers).** The property is located 0.2 miles from Cooperative supermarket. We supply a guest information book within the property giving direction to our favourite bars, restaurants, shops and tourist attractions to encourage outside spending within Perth by guests and workers.

Located in postcode PH2, this district level of saturation of potential short-term lets is currently 1.1% and considered a low level of concentration of STLs to residential housing and is not at risk of affecting the availability of residential housing or the character of a neighborhood as noted by Housing Strategy in Planning application 23/00017/FLL. **(Comment - This percentage assessment is not necessarily a justification for giving planning permission. PH2 includes larger areas of attractive residential housing and conversely there may be greater reason to control intensive Airbnb business use in these residential properties).**

**3. Site Characteristics** No changes to the site characteristics are proposed in this application for change of use. Please refer to the plan drawing for a diagrammatic representation of the existing site characteristics. The building is a 3 storey house (1<sup>st</sup> floor, Ground and Basement) converted into 5 flatted properties. The main entrance to property 4 is at the front of the building, upon entry the flat is on the 1<sup>st</sup> floor. The main entrance has a communal stairwell between [REDACTED] **(Incorrect – [REDACTED] have entrance doors into the garden but [REDACTED] door cannot be opened from outside. It is therefore not possible to use for access. [REDACTED] can use their garden door for access. [REDACTED]. Lee is unaware but the [REDACTED] also has a right to use the main door and the communal hall. Therefore all [REDACTED] use the front door. This statement by Lee is just guesswork. He is not here often enough to know what [REDACTED]. [REDACTED] is also used for Short Term Rental (this is not accurate description – see Point 1.2. It is also the home of the Owners and and letting out is minimal) [REDACTED] this meaning only [REDACTED] (both short term rental) must use communal entrance. (Incorrect assumption – Intensive Airbnb properties that are let out and not lived in by the Owner need their own separate access. This is one of the main reasons why the No.4 Airbnb activity is not appropriate in this residential building – ie. 4 apartments out of 5 are residential and not used for business purposes)** The site is located on Dundee Road, a very busy main through road used by many locals to and from Dundee, Scone, work, school runs or journeys into the city centre. There is a well integrated mixed use in the area of residential, business, schooling, religious, takeaways and shops within the immediate vicinity. 2 Dundee Road hosts a very similar property to [REDACTED]

which has been divided into business let units. Kinnoull Primary School and Parish Church are a couple of doors down. Norrie Miller walk provides a lot of foot traffic to the front and rear of the property. The Travelodge is 250 yards away, as are an array of takeaways and the Cooperative Supermarket. The high traffic, business, schooling and hospitality uses within the immediate vicinity contribute greatly to the overall noise, footfall and bustling environment throughout the day and night.

**4. Floor Plans** No changes are proposed to the floor plan of this property in this application for change of use. Please refer to the floor plan drawing. The floor plan is characterised by self contained kitchen, lounge room and bathroom. There are two bedrooms, both doubles. There is an outdoor terrace area which features a hot tub and has been utilised to enjoy views of the river Tay and across the city. The electrical and gas components are located in the hallway cupboard.

## **5. Safety Standards**

**5.1 Electrical Inspection and Condition Report (EICR)** The property has a current EICR which is to be renewed every five years.

**5.2 Portable Appliance Testing (PAT)** The property has a current PAT which is renewed annually.

**5.3 Gas Safety Certificate (GSC)** The property has a current GSC which is renewed annually.

**5.4 Fire Risk Assessment (FRA)** The property has a current FRA which is renewed annually. There is a fire escape plan provided in the welcome information provided to guests at the property along with a fire extinguisher and blanket kit.

**5.5 Smoke Alarm Testing** Smoke alarm testing is conducted annually.

**5.6 Holiday Let Insurance** The property has a current holiday let insurance policy covering buildings, contents and public liability.

**6. Management & Control** The property is managed by family owned, Perth based, business Deans Retreats. I, Mr Lee Deans, am an owner of the business. I have been managing 8 luxury Short term rental properties within Perth for over 5 years with an exemplary record. We advertise on online platforms Booking.com and AirBNB. With Airbnb we hold Superhost status across all properties where we must meet very strict criteria and must hold a 4.8 / 5 minimum across the board on all aspects of the properties. We have managed to maintain this over 469 stays and this is reviewed quarterly. I have submitted below a couple of images to support this. On booking.com we hold on average 9/10 across all properties. Both of these websites are very meticulous with their screening of potential guests and help avoid potential problem customers. They assist in putting in ID verification of individuals, minimum age requirements (24 years and above), **(Incorrect – we have seen younger visitors than 24 going into No.4. As an example there was an 18<sup>th</sup> birthday party for a few girls over a 2 night stay in May 2022. Lee met the party on the first evening. No guests were over 24 and he did not stop their party. No.4 was booked because the family did want the noise of the party at their home nearby in Perth. This completely nullifies any claims by Lee about screening guests, allowing under age guests and his ability or willingness to prevent parties.)** taking large damage deposits and issuing our strict terms and conditions policy that they must sign and agree to. Only established Airbnb / Booking.com profiles can book automatically without a further screening process taking place from ourselves. This allows us to further vet potential clients and search for any red flags. These measures greatly reduce the risk of any issues with guests for neighbours and our

property. **(Comment – all these precautions do not stop very regular parties and noise by guests at No.4)**

Our target market is tourists and working guests that have requirements to work away from home. Over the years we have managed to acquire a large number of corporate clients that regularly require short term accommodations. They include insurance clients, trade companies, builders and other service providers. These types of guests are long term, typically staying for one month to 3 months in duration. All of our properties listed have undergone significant cosmetic renovations including new kitchens, bathrooms, decorating and flooring. **(Clarification – Most of the renovations were carried out by the developer Corryard, not by Deans Retreats)**. New furnishings have also been supplied that meet fire safety requirements. Due to its unique location and design, 4 Knowehead House has held photoshoots and worked with Visit Scotland, Perth City, Perth and Kinross Council and Invest In Perth in advertising the fantastic independent accommodation offering Perth has. It is featured on the Perth City website at: **(Clarification – These adverts are paid for and not necessarily endorsed by Perth City or Perth & Kinross Council)**.

<https://www.perthcity.co.uk/blog/be-inspired-perthshire-spa-breaks-hot-tub-hideaways>

A link to the Airbnb advertisement:

[https://www.airbnb.co.uk/rooms/50587642?adults=4&check\\_in=2022-12-01&check\\_out=2022-12-02&source\\_impression\\_id=p3\\_1669842893\\_2OVWKduestIJt%2ByL](https://www.airbnb.co.uk/rooms/50587642?adults=4&check_in=2022-12-01&check_out=2022-12-02&source_impression_id=p3_1669842893_2OVWKduestIJt%2ByL)

**6.1 Immediate Neighbors** The immediate neighbors, adjoining flats in the same block of four have been provided with my personal contact details so that any issues at the properties can be reported, managed and resolved to an acceptable standard. I attend regular meetings with all residents **(Incorrect – Lee has attended only 2 meetings out of 9 of our Owner meetings since he became the Owner of No.4. He has not contributed to the overall management of the property but has added a lot of problems)** to discuss management of the development, any issues or improvements that can be made. We put the happiness, safety and well being of neighbours **(Incorrect - this sounds good but does not happen in practice – please refer to the planning objection by our neighbour from [REDACTED] to see how serious the No.4 Airbnb problems are)** on a par with guests, understanding that if they are happy it also makes the running of our business a lot easier. Specifically immediate neighbors have been briefed on the following:

### 6.1.1 Noise Management Plan

<p><b>Premise</b></p>	<p>Type: Short Term let</p> <p>Music: Music may be played internally via speaker</p> <p>Noise Source: Television, Music, Terrace area, Hot Tub, People arriving or leaving, Cleaning</p>
<p><b>Objectives</b></p>	<ul style="list-style-type: none"> <li>• Minimise impact on local residents and prevent public nuisance</li> <li>• Identify noise sources and acceptable noise levels</li> <li>• Steps to manage and control noise</li> <li>• How noise will be monitored</li> <li>• Respond to complaints of unacceptable noise</li> </ul>
<p><b>Noise Sources</b></p>	<ul style="list-style-type: none"> <li>• Speaker in living rooms: Located away from any windows and doors. Guidance issued to all guests via e-mail and in Guest Information booklet that speakers only to be used between 10am and 10pm. Wired in to prevent moving around premise and set with limiter of 75 Decibels maximum. Bass turned to lowest point. Minut Noise detector used to aid in detection of recording of noise levels. If levels exceeded for more than 10 minutes, guests will be contacted immediately (<b>Incorrect – Lee may occasionally notice 10 minutes of excess noise himself , but generally it is left up to a neighbour to complain before Lee takes any action</b>) Lower Threshold of 67 Decibels used from 10pm until 10am. (<b>Comment - This timing has not been formally agreed with the owners, but just adopted by Lee. We would prefer any earlier time to have no noise emanating from No.4</b>)</li> <li>• Television in living room: Located away from any windows and doors. Volume limit set on television. Bass turned to low. Minut Noise detector used to aid in detection of recording of noise levels. If levels exceeded for more than 10 minutes, guests will be contacted immediately. Lower Threshold of 67 Decibels used from 10pm until 10am.</li> <li>• Terrace Area: Guidance issued to all guests via e-mail and in Guest Information booklet that noise levels should be reduced significantly if outside at any point and be respectful of neighbouring properties (<b>Comment – Please note this guidance is too vague for the balcony...what does "reduced significantly" mean? Lee should fit a noise monitor(s) on the balcony and suggest a maximum level much lower than 67 Decibels and to apply at any time. Noise travels much more clearly from outside a property. Lee's conditions have never been discussed with all the Owners and should have obviously been agreed before he started his Airbnb business. Also neighbouring houses across the other side of the Dundee Road also get affected by noise. Lee has not checked with near</b></li> </ul>



	<p>neighbours from across the Dundee Road or Commercial Street, but we get complaints occasionally). The noise from the balcony is the most . From 10pm – 10am noise level should be reduced to zero. All noise sources have been removed outside. Rubber feet installed on outdoor furniture.</p> <ul style="list-style-type: none"><li>• Hot Tub: Located on the Terrace Area. Guidance issued to all guests via e-mail and in Guest Information booklet that noise levels should be reduced significantly if outside at any point and be respectful of neighbouring properties. From 10pm – 10am noise level should be reduced to zero. <b>(Incorrect – This suggestion by Lee does not stop the hot tub being used after 10pm – see the complaints from [REDACTED] These timings have not been agreed with all the Owners).</b> Internal speakers of hot tub have been removed.</li></ul> <p>General Waste and Recycling Bins: Cleaners will only be present between the hours of 10am – 3pm. They will fill bins when required between these times only when present at the property. Bin Collection is arranged via Perth and Kinross council non domestic waste team and works within their scheduled hours and done in conjunction with residential collections.</p> <ul style="list-style-type: none"><li>• Guests Arriving and Leaving: Arrival times specified as between 3pm and 9.30pm. Departure times specified as between 7am and 11am to ensure minimal early or late disturbances.</li></ul>
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<p><b>Noise Controls</b></p>	<p><b>Minut Noise Control:</b> Use of Minut in all of our short term let properties. <b>(Comment – The Minut Noise Control were only installed by Lee after noise complaints from neighbours. Lee is not proactive in controlling noise but waits for neighbours to complain).</b> This allows us to set maximum thresholds for noise level at different times of day. We set a maximum level of 76 decibels during the day and a level of 67 decibels from 10pm until 10am.</p> <p>This device monitors noise takes a record of levels every minute throughout the day. If levels exceeded for more than 10 minutes we are automatically sent an alert where we then contact the guest immediately via phone call. If necessary I would visit the property. Further monitoring of noise level would continue and if resumes we would remove guests from the property.</p> <p>In the event that the guests are not cooperative the police will be engaged. Since inception there have been zero reports to police or council or had to remove any guests due to noise levels. Over the last two years of operation we have had a couple of communications of excess noise from neighbours. Since then we have installed one Minut noise sensor(s) which has helped greatly. We had one instance after this regarding noise level later in the evening. To counter this we discovered we can set different noise thresholds at different times of day. Since we tweaked this we have had no further issues regarding noise. <b>(Incorrect - The noise from the balcony and parties outside is not picked up by the noise sensor).</b></p> <p>All guests are made aware of this procedure in their booking terms and conditions and welcome information message.</p> <p><b>Sonos Speakers:</b> Sonos speakers allow us to set a maximum volume on them to ensure noise thresholds not exceeded.</p> <p><b>Soundproofed Ceilings:</b> During the overhaul of the building in 2017, the properties on the ground and basement floors have had sound proofed ceilings installed which helps greatly reduce noise from any properties above. <b>(Incorrect – This is completely incorrect. Lee has never asked [REDACTED] have been sound proofed and therefore his comments are just guesswork! On the first floor of [REDACTED] and a long corridor that have no soundproofing on the ceilings below No.4. Flat. On the ground floor there is no sound proofing on the ceilings and we can hear if Airbnb guests return late in the evening and go up the stairs. Normal movement in a flat is acceptable, but not music, parties and loud noise.)</b></p>
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<p><b>Communication of Complaints</b></p>	<p>All neighbours are informed of contact numbers to reach us on if required in any circumstance at any time. If a complaint occurs, this allows us to take immediate action. <b>(Comment – Immediate is the wrong word....Lee sometimes responds promptly but other times it can take an hour and once he missed a notification and did not respond at all).</b> Guests will be contacted as soon as any complaint made. A review of our noise management plan will then be taken to see if there is a better solution to aid prevention going forward. <b>(Comment - Lee has never reviewed his “noise management plan” with the other Owners of Knowehead House).</b></p> <p>Noise complaint will then be logged: Time, date and reason for complaint.</p> <p>Liase with person(s) making complaint and communicate steps taken to neutralise and/or improve going forward.</p>
<p><b>Management Responsible</b></p>	<p>I, Lee Deans, am solely responsible for the sources of noise. Guests and neighbours are provided with my contact details. I have set noise level thresholds and times with the aid and recommendations of the council. <b>(Comment – Lee has never discussed his rules and thresholds with the other neighbours at an Owners Meeting. He has not offered to discuss or given a copy of his current rules</b> [REDACTED]</p>
<p><b>Noise Management Plan Evaluation</b></p>	<p>We will continue to review our noise management plan annually and / or in the event of any complaint.</p>

**6.1.2 Antisocial Behavior** Zero antisocial behavior complaints have been reported since inception. **(Comment - This is only because the Knowehead Owners do not want to contact the Council or the Police.** The lack of reporting to the Council or the police is not proof that anti-social behaviour is not happening on a regular basis. Instead [REDACTED] seek to sort out problems direct with Lee. This is difficult to do if he does not turn up to Owner meetings. The neighbours especially in [REDACTED] have often complained to Lee about noise. Also we have complained about cigarette butts being thrown off the balcony. Three discarded cigarette butts were found last Sunday morning on 06/08/23 near [REDACTED] Immediate neighbors do complain to us about antisocial behavior from the property). It is important that this is done so that other immediate neighbors are not disturbed. I will assess the complaint and if appropriate they will contact the guests to issue a warning. If alleged antisocial behavior continues I would then visit the property to assess the situation. If it is confirmed that there is antisocial behavior the culpable guests will be asked to leave the property. In the event that the guests are not cooperative the police will be engaged. To date we have no reports to police or council or had to remove any guests due to antisocial behaviour. **(Comment - This sounds good, but it should not be up to the neighbours to alert Lee to noise or other antisocial problems connected to No.4. Unfortunately Lee misunderstands his role as owner and manager of the Airbnb business. Surely he should prevent these problems happening and intervene with his guests when they arrive and as soon as any problems happen. His current method of wait and see inevitably means that the neighbours are disturbed and affected. He is expecting neighbours to send a message to him, probably late at night. which he may or may not deal with. This is why this Airbnb business advertising the hot tub and encouraging a party flat is always going to be incompatible in a quiet residential building with 4 residential Apartments, minimal sound proofing and an open air balcony.**

**6.1.3 Illegal Behavior** There have been no reports of illegal behavior since inception. Immediate neighbors have been advised to report any alleged illegal behavior from the property. I would then visit the property to assess the situation. If it is confirmed that there is antisocial behavior the culpable guests will be asked to leave the property. In the event that the guests are not cooperative the police will be engaged. Since inception we have no reports to police or council or had to remove any guests due to illegal behaviour.

**6.2 Maintenance & Site Management:** The grounds maintenance is conducted fortnightly. This includes mowing and edging of lawn, weed killing and hedge trimming. We have a factored communal gardener who looks after all of the properties. The proud presentation of our properties is an advantage to our immediate and adjoining neighbors. **(Clarification - To date Lee has not got involved with the garden management and does not help with the property maintenance in any way).** Internal maintenance is very minimal given the extensive renovation upgrade works that have been conducted both inside and outside have improved kerb appeal. Key collection is from Deans Restaurant, Wednesday – Sunday. When Deans Restaurant is closed, Monday & Tuesday, guests contact one of the team directly on the contact details provided and meet at the property.

**6.3 Cleaning and Linen** Change overs are handled by myself, we have 1 dedicated cleaner to each property. The lack of third party management means that any issues can be addressed immediately by the applicants. Cleaning takes place at the end of each stay. A very high standard of cleanliness and hygiene is always maintained at this property. All cleaning apparatus, supplies and materials are kept on site in a dedicated housekeeping storage room so as to reduce foot traffic to the main door access. Cleaning hours of the property are always between the hours of 10am – 3pm. All linen is cleaned and pressed off site and clean linen is stored on site in the dedicated housekeeping storage room. This eliminates the use of washing machines, dryers, and clothes lines at the property.

**6.4 Waste & Recycling Control** There is a designated bin refuse area in the car park. All bins have been appropriately labeled 'General Waste', 'Paper and Cardboard, Plastic Bottles & Drink Cans' and 'Garden Waste.' As Perth and Kinross do not offer glass recycling as standard residentially, we have installed a glass recycling bin (contracted with Binn Group) which we have encouraged all neighbours to make use of in an effort to recycle even further. **(Comment - This glass recycling bin is now working well, but was only installed by Lee after 2 years of pressure by the other owners to recycle properly. Prior to that the No.4 glass bottles were deposited in the communal green or blue bins randomly by Lee's guests.**

**(Comment - This glass recycling bin is now working well, but was only installed by Lee after 2 years of pressure by the other owners to recycle properly. Prior to that the No.4 glass bottles were deposited in the communal green or blue bins randomly by Lee's guests.** We have noticed a great uptake on this and almost fill a bin per monthly uplift. We provide a welcome message on the morning of arrival to guests to inform them of our recycling practices and have signage above internal and external bins showing our local councils recycling practices, this information is also displayed in the Guest Information guide. After contacting PKC Waste Management Team for any further recommendations, internal glass and mixed recycling bins have also been installed. This enhances recycling efforts and reduces contamination. Any bins that are contaminated are privately uplifted at our personal expense. We train housekeeping to check all bins for any contamination after each stay. Due to our expected occupancy rate throughout the year of 60% with an average of 3 persons we find that there is no increase in waste in comparison to the average household. **(Comment – The 60% occupancy rate sounds far too low, but even if it is approximately correct, 220 nights is a huge burden on recycling and Lee has taken over 2 years to fix the glass problem under pressure from the other Owners. He ignores the need for guests to recycle in the communal blue as most of the waste must go into his green bin, which is contrary to Council policy.)**

**6.5 Parking** There are two parking spaces for the property in the main car park area. All spaces are clearly marked to avoid any confusion. Due to the central location, many guests travel by train and can either walk or take a short taxi to the property. **(Comment – Airbnb guests still park in the wrong place from time to time and we help to direct them. Lee is usually unaware of incorrect parking or more than two cars using the parking area because he does not meet the guests and rarely visits in the evening.)**

## **7 Policy Approach & Guidance to Development**

Included are commentaries made upon most recent local and national planning policies which provide relevance to the change of use of residential accommodation to the short term let visitor accommodation. These policies typically deal with tourism as a whole rather than focusing on change of use specifically.

### **7.1 Perth City Development Plan 2020-2040**

Perth City Development Plan published August 2019, presents key objectives and goals to be considered in achieving growth within the city. None of the policies directly deal with the conversion of residential properties to visitor accommodation, although some policies have relevance for this application:

Page 15: By 2025 the new cultural/heritage attractions will be open and attracting 100,000 visitors a year. By 2030 Perth will be Scotland's leading city for active travel. The volume and value of business and leisure tourism in the city will have doubled.

Page 28: Together, the new cultural/heritage attractions and an improved accommodation offer should help to double the volume and value of tourism in Perth by 2029.

Page 38 A lack of ambition has held Perth back, but that is changing fast and Perth is increasingly recognised as a leader in fields ranging from clean energy and active travel, to culture-led regeneration and the smart city.

As Perth plans to grow tourism exponentially over the next 5-10 years, one of the key objectives identified to sustain this is the need for improved accommodation offering. Thus far Deans Retreats property portfolio has grown year on year solely focussing on the operation of high quality accommodation to the centre of Perth. As a relatively new, ambitious business, we hope to grow with Perth and work hand in hand in becoming Scotland's leading city for active travel.

### **7.2 Perth and Kinross Council Website: Do I need planning permission for a short term let**

PKC website directs us toward gov.scot publication, Short Term Lets: planning guidance for hosts and operators. This guidance provides a framework to show requirements needed to be met for a successful change of use planning application for a short term let.

1.4 The Scottish Governments purpose in the regulation of short term lets is to ensure the local authorities have appropriate powers to balance the needs and concerns of their communities with wider economic and tourism interests.

1.5 The Licensing scheme aims to ensure short term lets are safe and address issues face by neighbours as well as assisting in complaints effectively.

1.6 The licensing scheme is complemented by powers<sup>[3]</sup> for local authorities to designate control areas. The purpose of control areas is to help manage high concentrations of secondary letting, to restrict or prevent short-term lets in places or types of building where it is not appropriate; and to help local authorities ensure that homes are used to best effect in their areas. **(Comment – As stated above, the intensive use of Airbnb in No.4 for at least 220 nights per year is not appropriate in a quiet residential building with 5 Apartments, four of which are used as the Owners' homes.)**

2.19 Guest Arrivals and departures: Safety and noise Impact on neighbours

2.21 Impact of other residents in flatted buildings: Safety of residents, security of the building and guest access to communal areas.

2.22 Likely frequency and intensity of noise or otherwise unsociable behaviour

2.23 Impact on public service and residents amenity: Household waste levels, parking pressures, noise and disturbance levels.

2.25 Cumaltive impact on the character and amenity of a neighbourhood

2.28 Number of people staying

From 1.6 it is assumed that Perth City currently faces no issue with high concentration levels of short term let properties as no control area designated. With local authorities given power of balancing economic growth and expansion of tourism offering, it is a fine balancing act to ensure all parties are content. This framework assists in ensuring both the community and tourism are appeased. The communities and neighbours are kept safe, amenity unchanged, normal disturbance levels and the overall area character undiminished. **(Comment - With the selective and occasionally incorrect comments in this Justification Statement by Lee and the problems of noise and anti-social behaviour that continue to occur at No.4, Lee fails to achieve the requirements expected by the Council sufficient to grant a licence to Deans Retreat. This is not an example of a "fine balancing act"! We confirm that the other 4 Owners at Knowehead are very far from "all parties content", but Lee avoids asking our opinions, because the answers threaten his business. We have all objected to this Change of Use application).**

### 7.3. The National Planning Framework for Scotland 3 (NPF3)

NPF3 represents a spatial expression of the Scottish Government's aspirations for sustainable economic growth in Scotland over the next 20-30 years. It sets out at national level, the Scottish Government's strategy for the country's development, in terms of how we are to develop our environment and includes development proposals identified as schemes of national importance. Whilst it is not prescriptive, NPF3 will form a material consideration when determining applications and, as such, will be a consideration in determining the application for any proposed development. Of particular relevance to this proposal therefore is:

paragraph 1.7 This recognises tourism as one of Scotland's key economic sectors.

With the vast majority of guests staying at the property subject to this application staying for tourism and/or work, NPF3 must be considered a material consideration for this application.

#### 7.4. Scottish Planning Policy (SPP)

Scottish Planning Policy (SPP) (2014) is a statement of Scottish Government policy on land use planning. Where relevant to the current proposals, SPP recognises tourism as one of the "key sectors for Scotland with particular opportunities for growth". This is again relative to this application due to the types of **visitors staying within the accommodation.**

**(Comment - SPP importantly supports tourism but this is very generic Policy and should not necessarily justify an Airbnb business such as Deans Retreats. The rapid increase in Airbnb short term lettings must have taken business away from local hotels and bed & breakfast businesses in Perth that will be struggling after the pandemic. Airbnb offers flexibility which is popular and admittedly can be useful in rural areas. But taking business away from other existing short term letting providers, does not necessarily mean that it is increasing tourism in larger towns or cities such as Perth. Even if it is, then the consequence will be (as the Council will know) that less and less long term letting properties are available. which are already in very short supply). Surely the Council will want to support existing hotels and other providers rather than reducing the availability of longer term let properties.**

#### Conclusion

Deans Retreats, our company, was founded 4 years ago and provides luxury visitor accommodation to 1000's of visitors per year to Perth. Having owned Deans Restaurant for the last 17 years, which has a client base travelling from all over Scotland, we found that guests struggled to find high quality housing within the city centre. The lack in luxury accommodation is our unique selling point and how our business was born. We believe the offering across all of our properties provides an incentive and encourages staycations, workers and tourists into Perth city centre. In turn, assisting in driving much needed footfall and spending into the local businesses throughout the week. The successes of our business model has allowed us to reinvest in Perth meaning continued growth of our visitor accommodation offering during a very difficult economic climate. **(Comment – This justification statement has not confirmed how it has helped economic growth and the expansion of tourism).** We now operate multiple properties which can be viewed on our website at [www.deansretreats.co.uk](http://www.deansretreats.co.uk) This is now my main occupation and also allows us to employ 4 others full time with further hires forecast this year.

The move to see the short term let industry better regulated is a move supported by us. **(Comment – We need better management of Airbnb businesses which is different to more regulation)** Having received encouragement from individuals within Perth and Kinross planning department, we see this as a positive move to improve the overall standard of accommodation provided whilst eliminating mismanaged offerings. It is our contention that the proposed change of use of this property will provide a sustainable function **(...for Deans Retreats?)** going forward that can contribute to Perth's important tourist economy and reputation as a food, drink, creative and cultural destination. If the application is approved, 4 Knowehead House, will continue to be an important asset to the city's wider tourism landscape.

Taking all the aforementioned into account, it is hoped that the officers will be able to support this application, as it is considered to successfully address all aspects guidance 7.2 discusses, whilst meeting local and national (SPP & NPF3) objectives with no material considerations apparent which outweigh these plans. It is hoped this justification statement also provides an insight into the great deal of care and diligence we take and respectfully request recommendation for approval.

**Conclusions** – These concluding comments sound good, but the Airbnb management imagined by Deans Retreats is not what happens at Knowehead. It is definitely not compatible with Knowehead House residents and near neighbours. This Airbnb business has had many failings as described. As a result it has made this intensive Airbnb activity very unpopular at Knowehead. Possibly intensive Airbnb activity might work in a private detached house or a block of flats that are all owned by one Airbnb business, but it clearly causes problems in quiet residential houses. As the Council know, there have been similar problems at other Airbnb properties managed by Deans Retreats or the Deans family in Perth.

Whilst the Airbnb guests appear to enjoy No.4 Apartment, this Planning Application for change of use is there primarily to protect neighbours from noise, disturbance and antisocial behaviour.

The comments and problems listed throughout this Justification Document have been approved and can be confirmed by the four other Apartment Owners of Knowehead House.

**Alexander Jameson BLE MRICS,**







Edit

**4.8** ★

Overall rating

**469**

Reviews

Rating highlights



Rec  
for K  
Apa  
Tub

Recent reviews



19 Nov – 20 Nov 2022  
Knowehead Penthouse Apartment  
with Rooftop Hot Tub



Overall rating



11 Nov – 13 Nov 2022  
Knowehead Penthouse Apartment  
with Rooftop Hot Tub



Overall rating



**Ref: 23/01040/FLL — Application for review.**

**4 Knowehead House, Dundee Road, PH2 7EY — Mr L. Deans**

**Comments submitted by Jack Dale, [REDACTED]**

In my initial comments regarding Mr Deans's planning application I included a summary of points where I considered his claims to be questionable. Having read the additional remarks that he has submitted in support of his request for review I feel compelled to comment at greater length on what I consider to be factually unsustainable assertions.

- **Mr Deans' remarks on "extensive refurbishment" are disingenuous, and misleading.**

Any significant structural work on the property was undertaken by the initial developer or subsequently by the owners collectively. Work on improving the communally owned grounds, including approved tree work, was undertaken before his ownership. The repair to the "outside communal staircase" has not yet been completed and is also being undertaken as collective effort. None of this was initiated by Mr Deans, nor paid for exclusively by him: nor, indeed, the furnishings of the reception hall. These steps were not taken to ensure the "luxury" of his tourist offering, but to enhance the amenities of the permanent residents.

Quite how his comment that "the restoration aimed ..... to blend seamlessly with the surrounding residential characteristics" relates to his application for change of use is unclear, but certainly it is difficult to see how a hot tub on an elevated balcony exposed to Dundee Road and neighbouring properties now constitutes a seamless blend with the Kinnoull area.

- **Mr Deans' remarks on "Noise Management and Compliance" are specious.**

He repeats an argument employed in his original planning application, in which he refers solely to the absence of official complaints to the external authorities. But he suppresses any reference to the many complaints by the other residents directed to him personally. By doing so he is exploiting their willingness to deal with these concerns in an informal and neighbourly way. This is not only misleading but unfair.

- **Mr Deans' appeal to the title deeds ignores his disregard of their terms.**

It is correct that all the owners on purchase of their properties accepted a provision in the deeds that the flats could be used for holiday letting. But If Mr Deans believes that this

provision overrides the national legislation and local authority regulations he is surely mistaken.

What he fails to note is that the same deeds make provision for an owners committee empowered to decide on repairs, alterations, development, etc in respect of the property. Mr Deans has treated this committee's deliberations with scant respect. ("Your silly wee committee" to quote his words to me.) He has frequently made decisions to enhance the profitability of his business without reference to the committee and regularly been confrontational rather than cooperative on matters of concern to the permanent residents.

- **Mr Deans' claims re his economic contribution are subjective and exaggerated.**

He repeats many of the points made in his original application, which strike me as containing much special pleading. His implied comparison of his small flat in a converted 19th century mansion with large tourist establishments is bizarre. In fact, I suggest that the contrast only highlights the central point of my original objection to his application: namely, that ***the quality, character and location of Knowehead House render it an inappropriate setting for the commercial operation run by Mr Deans.***

- **I note that Mr Deans offers no response to the allegations of disruption and disturbance caused by his business to the lives of the permanent residents.**

***10 January 2004***

## CDS Planning Local Review Body

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**From:** [REDACTED]  
**Sent:** 11 January 2024 17:39  
**To:** CDS Planning Local Review Body  
**Subject:** LRB 2023-53 OBJECTION

**Follow Up Flag:** Follow up  
**Due By:** 16 January 2024 10:00  
**Flag Status:** Flagged

**CAUTION:** This email originated from an external organisation. Do not follow guidance, click links, or open attachments unless you have verified the sender and know the content is safe.

No 4 Knowehead House - Notice of Review to PKC Local Review Body - LRB 2023-53

I am objecting to the appeal lodged by mr Lee Deans / Deans Retreats regarding change of use to Number 4 Knowehead House, Dundee Road, Perth PH2 7EY  
All my original objections stand and are relevant to the appeal.

### **SECURITY**

Since the original application there continues to be a very constant stream of guests staying at Number 4 KnoweheadHouse. The duration of stay varies from one night to two and the number of guests per stay varies from 2 to upwards of 6. This means on any given day at any given time we have total strangers accessing our property, using our communal car park, communal entrance, communal hallway and communal staircase. As highlighted previously access is gained by a key box located on the outside of the house adding another level of security risk. The permanent never know from one day to the next who we might encounter in our own home environment, what these people will be like or whether they will have any respect for the property or the people who actually live here.

### **ANTISOCIAL BEHAVIOUR**

Given the transitory nature of Airbnb guests there is little regard for consideration of others and the residents are regularly subjected to litter in the carpark, cigarettes thrown from the balcony of No 4, noise from frequent parties and hot tub use on the balcony. Guests pay no regard to litter and the council required appropriate disposal where of and do not seem to care if other residents are disturbed at all hours by food delivery operators going to the incorrect apartment. It seems when guests are staying a brief period in a property and are there for holiday, to celebrate a birthday, a party etclittle or no regard is paid to anyone else in the vicinity.

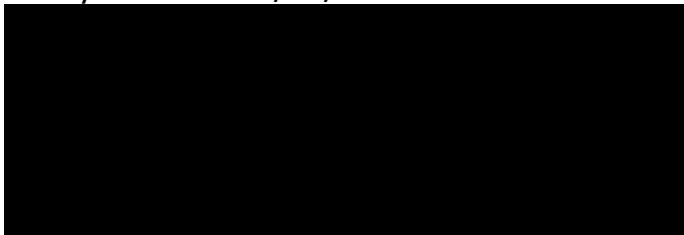
### **MANAGEMENT**

Mr Lee Deans from Deans Retreats has made it clear on several occasions that he holds the other owners at Knowehead House in little regard. He considers the residents committee as a 'silly little committee', has only attended two out of a relevant 9 meetings, and appears not to think any decisions made by the committee have any bearing on him despite the fact that the title deeds clearly indicate that all owners must abide by the majority decisions.

**RESIDENTIAL VS COMMERCIAL**

I can only reiterate that the residential nature of KnoweheadHouse is completely incompatible with the intensive commercial activity of Deans Retreats in operating No 4 as a full time Airbnb

Jenny Jameson 11/01/24





**POS REFERENCE: -  
POS-P-0074**

**OBJECTION REVIEW TO PLANNING APPLICATION**

**REFERENCE: - 23/01040/FLL**

**ADDRESS: - 4 Knowehead House Dundee Road  
Perth PH2 7EY**

**APPLICATION DESCRIPTION: - Change of use of  
flat to form short-term let accommodation unit (in  
retrospect)**



<b>Document Preparation</b>		
Prepared for	Contact Details	
Jack Dale, Alexander and Jenny Jameson, Sathya Samiappan	Residents of [REDACTED] [REDACTED]	

Prepared by	Qualifications	Title
J Russell	MRTPI AssocRICS	Director

Approved by	Qualifications	Title
J Russell	MRTPI AssocRICS	Director

<b>Document Control</b>		
Issue	Date	Version
1	29-11-2023	Draft
2	12-01-2024	Final

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## **Executive Summary**

This objection supports the Planning Case Officer's Decision to refuse planning application 23/01040/FLL for the change of use of a flat to form short-term let accommodation unit at 4 Knowehead House, Dundee Road, Perth PH2 7EY.

## Validation Issues/Concerns

- The application does not meet the Heads of Planning Scotland (HOPS) - Validation Guidance standards.
- The submitted location plan is out of date, does not accurately depict the footprint of property or include surrounding property names and numbers.
- The submitted floor plans do not include or illustrate the communal areas of Knowehead, which is necessary to understand the relationship of the proposed short-term let apartment with communal areas and other residential apartments.

## Main Planning Issues/Concerns

- The short-term let accommodation is utilised as a 'party flat' and has led to a significant loss of residential amenity, unacceptable noise issues and increased anti-social behaviour contrary to NPF4 Policy 23 Health and Safety and PKC LDP2 Policy 56: Noise Pollution.
- The high frequency of transient occupiers results in an intrusion to the communal reception area.
- The short-term let has put pressure on the communal parking.
- The waste management arrangements are inadequate which impacts the permanent residents' communal bins and recycling efforts (red tags).
- The local economic benefits associated with the use are minimal and do not warrant the adverse impacts on residential amenity currently experienced by residents. The proposal is contrary to NPF4 Policy 30 Tourism and PKC LDP2 Policy 17: Residential Areas.

The short-term let accommodation and amenities mean it is utilised as a party flat. The planning authority has previously pursued enforcement action against a party house at Locherlour Farm, Ochtertyre, PH7 4JS - 09/00351/ALUNDV. A similar stance should be deployed here to cease the harmful unauthorised use.



## **1.0 INTRODUCTION**

- 1.1 Planning Objections Scotland has been instructed to review application 23/01040/FLL and provide commentary in anticipation of an appeal to the Local Review Body following the Planning Authority's delegated decision to refuse permission for a short-term let at 4 Knowehead House.
- 1.2 The review has been commissioned to ensure full details are provided by the applicant/agent as required by legislation and regulations. This is to ensure that the Local Review Body has full details so the application can be assessed in a holistic manner. Our clients have also asked for commentary on the proposal's relationship with the Development Plan as well as material considerations based on the information submitted to date.
- 1.3 It is clear from the review below that the application contains errors, omissions and lacks information. A comprehensive assessment of the application cannot be undertaken and, on this basis, the Local Review Body should refuse the application.
- 1.4 For the avoidance of doubt, our client's ability to make subsequent representation on any subsequent submissions by the appellant are reserved.

## **2.0 THE APPLICATION - ERRORS, OMISSIONS AND LACK OF INFORMATION THE APPLICATION SHOULD NOT HAVE BEEN VALIDATED.**

- 2.1 The Heads of Planning Scotland (HOPS) – Validation Guidance Note sets out the national standard for the validation and determination of planning applications and other related consents. The application has been reviewed against this guidance note and it is clear that the submission falls below the required standards and as a consequence this application should not have been validated.

## **Concerns with the Drawings**

### Location Plan(s)

- 2.2 The HOPS validation standard on location plans (see section 4 paragraphs 4.1 to 4.5 confirms: -
- 2.3 *A single location plan produced to a scale of either 1:1250 or 1:2500 will normally be required to be submitted with your application. Depending on the location of your application a supplementary location plan may also be required to be submitted with your application.*
- 2.4 *The purpose of the location plan is to clearly define the extent of the application site in relation to its surroundings and also to provide sufficient detail in order for ourselves or any other interested party to be able to locate the application site and, as such, the plans submitted should typically be Ordnance Survey based.*
- 2.5 *If the submitted plan is Ordnance Survey based, it should contain the relevant copyright and licensing information to demonstrate that the plan has been legally sourced. If the submitted plan is not Ordnance Survey based it should be clearly stated on the plan and also contain an acknowledgement as to where it was sourced.*
- 2.6 *The location plan produced to either of these scales should show the following: -*
- *The application site boundary accurately outlined in RED*
  - *Any other surrounding land under the same ownership as the application site outlined in BLUE*
  - *Surrounding road names/numbers*
  - *All surrounding property names/numbers*
  - *The direction of north clearly indicated*
  - *A copyright disclaimer/acknowledgement relating to the source of the plan*

- *An accurate scale bar*

2.7 The submitted location plan has been reviewed and it fails to meet the above validation criteria.

- There is no copyright disclaimer acknowledging the source of the location plan, whether it is ordnance survey based and if it has been legally sourced. Furthermore the location plan is out of date, it does not accurately depict the footprint of the property to the South named the Manse of St Marks (Dalvay and Lower Dlavay).
- Additionally, surrounding property names and numbers are not included on the plan.

2.8 An updated location plan is required.

Site Plan(s)/Block Plan(s)

2.9 The HOPS standard on Site Plan(s)/Block Plan(s) (see section 6 paragraphs 6.1 to 6.3 confirms: -

2.10 *A proposed site plan will be required in all instances where the proposals involve development on the ground regardless of their proposed purpose. Depending on the nature of the proposals it may also be required to submit a copy of an existing site plan. However, your local Planning office will be able to advise if this will be necessary. A site plan produced to a scale of 1:100, 1:200 or 1:500 will be acceptable. Site plans are required as they provide a more detailed and accurate overview of the application site in terms of the area to be occupied by your proposals and their relationship to their surroundings.*

2.11 *As noted above, the following list of what should be shown on your site plan will not be required in every case and as such reference should be made to the separate guidance available covering your particular type of proposal. The submission of part site plans may also be required under*

*certain circumstance, such as large sites where the actual areas of works are remote from each other. Contact with your local Planning office is highly recommended should you be considering submitting only a part site plan.*

**2.12** *The following list along with the example plan shown in figure 9 on the next page indicates what may be asked for and how it should be shown:*

- 1. Produced to a scale of either 1:100, 1:200 or 1:500*
- 2. Application site boundary outlined in RED*
- 3. Any surrounding land owned or controlled by the applicant outlined in BLUE*
- 4. The direction of north*
- 5. An accurate scale bar*
- 6. All land and buildings located within a 20 metre radius of the application site boundary identified*
- 7. The accurate footprint/roof plan profile of all existing and proposed buildings and structures located within the application site with appropriate annotation to identify them*
- 8. The extent and type of any hard surfacing with the application site boundary identified. Where this is proposed rather than existing this should be clearly stated*
- 9. A note of any boundary treatments such as walls and fences including their height. Where these are proposed rather than existing this should be clearly stated*
- 10. The access arrangements (vehicular and pedestrian) to the application site should be clearly shown*
- 11. A written dimension showing the distance from any part of your proposals to any part of the application site boundary. Note that if you are proposing multiple buildings or structures then a written dimension will be required from each*
- 12. Areas of hard and soft landscaping clearly defined*
- 13. If connection to an existing private water supply or private drainage system is proposed then the connection point to the*

*supply or system should be clearly annotated within the application site outlined in RED*

*14. Where a completely new private water supply or private drainage system is proposed then the full details of the supply or system should be clearly annotated within the application site outlined in RED. This is also the case for alterations/upgrading works to such supplies or systems*

2.13 The submitted block plan has been reviewed and it fails to meet the above validation criteria: -

- There are no written dimensions on the block plan. The accuracy of the drawing cannot be verified.

2.14 It is also worth noting that the requirement for accurate dimensions to be shown on plans is discussed in the following Scottish Public Services Ombudsman investigation of Glasgow City Council (see Appendix POS 2.1.2).

#### Floor Plan(s)

2.15 Section 8 of the HOPS validation document relates to Floor Plans this notes: -

2.16 *Both existing and proposed floor plans may be required depending on the type of development you are proposing but generally scaled existing and proposed floor plans will be required for applications covering developments which affect existing buildings such as extensions or changes of use and where wholly new buildings are proposed. More details on what should be shown on these plans can be found under the two headings below. In exceptional circumstances full floor plans will not be required and can be substituted for parts or unscaled floor plans. You should refer to the relevant guidance note covering the specific type of development type.*

2.17 *It is essential that when producing the floor plans to ensure that the detail shown is accurate between the existing and proposed versions and that the details shown also correspond with any required elevations, roof plans site plans as these plans are all cross referenced with each other by the planning authority.*

2.18 *Proposed floor plans should be produced to a scale of either 1:50 or 1:100 and show the following details: -*

- *All window and door openings*
- *All internal room divisions including note of their current use*
- *Clearly show the extent of any proposed demolitions*
- *Clearly show the footprint of any proposed extension or free standing building*
- *An accurate scale bar*

2.19 The submitted Floor Plan has been reviewed: -

- The floor plans do not include or illustrate the communal areas of Knowehead. Detailed floor plans should be provided to illustrate the relationship of the proposed short-term let apartment with communal areas and how this relates to other residential apartments.

### **3.0 LEGAL REQUIREMENTS ASSOCIATED WITH THE PLANNING APPLICATION ASSESSMENT**

3.1 Sections 25 and 37(2) of the Town and Country Planning (Scotland) Act 1997 require that planning decisions be made in accordance with the development plan unless material considerations indicate otherwise.

3.2 The operation of section 25 of the Act was given consideration in The House of Lord's judgement on City of Edinburgh Council v the Secretary

of State for Scotland (1998). If a proposal accords with the development plan and there are no material considerations indicating that it should be refused, permission should be granted. If the proposal does not accord with the development plan, it should be refused unless there are material considerations indicating that it should be granted. The judgement also set out the following approach to deciding an application:

- Identify any provisions of the development plan which are relevant to the decision,
- Interpret them carefully, looking at the aims and objectives of the plan as well as detailed wording of policies,
- Consider whether or not the proposal accords with the development plan,
- Identify and consider relevant material considerations for and against the proposal, and
- Assess whether these considerations warrant a departure from the development plan.

### **The Development Plan**

3.3 The Development Plan comprises NPF4 and the Adopted Glasgow City Development Plan (2017). The main applicable policies associated with this change of house type proposal are as follows:-

#### National planning Framework 4 (NPF 4)

- Policy 7. Historic assets and places
- Policy 13. Sustainable transport
- Policy 14. Design, quality and place
- Policy 23. Health and safety
- Policy 30. Tourism

Adopted Perth and Kinross Local Development Plan 2 (PKC LDP2)

- Policy 1A: Placemaking
- Policy 1B: Placemaking
- Policy 17: Residential Areas
- Policy 27A: Listed Buildings
- Policy 28A: Conservation Areas : New Development
- Policy 56: Noise Pollution
- Policy 60B: Transport Standards and Accessibility Requirements:  
New Development Proposals

**Material Considerations**

3.4 From a review of case law there are two main tests in deciding whether a consideration is material and relevant:

- It should serve or be related to the purpose of planning. It should therefore relate to the development and use of land, and
- It should relate to the particular application.

3.5 The following material considerations are applicable in the assessment of the Planning Application: -

- Tourism Development Framework for Scotland (2016)
- The National Roads Development Guide
- PAN 51 Planning, environmental protection and regulation
- PAN 1/2011: Planning and Noise
- Edinburgh; 'Economic Impact of Residential and ShortTerm Let Properties in Edinburgh' (the Economic Report).

3.6 The Local Review Bodies consideration of the appeal should take account of and assess all the relevant planning policies as well as the material considerations as required by the House of Lord Judgement and



as detailed in the following maladministration cases POS 4.1.2 and POS 4.1.3.

**Current adverse impacts experienced by residents of Knowehead and the wider neighbourhood from the short-term operation of the site.**

- 3.7 General loss of residential amenity - The use of the flatted apartment as Short Term Let accommodation has increased the frequency of movement to the property. The short-term let has sleeping arrangements for six people. This results in a considerable churn with visitors arriving and leaving the premises on a regular basis throughout the year in a manner dissimilar to that of permanent residents. Guests come and go frequently throughout the day and night, and these transient visitors have less regard for neighbours' when using the communal stairwell to access the property.
- 3.8 Anti Social Behaviour - The facilities at the short-term let (external roof terrace with hot tub and sleeping arrangements for six people) results in the gathering of groups. Parties occur at the premises resulting in noise and anti-social behaviour to the detriment of adjoining properties residential amenity. It is worth referring to the Council's planning enforcement investigation and action taken associated with the 'party house' at Locherlour Farm Ochertyre Crieff PH7 4JS | 09/00351/ALUNDV. This apartment is a 'party flat' and on this basis planning enforcement should pursue the cessation of the unauthorised use of the short-term let.
- 3.9 Waste Management - The existing waste management arrangements for the short-term let are inadequate and result in residents utilising the resident's communal bins/recycling infrastructure. Waste is not segregated by the transient residents of the short-term let. This results in the residents having to sort the short-term let waste to ensure they are not red tagged.

## **Proposals relationship to the Development Plans**

- 3.10 The primary NPF4 policies that are applicable to the assessment of this proposal are Policy 23 Health and Safety and Policy 30 Tourism. Policies 7. Historic assets and places and 14. Design, quality and place also have relevance. Commentary is also provided on the proposal's relationship with the adopted Perth and Kinross Local Development Plan 2 (PKCLDP2).

### NPF4 Policy 23. Health and Safety

### PKC LDP2 Policy 56: Noise Pollution

- 3.11 This policy seeks to protect people and places from environmental harm, mitigate risks arising from safety hazards and encourage, promote and facilitate development that improves health and wellbeing.
- 3.12 Criterion 23b confirms that development proposals which are likely to have a significant adverse effect on health will not be supported.
- 3.13 While criterion 23e notes that development proposals that are likely to raise unacceptable noise issues will not be supported. A Noise Impact Assessment may be required where the nature of the proposal or its location suggests that significant effects are likely. While further advice on noise related uses and enforcement proceedings is also contained within PAN 51 Planning, environmental protection and regulation as well as PAN 1/2011: Planning and Noise.
- 3.14 Paragraph 3.7, 3.8 and 3.9 confirm that neighbouring residents are already experiencing a significant loss in residential amenity and health contrary to Policy 23b. Unacceptable noise issues arise from the day-to-day operation of the short-term let accommodation and the adverse impacts are substantially exacerbated when groups occupy the

property resulting in parties and anti-social behaviour contrary to NPF4 Policy 23e and PKC LDP2 Policy 56: Noise Pollution.

NPF4 Policy 30. Tourism

PKC LDP2 Policy 17: Residential Areas

- 3.15 NPF 4 Policy 30 in general seeks to encourage, promote and facilitate sustainable tourism development which benefits local people, is consistent with Scotland's net zero and nature commitments, and inspires people to visit Scotland.
- 3.16 Criterion 30b confirms that proposals for tourism related development will take into account:
- i. The contribution made to the local economy;
  - ii. Compatibility with the surrounding area in terms of the nature and scale of the activity and impacts of increased visitors;
  - iii. Impacts on communities, for example by hindering the provision of homes and services for local people;
  - iv. Opportunities for sustainable travel and appropriate management of parking and traffic generation and scope for sustaining public transport services particularly in rural areas;
  - v. Accessibility for disabled people;
  - vi. Measures taken to minimise carbon emissions;
  - vii. Opportunities to provide access to the natural environment.
- 3.17 The applicant's justification statement refers to the benefits of short term let accommodation but fails to mention any economic reports or studies, such as the 'Economic Impact of Residential and ShortTerm Let Properties in Edinburgh' (the Economic Report).
- 3.18 This report considered the economic impact of various types of properties in Edinburgh if used as a residential property as opposed to being used for short-term holiday lettings. The Economic Report showed that there

are positive economic impacts from the use of properties for both residential use and short-term let use. The Report found that in general the gross value added (GVA) effects are greater for residential uses than short term lets across all property types and all areas.

- 3.19 While the Economic Report considered the generalities rather than the specifics of individual cases and is based on an Edinburgh context it does illustrate that there are economic benefits associated with keeping accommodation in residential use.
- 3.20 While the generic economic advice referenced in the applicant's supporting statement and the Edinburgh Economic Report are useful to understand high level findings. Ultimately the weight attached to local economic benefits need to be looked at on an individual basis. In this case, site specific economic benefits associated with the use have not been detailed. As it stands the contribution to the local economy is not considered to be significant and certainly does not warrant the adverse impacts on residential amenity currently experienced by residents. The proposal is contrary to NPF4 Policy 30bi and 3bii.
- 3.21 Criterion 30e specifically relates to STL proposals. It notes that 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.
- 3.22 Conflicts with both these criteria have been discussed in the paragraphs above. The proposal does not comply with NPF4's policy on Short Term Lets, it is contrary to Policy 30ei and 30eii.

- 3.23 PKC LDP2 Policy 17: Residential Areas identifies areas of residential and compatible uses inside settlement boundaries where existing residential amenity will be protected and where possible improved. The proposal also fails to comply with LDP2 Policy 17.

NPF4 Policy 13. Sustainable transport

PKC LDP2 Policy 60B: Transport Standards and Accessibility

Requirements: New Development Proposals

- 3.24 There are two allocated car parking spaces for 4 Knowehead House. These are located within the curtilage of the listed building which is set behind a high stone boundary wall and gated vehicular access. The short term let has resulted in an intensification of use with transient occupants using the private car parking area.
- 3.25 The short term let property has been arranged to accommodate up to six guests. This puts pressure on the private car park. There are no barriers to restrict guests from using resident spaces. The use of the private parking space by guests staying at the property would reduce its availability for other residents of the development, adversely impacting on their amenity. A similar conclusion was reached in PPA-340-2155, see POS 1.0.
- 3.26 Knowehead residents are already experiencing traffic related problems; the proposal conflicts with the aims contained within NPF4 Policy 13 as well as PKC LDP2 Policy 60B: Transport Standards and Accessibility Requirements.

NPF4 Policy 14. Design, quality and place

PKC LDP2 Policy 1A: Placemaking, Policy 1B: Placemaking and Policy 17: Residential Areas

- 3.27 NPF4 Policy 14: Design, Quality and Place supports proposals, including business and tourism, which are compatible with the amenity and

character of the surrounding area, and consistent with the six qualities of successful places. The six qualities of successful places also feature within AGDP CDP01 - The Placemaking Principle.

- 3.28 As set out in paragraphs 3.7 to 3.26 the proposal is not compatible with the amenity and character of the area. The proposal is not considered to improve the quality of the area contrary to NPF4 Policy 14a and PKC LDP2 Policy 1A: Placemaking.
- 3.29 The proposal is inconsistent with the six qualities of successful places. It conflicts with quality 1 Health; as it does not support lifelong wellbeing, social connectivity or create an environmentally positive place. It conflicts with quality 2 Pleasant; it is not designed for positive social interaction, it does not create attractive and welcoming surroundings as it fails to mitigate noise pollution for the short term use which in turn limits existing residents enjoyment of their surroundings.
- 3.30 PKC LDP2 Policy 1B: Placemaking sets out numerous criteria the proposal should meet. As explained under paragraph 3.9 the waste management arrangements are unsatisfactory. The proposal does not comply with Policy 1B (i).

#### **4.0 LEGAL IMPLICATIONS (not applicable to the Planning Assessment)**

##### Building Warrant

- 4.1 Changing the use to a roof terrace might cause the structure to fail because of heavier loads imposed by more people and furniture. In all cases the roof and supporting structure – any lintels or supporting beams over windows/openings foundations – should be assessed by a qualified and experienced structural engineer as being suitable for the use as a balcony/terrace floor before the modified use is brought into use.

- 4.2 Our client's understanding is that no report has been undertaken and no warrant is in place to deal with the additional loading from the hot tub to the roof. There also appears to be issues with the placement of the hot tub and its relationship to the parapet wall/glass balustrade which requires investigation by PKC Building Standards.

## **5.0 HUMAN RIGHT IMPLICATIONS**

- 5.1 This proposal has potential Human Right implications for neighbours in terms of alleged interference with privacy, home or family life (Article 8) and peaceful enjoyment of their possessions (First Protocol, Article 1).
- 5.2 Planning Objections Scotland is of the view that refusal of the application and seeking the cessation of the use via planning enforcement powers is the only measures that can be deployed to ensure compliance with the Human Right Act. Proceeding on this basis would constitute a justified and proportionate control of the use of property and is necessary in the public interest to ensure there is no interference with Article 8 and First Protocol, Article 1.

## **6.0 CONCLUSION**

- 6.1 The errors, omissions and lack of information associated with this submission identified within section 2.0 of this report means the application should be refused.
- 6.2 The issues identified within section 3.0 of this report confirms the planning application fails to comply with NPF4, the Perth and Kinross Local Development Plan 2 (PKC LDP2) and there are no material considerations of significant weight that would warrant approval of the application.
- 6.3 Taking the above into account Planning Objections Scotland respectfully requests the Local Review Body uphold the refusal and apply further

reasons for refusal to assist PKC Planning Enforcement and PKC Licensing to ensure the cessation of this unauthorised use.



# PLANNING OBJECTIONS SCOTLAND



POS\_1.0\_Merlin House, Perth Road,  
Birnam | PPA-340-2155





## Appeal Decision Notice

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Decision by Ailie Callan, a Reporter appointed by the Scottish Ministers

- Planning appeal reference: PPA-340-2155
- Site address: Flat 1 Merlin House, Perth Road, Birnam, Dunkeld, PH8 0AA
- Appeal by Ms Elizabeth-Anne Neil and Mr Christopher Neil against the decision by Perth and Kinross Council
- Application for planning permission 22/01905/FLL dated 26 October 2022 refused by notice dated 24 March 2023
- The development proposed: change of use of flat from permanent residential use to short term letting use
- Date of site visit by Reporter: 8 August 2023

Date of appeal decision: 1 September 2023

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### Decision

I dismiss the appeal and refuse planning permission.

### Reasoning

1. I am required to determine this appeal in accordance with the development plan, unless material considerations indicate otherwise. The development plan for this site is comprised of the National Planning Framework 4 (NPF4), adopted 13 February 2023, and the Perth and Kinross Local Development Plan 2 (PKCLDP) adopted 29 November 2019 and its associated supplementary guidance.
2. The proposal is for the change of use of an existing two bedroom residential flat to a short term let accommodation unit. Having regard to the development plan, the key matter for consideration in this appeal is whether the proposed use would be compatible with or have an adverse impact on the character and amenity of the neighbouring residential properties. I consider that the most relevant development plan policies for this case are policy 30 (tourism) of NPF4 and policy 17 (residential areas) of the PKCLDP.
3. The appeal property forms the self contained upper floor of a two-storey purpose built apartment building. It is accessed through a ground floor door on the front elevation of the building. This opens to a small lobby with a cupboard and a flight of stairs leading to an upper hall and inner front door of the appeal property. The property has a designated parking space to the east of the building. It also has sole use of a small fenced off drying area to the north of the parking space. The ground floor flat, 2 Merlin House, has a separate front door located on the west side of the building.
4. Merlin House forms part of a courtyard development with two other two-storey buildings, each building accommodating two flats. The arrangement of the buildings within the development provides for a quiet, private enclosed courtyard with central parking area. Kestrel House to the south of the appeal site and Osprey House to the south east front on

to Perth Road with Merlin House located to the rear of the site. The proposal would not change the access to the site, which is located between Kestrel House and Osprey house, or the central courtyard car parking. Eight parking spaces are provided; seven spaces allocated to properties and one shared visitor space.

5. As the proposal comprises of the reuse of an existing building for short term let accommodation, it would only be supported by part e) of policy 30 of NPF4 if it would not result in i) an unacceptable impact on local amenity or character of a neighbourhood area, or ii) where the loss of residential accommodation would be outweighed by a demonstrable local economic benefit. Part d) of policy 17 of the PKCLDP similarly requires tourism proposals to be compatible with the amenity and character of the residential area.

6. A number of objections were raised relating to the potential for noise and disruption to residents as a result of the proposed use. The appellants provided research which indicated that, in general, there are few incidences of anti-social behaviour associated with short term let accommodation use. However, impacts on amenity and character are not limited to recorded incidences of anti-social behaviour.

7. The appellants confirmed that the property would be occupied for stays of three nights and above. The noise and frequency of movements associated with a succession of guests arriving and leaving, including the movement of luggage and vehicles associated with guests and changeovers between guests, would not be typical of normal residential use. Having regard to the characteristics of the locality, I consider that this intensification of use and movements would adversely impact the amenity of the neighbouring residents and would alter the existing private residential character of the courtyard.

8. The appellants intend to control bookings and the demographic of guests; however, this cannot be controlled by planning condition. They also intend to use noise level monitors, a local greeting service and to be contactable by telephone in the case of any disruptive behaviour by guests. However, these measures would not guarantee to stop or prevent such behaviour from occurring or from impacting adversely on the amenity of permanent residents. The proposed management arrangements or ownership may change in the future and as such cannot be relied upon as a means to restrict or control potential adverse impacts on neighbouring properties. Furthermore, harm to amenity could arise even if there was effective control, due to the frequent turnover of guests.

9. I saw that the property had been arranged to accommodate up to four people with a double bed set up in each of the two bedrooms. It would not be inconceivable for more than one car to be used by guests staying at the property. Although the visitor parking space is identified for use by all residents in the development, it is located beside the parking space for 1 Merlin House and there are no barriers to restrict guests from using the space. The use of the parking space by guests staying at the property would reduce its availability for all other residents of the development, adversely impacting on their amenity.

10. The appellants submitted a green travel plan to encourage guests to use forms of transport other than cars. However, I do not consider that it, or the encouragement to park elsewhere in Birnam and Dunkeld, would be a reliable solution to the potential issues relating to parking at the development. In addition, I saw that the bicycle parking area identified on the submitted site plan was not in place and there were no other secure bicycle parking areas provided within the site.

11. Taking all of this together, I consider that the proposed short term let accommodation use would be incompatible with the current residential development. The potential for

increased noise or disruptive behaviour together with the potential likelihood of parking issues would adversely impact on the amenity of neighbours. Further, the introduction of a short term let accommodation activity within the site would alter the character of the development as a private, enclosed residential area. For these reasons, the proposal would not comply with clause i) of part e) of NPF4 policy 30 or with part d) of policy 17 of the PKCLDP.

12. With regards to clause ii) of part e) of policy 30, the appellants provided evidence relating to the contribution similar types of accommodation make towards supporting tourism in Birnam. However, having read this information I consider that the contribution that could be made to the economy from a single property would be limited. In addition, I consider that the removal of one residential property from the housing market would have a similar, limited impact. On this basis, the proposal would result in a balanced outcome rather than a demonstrable local economic benefit outweighing the loss of the residential property. As such, it would not satisfy clause ii) of part e) of policy 30 in NPF4.

#### Other matters

13. The appellants have referred me to other applications for short term let accommodation proposals in Birnam. Based on the information provided to me, I do not consider the circumstances of those applications to be so similar that I am bound to reach the same conclusion. In any case, I am required to consider this appeal on its own merit.

14. A number of objections were made to the proposal on the basis that it would contribute to an existing declining need for community facilities and services. However, based on the information before me, I am satisfied that the impact on demand for facilities and services such as schools or health services arising from the change of use of one residential property would be limited.

15. The council provided its draft non-statutory planning guidance relating to change of use of residential property to short term lets. Having read the draft guidance, I note that none of the criteria would apply to the proposal to allow planning permission to be granted under the terms of the guidance. However, as this guidance has not yet been formally adopted, only very limited regard can be given to it.

#### Conclusion

16. I therefore conclude, for the reasons set out above, that the proposed development does not accord overall with the relevant provisions of the development plan and that there are no material considerations which would still justify granting planning permission.

17. I have considered all the other matters raised, but there are none which would lead me to alter my conclusions.

*Ailie Callan*

Reporter

# PLANNING OBJECTIONS SCOTLAND



POS\_2.1.2\_SPSO\_201605668\_Glasgow\_City  
\_Council\_(dimensions, scale on plans)



RTPI Member No. 47188



## SPSO decision report

**Case:** 201605668, Glasgow City Council  
**Sector:** local government  
**Subject:** handling of application (complaints by opponents)  
**Decision:** some upheld, recommendations

### Summary

Mr C lives in a conservation area. An application for planning permission for external alterations to a property neighbouring his was submitted to the council. The proposal was to increase the height of the roof of an existing utility building and associated works to create additional living space. Mr C submitted objections to the proposal. The council produced a report of handling of the application and granted full planning permission subject to conditions. The first of these was that the development had to be implemented in accordance with the approved drawings.

Mr C was concerned that the council's decision had been procedurally flawed and based on inaccurate information. He complained to the council about this. At both stages of the council's complaints procedure the responses stated their conclusions that the decision had been taken properly and on the basis of accurate information. Mr C was dissatisfied with these responses and raised his complaints with us.

We upheld Mr C's complaints that statements in the report were inaccurate (specifically statements that the pitch of the roof 'will match' the main house and that the rooflights will be 'invisible from a public area'); that the approved drawings associated with the application did not contain sufficient written dimensions to ensure that the precise location and scale of what was being proposed was clear; and that the council did not respond reasonably to some of Mr C's complaints. We did not uphold complaints that the evaluation of the application against relevant guidance was unreasonable or that the inadequacies of the report of handling meant that the decision on the application was unreasonable.

### Recommendations

What we asked the organisation to do in this case:

- Apologise to Mr C that they did not respond reasonably to some of his complaints about the handling of the application.
- Provide Mr C with a direct response to his complaint.
- Amend the approved drawings for the application to ensure the precise location and scale of what was being proposed, and has been approved, is clear.

What we said should change to put things right in future:

- Relevant council staff should be reminded that statements of fact in reports of handling should be accurate.
- Relevant council staff should be reminded that approved drawings should be adequately dimensioned to ensure the precise location and scale of what is being proposed is clear.

In relation to complaints handling, we recommended:

- Relevant council staff should be reminded that issues raised in complaints should be directly responded to.

We have asked the organisation to provide us with evidence that they have implemented the recommendations we have made on this case by the deadline we set.

POS Reference 2.1.2

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<https://www.spsso.org.uk/decision-reports/2017/december/decision-report-201605668-201605668>

# PLANNING OBJECTIONS SCOTLAND



**POS\_4.1.2\_SPSO\_ 201606059\_Edinburgh  
City\_Council (failure to take account of  
applicable development plan policy)**



RTPI Member No. 47188





## SPSO decision report

**Case:** 201606059, The City of Edinburgh Council  
**Sector:** local government  
**Subject:** handling of application (complaints by opponents)  
**Decision:** some upheld, recommendations

### Summary

Mr C complained about the council's handling of a planning application. In particular that the council had failed to consider their waterside development policy (policy Des 9), had failed to consult with the Scottish Environment Protection Agency (SEPA) and had unreasonably accepted that works for the planning application were initiated on time. Mr C also complained about the council's communication with him.

We took independent planning advice. We found that that policy Des 9 should have been referred to in the report of handling (a report containing information on a planning application). It was not possible to know whether this policy had been taken into consideration during the processing of the planning application, as was required. We also found that it was not possible to say whether consideration of policy Des 9 would have resulted in a different outcome. We upheld this aspect of the complaint.

We also found that SEPA should have been consulted and we upheld this aspect of the complaint.

We did not find any evidence that the council had unreasonably accepted that works for the planning application were initiated on time and we did not uphold this part of the complaint.

Regarding communication, we found that some of the issues raised by Mr C had been not been adequately addressed, however, other issues raised by him had been reasonably clarified. We were concerned that a further response letter had had to be issued to Mr C. The council had accepted that there had been a delay in responding and that Mr C should not have had to submit a formal complaint to prompt a full response to his enquiries. We upheld this aspect of the complaint.

### Recommendations

What we said should change to put things right in future:

- Development plan policies relevant to the processing of any particular application should be referenced in the report of handling.
- Where a statutory consultation appears to be required as part of the processing of a planning application, but has not taken place, this should be explained in the report of handling.

# PLANNING OBJECTIONS SCOTLAND



## POS\_4.1.3\_SPSO\_201605227 The\_City\_of\_Edinburgh\_Council (Policy and Material considerations)



RTPI Member No. 47188



## SPSO decision report

**Case:** 201605227, The City of Edinburgh Council  
**Sector:** local government  
**Subject:** handling of application (complaints by opponents)  
**Decision:** upheld, recommendations

### Summary

Mr C complained about the council's handling of a planning application to extend a restaurant near his home. Mr C was concerned that a parking policy had not been taken into account when determining the application and that the planning service had not waited on a consultation response from the roads service at the council before approving the application. During their own consideration of the case, the council accepted that parking had not been covered in the planning officer's report for the application and they apologised for this failing.

We took independent advice from a planning adviser. We found that there was no evidence that the relevant policy for parking had been considered when determining the planning application. While there was no statutory requirement to await a roads service consultation response before determining the application, the advice we received highlighted that proceeding without all the relevant information was a key shortcoming. However, there was no evidence that proceeding without the consultation response made any difference to the council's decision to approve the application. On balance, we upheld the complaint. However, based on the advice we received, we did not consider that there was any further action that the council were required to take in respect of the application. We did make a recommendation to ensure that material considerations and relevant policies are taken into account when determining a planning application in the future.

### Recommendations

What we said should change to put things right in future:

- All material considerations should be taken into account when determining a planning application. The correct policies should be identified and referenced in the report of handling.

We have asked the organisation to provide us with evidence that they have implemented the recommendations we have made on this case by the deadline we set.

POS Reference:- 4.1.3

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<https://www.spso.org.uk/decision-reports/2017/may/decision-report-201508154-201508154>

Summary of objection to the Airbnb activities at 4 Knowehead house , Dundee road , Perth , PH27EY

1. [REDACTED] The Flat-4 is used for airbnb and attract the guest who like to party. The host do encourage partying in the flat despite the house rules says no partying. It is always 6 people partying right on my roof . I can't have an unbroken sleep most nights because of the amount of noise the guest makes. - **Lee refuses to put a sound monitor outside on the balcony and therefore has no idea what noise is made or parties take place on the my roof.**
2. There were instances I have to go to downstairs bedroom to sleep because of the noise they make. It is an old building with wooden floors so when people walk upstairs you could hear it just imagine people getting drunk howling , shouting and running . My point is these guest don't know the building well so don't pay any attention to these . If someone lives long term they will be considerate to the neighbours and respect their peace.
3. People keep the hot tub on even after 10pm and it is a quite big hot tub sitting above my bedroom . It makes awful noise inside my house . I personally feel when installing such a commercial grade hot tub to a private residential property neighbours opinion should have sought and it should be made sure it is not going to cause any disturbance to them. But I don't think Mr Lee or his associates in the business checked with us. Also despite making a strong complaint against this till date never bothered to ask about the noise their hot tub making. This explains how much respect the dean's retreat have for their neighbours.
4. The guest also throw the rubbishes and cigarettes in my garden and entrance . They have smashed a glass bottle in the common walk way and threw the beer cans in the private car park on the new year . We could have easily stepped on it causing an injury . Every time a new trouble and issues arises . None of the earlier concern were discussed by Mr Lee Deans with us and also seems like he is not interested as he doesn't turn up for the Owner's meeting don't think whatever his guest were doing is wrong. I really don't see anything have changed in the operation of the airbnb from before to go for an appeal sadly it is getting worse with antisocial behaviour from the guest.
5. I am doctor by profession and need my time in home to rest and get ready for my next day .with the airbnb business my sleep is affected and going through a stressful situation. This was discussed with my line manager and the RCGP referred me for occupational health . I can submit the proof if needed. It is affecting my health , work , life and career. I bought this flat with lot of expectation . All my neighbours were pleasant other than flat-04. I kindly request the council to consider the other residents point when looking into Mr Lee Dean's appeal. Thanking You.
6. **This antisocial behaviour is bad in our quiet residential building and must be against planning policy.**

## CDS Planning Local Review Body

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**From:** Andrew Wood [REDACTED]  
**Sent:** 14 January 2024 20:54  
**To:** CDS Planning Local Review Body  
**Subject:** LRB 2023-53 Representation to LRB re the use of Knowehead House - Party Flat

**Follow Up Flag:** Follow up  
**Due By:** 16 January 2024 10:00  
**Flag Status:** Flagged

**CAUTION: This email originated from an external organisation. Do not follow guidance, click links, or open attachments unless you have verified the sender and know the content is safe.**

Dear Sirs

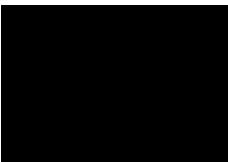
We are disappointed to note that since the committee determination of the August application for No 4 that there has been a continuation of the use at an intense level.

There are some key points we wish to bring to the committees attention;

1. This appeal is contrary to NPF 4 Policy 30 & PKC LDP2 Policy 17: Residential Areas and we understand that these policies remain enforceable and appropriate till the next local development plan is adopted.
2. NPF4 Policy 3 Health & Safety & PKC LDP2 Policy 56: Noise Pollution – These policies seek to protect people and places and reduce health & safety risks and encourage health & wellbeing
3. We believe PKC should be taking enforcement action against this Airbnb business given the continued use and the associated problems following the refusal of the retrospective planning application for change of use that was refused in August.
4. Short stay guests have less care and regard for near neighbours than longer term resulting in anti-social behaviour which is not compatible with this quiet residential area and conservation area.
5. There has been regular noise over the last few months from the Airbnb guests on the No.4 balcony sometimes later than 10pm and there is no control over this or the numbers involved.
6. The hot tub and the use of the balcony makes this a “party flat” for many of the Airbnb guests
7. This ongoing use does not justify the adverse impacts in residential amenity experienced by near neighbours.

Yours sincerely

Andrew and Rosemary Wood



## CDS Planning Local Review Body

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**From:** John Forbes [REDACTED]  
**Sent:** 14 January 2024 13:19  
**To:** CDS Planning Local Review Body  
**Subject:** Ref: 23/01040/FLL 4 Knowehead House, Dundee Road.

**Follow Up Flag:** Follow up  
**Due By:** 16 January 2024 10:00  
**Flag Status:** Flagged

CAUTION: This email originated from an external organisation. Do not follow guidance, click links, or open attachments unless you have verified the sender and know the content is safe.

Dear Lisa Simpson.

Thank you for your letter informing us about the above property.

Our view on the matter has not changed in the least. In fact it has been further fueled by the noise coming from this party flat over the festive period. We can tell you that it is just not acceptable to expect the residents or Neighbour's to be subjected to parties, music, screaming and shouting coming from this property.

I assume that your representatives would not like to live with this going on around them or if it was going on around elderly relatives. We are no different. Please take this serious matter into consideration.

We are hopeful that you will consider the well being of Mr Lee Deans Neighbour's while he himself is probably enjoying a quiet home.

I look forward to hearing the outcome.

Kind regards

Mr Forbes and Ms Burnett  
[REDACTED]

#### **No. 4 Knowehead House – Notice of Review to PKC Local Review Body from 12.12.2023**

Planning Application Ref No – 23/01040/FLL - LRB Appeal - 2023-53 (Lee Deans)

*Representations by Alexander Jameson* [REDACTED]

#### **Summary of Objections to the Change of Use Application and this Appeal:**

- The Applicant argues that because there have been no complaints to the Council he should be allowed to continue his intensive Airbnb business. He misses the point that he should be preventing antisocial activity and parties and not waiting for complaints before taking any action. Unfortunately Deans Retreats cannot effectively control their Airbnb activities.
- The track record of Deans Retreats at Knowehead House demonstrates that the application of its own Airbnb rules is not comprehensively adhered to or enforced. The Applicant does not live in this house there is a lack of control, and he rarely meets his Airbnb guests or visits to check.
- This Airbnb business relies on access into No.4 Knowehead through the communal car park, using the external key safe, entering by the front door and communal hallway/reception area that is used by six other Owners.
- With recent Airbnb occupancy at Knowehead House at approx 90%, the estimated number could be at least 600 individual transient guests over a 12 month period, which is a massive intrusion for the other residents. Guests arrive at any time even late at night.
- The local economic benefits of Deans Retreats are marginal and do not outweigh the adverse impacts on residential amenity of the near neighbours.
- This appeal for change of use to a commercial Airbnb business is contrary to NPF4 And PKC LDP2.
- After three difficult years with the Airbnb problems, we do not trust the Applicant and he continues to mostly ignore the neighbours. We understand that similar problems have occurred in other properties in Perth that have Airbnb flats managed by Deans Retreats. This suggests there is a more significant problem here.

1. **General** - My planning objections and corrections to Lee Deans' Justification Statement submitted to PKC on 08.08.23 are still relevant and correct. These objections will be updated by adding my extra comments on the **Notice of Review** submitted by Mr Lee Deans on 12.12.23. He specifically refers to **Points 1i), 1(ii) and 2** in his appeal.
  
2. **Point 1(i) – An unacceptable impact on local amenity and character of the neighbourhood area:**
  - This intensive Airbnb business operated by Deans Retreats is totally out of character in this residential building and non-commercial part of the Perth. Deans Retreats started operating commercially at No.4 in 2021. The vague assessment in the Applicant's planning application suggested the occupancy rate "for the year was 60%". We questioned this percentage at the time. We have kept an occupancy record since mid October to early January, covering the less popular months of the year. Over 80 nights (and we were away for a further 4 nights but these dates have been excluded) the current occupancy rate has been over 90% with 75 nights occupied by short term guests. This is a very intensive business with anything from 1 to 6 people arriving every 1-2 days and only two occasions guests stayed for 3 days.
  - Using these statistics, and assuming a low average of only 3 guests per night (and it could be 4), this suggests at least 140 guests stayed at the No.4 flat during these 80 nights. Given this period is mostly low season, it is not unreasonable to estimate at least 600 different people staying at No.4 throughout the year (using a 90% occupancy rate).
  - The Applicant mentioned in his planning application in August that 2 out of the 5 Apartments at Knowehead carry out some Airbnb activity. This is no longer the case as No.3 has not applied for a short-term letting licence as at 1<sup>st</sup> October 2023 and therefore remains a residential property. No.4 is therefore the only business in Knowehead House and an exception in this residential neighbourhood.
  - The focus of this intensive Airbnb business is "commercial gain" and the Applicant has little interest in the four other residential flats in the building. He rarely discusses his business with us and has never asked the other owners how he can control or reduce the disturbance and noise problems. The Applicant has only attended 2 out of 9 Owner meetings since 2021 and in a recent message to one Owner, his absence is explained. He wrote that the Owners' Committee is "a silly little committee".  
 In legal terms the Knowehead Committee is constituted by each Owners' Title Deeds and they confirm that majority decisions among the 5 owners is binding. The communal property is managed by the Committee (or Knowehead Owners Association in the Deeds). Failure to comply with Committee decisions increases the chances of unacceptable impacts on the other Knowehead owners and nearby neighbours.
  - The Applicant generally does what he wants without consulting the other Owners. Since purchasing No.4 in 2021, the Applicant has failed to do the following actions:  
**Examples - Ask permission to install a hot tub on a communal roof; check the structural integrity and weight limits for this roof; take out a bespoke insurance to cover his commercial business risks; failure to fit a noise monitor on the balcony; failure to properly enforce noise and disturbance rules. In addition the Applicant fitted a key lock safe on an**



external/communal wall without permission and crucially he did not review his Airbnb rules with the other owners and ask what mitigation measures might help his neighbours.

- **Efforts to Enhance the Local Amenity** – Apartment No.4 was completely refurbished in 2017 by Corryard Developments Ltd and it was in good condition then as we stayed there briefly before moving into No.2. The extensive refurbishment claimed by the Applicant consist of minor repairs, cleaning and redecoration in the flat. Any work to the roofing, pointing, masonry, communal staircase or gardens have been carried out by the joint owners as these are communal areas. The Applicant has no interest in gardening and has not been involved in managing it and his only action over 3 years has been to pay the No.4 contribution towards the gardening cost. The Applicant might have cleaned, redecorated and furnished No.4, but he has not enhanced the local amenity. Fitting a hot tub and allowing parties is the exact opposite.
- **Noise Management and Compliance** – The Applicant produces a set of brief rules, but he does not discuss his rules with the other Owners. His rules are often ineffective and probably not read by the majority of his guests. No representative from Deans Retreats meets the guests when they arrive (as has been recommended by other owners). This absence of someone meeting and instructing the guests is important to reinforce good behaviour and avoid problems. Advertised as “*Knowehead Penthouse Apartment*” with a hot tub, it is apparent that most guests stay at No.4 to either to have a party or to enjoy the hot tub or both. In August 2023 the Applicant claimed that Deans Retreat verify that all guests have a minimum age of 24 years old.
- **Example** - As an example there was an 18<sup>th</sup> birthday party for a few girls over a two night stay in May 2022. On this rare occasion Lee met the party on the first evening. No guests were over 24 but he did not stop their party. No.4 was booked because the family did not want the noise of the party at their own home nearby in Perth. This completely nullifies any claims by Deans Retreats that they screen guests and prevent parties.
- The Applicant may have fitted a noise monitor but rarely takes action and has never confirmed that he has requested guests to leave early despite the many parties. Because this is a short term letting business, the objective should be proactive to try and avoid any disturbance, rather than waiting for it to happen. On occasions the Applicant has not replied to noise complaints until the next morning.
- **Example** – The most recent complaint to the Applicant related to his Airbnb guests making a lot of noise on 31st December for an hour or so after 10.30pm on the balcony and in the hot tub. They then played music and were noisy in the Apartment. The Applicant said that as it was Hogmanay, he had decided to let his guests enjoy themselves after 10pm. It was not until approx 12.30pm until the Applicant sent a message to the guests to turn the music down. I made the point to Lee that even though it was Hogmanay, if the Applicant wanted to allow his guests to have a noisy party later than 10pm on Hogmanay then he could have asked the other neighbours in advance of the evening. He did not do this. However, the more important message from this incident was that the Applicant was not aware that the hot tub noise earlier in the evening was excessive with shouting and loud music. This is because the Applicant has no noise monitor installed outside on the balcony. This noise from the hot tub

easily travels across the Dundee Road and Commercial Street as confirmed by other nearby objectors.

- This example also highlights a major weakness in the Applicant's noise control efforts waiting for noise complaints. He chooses not to help and work with the other Owners. No.4 guests often enjoy the hot tub earlier in the evening and noise is not picked up by the monitor inside the flat. By the time the guests go inside it is late and very inconvenient to then complain either to the No.4 guests or send a message to Deans Retreats. Why should it be necessary for the neighbours to complain to reduce the noise? If possible, we prefer not to complain to the Council or the Police. These reasons are why we don't complain as often as we could.

The objection from the Owner of [REDACTED] from August 2023 testifies to the serious problems resulting from excessive noise from No.4 Apartment and the operational grinding noise from the Hot Tub itself directly about his accommodation.

- **Legal Compliance** – Noise and antisocial behaviour is regularly a problem at No.4 Knowehead including parties; hot tub use later in the evening; under-age parties; guests throwing cigarette butts into the car park, beer cans over the balcony near to parked cars, champagne cork into our garden; leaving broken bottle in the car park, parking in the wrong car parking space: failing to recycle properly; disturbing other neighbours with late night food deliveries.
  - The more concerning Legal Compliance issue which has not been mentioned by the Applicant for No.4 is the risk of parties on the Balcony with many guests drinking alcohol. This is a Health & Safety risk and the other Owners are concerned about this risk and the possible lack of bespoke insurance cover for Deans Retreats business activities. This has been requested before but never confirmed by the Applicant.
  - The Applicant mentions a CCTV system which has been installed in the car park. His assertion is incorrect as this system has nothing to do with the Applicant and is not there to ensure the safety and well-being of his guests.

## **Point 2 – The change of use application is contrary to the National Policy Framework 4 and the Perth & Kinross Local Development Plan etc.**

- **National Planning Framework** - The Developer Corryard Development Ltd received Building Warrant Approval in 2015/16 to alter Knowehead House and carried out this work by April 2017. This is completely unrelated to Deans Retreats application for a retrospective planning application for a change of use in 2023.
- **Planning Policies** - The question of the compatibility and compliance of No.4 Knowehead House for a change of use has been reviewed independently by **Planning Objections Scotland** as a separate but complimentary Report on behalf of the three Owners.
- **Title Deed Provision** - Whilst the Knowehead House Title Deeds do specify that the Units/Flats can be tenanted or used for holiday lets, the Applicant is incorrect in assuming that this in any way confers a right to a Change of Use. The rights in the Title Deeds are unrelated to Scottish Planning Law. Furthermore, it is irrelevant from a planning perspective that the Title Deeds have this "Use" clause. There has been no "*comprehensive understanding or acceptance among the residents*" that specific Airbnb activities are in any

way approved by the other Owners. For the common areas (excluding what is individually owned) the car park, parts of the gardens, the front door, the hallway, the staircase and landing and the external parts of the building, the management control is clearly all communal and controlled by the Owners Committee. Airbnb guests need to use the communal car park, garden area, front door, hallway and staircase for access.

- **Change of Use** - It is irrelevant and absurd to claim that by repurposing the individual flats, this somehow justifies changing No.4 from a residential to a commercial property. The four other owners have not made use of this incorrect assumption.
- **Economic Contributions** - Most of these comments by the Applicant miss the relevance of NPF4 Policy 30 when considering the benefit of one short term holiday letting flat versus the unacceptable impact of this Airbnb business on local amenity and the character of a neighbourhood. The so called local economic benefit is not quantified or detailed in any tangible way except for the obvious financial benefit going to Deans Retreats. These economic considerations will be dealt with in more detail by **Planning Objections Scotland**.
- **Community Engagement** - The Applicants' points are theoretical and I doubt they are tangible community engagement.
- **Environmental Considerations** - The Applicant may not monitor his guests' car use, but from our cursory review of the Airbnb guests from mid October to early January, it appears that 43 parties arrived by car and only 3 parties did not park a car in the car park. The 90% + use of cars is surprisingly high given the central location in Perth facilitating the potential use of buses and trains. It is likely that far more car emissions were incurred by travelling to Perth than would have been saved by walking into town.  
Secondly there has been a significant lack of recycling despite recycling complaints by the other Owners at most Knowehead meetings and writing to the Applicant to encourage his guests to use the correct recycling bin. The Applicant did eventually supply a separate glass bin because most of the No.4 bottles were going in green or blue bins. The glass recycling is much better but the recent green and blue bin change is still causing complications for the guests.

**CONCLUSIONS** - Contrary to the Applicant's claims, this intensive Airbnb business has no positive impact on the property, the local amenity or the character of the neighbourhood. Furthermore, Deans Retreats avoids engagement and cooperation with its near neighbours and the Owners Committee. We urge the LRB to refuse this appeal because of the many problems and ongoing issues with this intensive Airbnb business. Their track record does not give confidence that Deans Retreats can prevent antisocial behaviour problems. Planning conditions are unlikely to be effective with this commercially driven business.

**Rebuttal to Comments on: Application Ref: 23/01040/FLL – Change of use of flat to form short-term let accommodation unit (in retrospect), 4 Knowehead House, Dundee Road, Perth, PH2 7EY**

**Date: 28/01/2024**

Throughout the planning and appeal process I have included factual and data based evidence shedding light on comments made by a handful of neighbours which should be considered merely heresay. In the initial stages of operation in 2020, minor challenges were encountered and subsequently resolved through collaborative efforts with neighbours. However, as time progressed, Mr. Jameson's requests in particular became increasingly unrealistic and irrational, leading to a communication impasse. In presenting the information, it is our intention to demonstrate that the concerns raised lack substantiation. The authoritarian and gang like approach used by the committee members has left me uncomfortable on the grounds of my own property where I have made every effort to ensure compliance with all regulations, new and old, implemented by Perth and Kinross Council.

Knowehead House is an apartment block with communal living areas and with communal living some tolerances must be provisioned. The extent of the complaints logged over the last year at Knowehead House have been minimised to the following:

**1<sup>st</sup> February 2023:** Some cigarette butts in the car park area, 4 glass bottles in the green waste bin. (Mr Jameson). Replied and rectified immediately.

**Friday 12<sup>th</sup> May 2023:** Children running on the roof terrace. (Mr Sathya Samiappan) Contacted guests immediately and rectified.

**26<sup>th</sup> November 2023:** Green bin waste in the Blue Bin. Mr Dale threatened with Environmental Health department and to revoke my right to any external bins via the committee. He suggested I would need to take all future waste to the skip. (Mr Dale)

Our cleaner is trained to check bins on leaving the building. This would have been rectified on departure. I made contact with environmental health previously to this to make a collaborative effort with PKC to ensure we had all measures in place which they recommend in prevention of cross contamination. They were satisfied that our practices are superior to 95% of other similar properties. Extra recommended measures implemented.

**13<sup>th</sup> December 2024:** Cigarette butts in the car park area. Replied and rectified immediately. (Mrs Jameson)

**1<sup>st</sup> January 2024:** Noise on Hogmanay evening coming from the apartment at 11.30pm. 1 x beer can and 1 x glass bottle in the car park. (Mr Jameson)

These issues and frequency of issue would be found in any communal living development and are not indifferent to local amenity in a flatted property anywhere else.

**Enhancement of Local Amenity:**

It cannot be argued that the property was not brought back in to use after being empty for over 2 years. Mr Dale has also not been in the property to have known the extent of remedial works required. These were predominantly caused by the age of the property and long outstanding roofing issues at the property which had caused damage over the period laid empty. I had rectified these personally initially and there was also collaborative efforts made with neighbours on 2 occasions at later dates of which I have receipts for all roofing works.

## Noise Management & Antisocial Behaviour:

I find it highly unlikely if the noise issues mentioned were substantial that there would not be 1 instance lodged with the Police or Perth and Kinross Council over the 4 years of operation. It is much more likely that these issues were not substantial enough to alert any authority. I have since been sent confirmation via Freedom of Information Officer showing zero reports made. The Noise monitor logs previously sent also attest to this and show a proactive approach in prevention of any disturbances. The accusation of advertising as a "party flat" is completely false. We highlight in all advertising materials that Parties are not allowed and state this as a specific reason for refusal or removal and/or loss of security deposit.

F FOI <FOI@pkc.gov.uk>  
To: You

Mon 08/01/2024 17:30

Date: 08/01/2024

Our ref: 1316

Dear Lee Deans

**Response to Request**

**Subject: Noise or Anti Social Behaviour Reports**

I refer to your request for information dated 07/12/2023.

The information you requested was:

*Could you please provide any correspondence which relates to any noise or anti social behaviour reports at 4 Knowehead House, Dundee Road, Perth, PH2 7EY, or if there has not been any could you please clarify this.*

Response

Relative to the above, I have been advised of the following:-

Our Safer Communities Team have received no complaints at Knowehead House since the building was redeveloped. There are historical noise complaints within the building but not at No. 4 and nothing since 2012. In terms of section 17(1)(b) of the Freedom of Information (Scotland) Act 2002, this is formal notice that this information is not recorded.

## Title Deed:

At no point was it mentioned that the Title Deed and provision for all properties in the building to be used for holiday letting would supersede local and national planning regulations. However, it certainly bares relevance where all owners have signed this legally binding document agreeing to its uses and who have also benefitted from use of this provision. This legal document forms an agreement and acceptance of comings and goings of holiday letters by all residents at Knowehead House site.

## Roof Terrace Area:

The roof terrace area is privately owned by number 4 Knowehead House. When purchasing the property it was highlighted that the terrace area was structurally reinforced and had the weight bearing capacity of 40 adults. A calculation was carried out with the original structural engineers Millards of Dundee prior to purchase of the hot tub. The optimum placement and positioning was confirmed in line with the structural steel beams. Steel beam placement was also confirmed with Corryard who developed the building in 2017 to ensure structural and personal safety

## Economic Benefit:

Knowehead Penthouse is unique and should be treated in this fashion. There is not a property like this in Perth and Kinross and draws guests in from all over the UK to enjoy what Perthshire has to offer. I have included below representations displaying the value it offers and the positive affects it has on our city.



Alison Fyvie Smith

to me

11:02 AM (40 minutes ago)



Morning Dean,

We are so disappointed for us and you that Perth and Kinross refused your planning permission.

Can Perth and Kinross council not see that you are offering a unique product in the area, not everyone wants a hot tub in the woods or the middle of nowhere.

Your product brings people into Perth that will help boost the economy of lots of businesses as you in walking distant of the town centre encouraging people to shop and socialise in the town.

The luxury of your products is far superior to others in the area.

We will not be looking at a similar set up in Perth & Kinross as none meet our expectations.

We highlighted your product to fiends and family who were all looking to book due to what you are offering.

Guests would not bring all of their supplies with them like they do for remote offering like yours.

Sorry if these don't make sense or if they can help with you your appeal.

Regards

Iona Skye



2 of 3



Sean O'Neil

to customercomplaints, chloe.burrell, me

Sep 19, 2023, 7:24 PM



Hi

I'm writing to complain about the incredible short-sightedness of Perth and Kinross Council's decision to refuse retrospective planning permission to the Airbnb at Knowehead House in Bridgend.

On a personal level, myself and my fiancé have booked the Airbnb for our **wedding** night next year - with my fiancé and her mum also booked in for the night before the **wedding**.

We also have guests staying at other Airbnbs owned by the same proprietor which we now have to worry may also close in the run up to our **wedding**.

The reason we need to worry is also the reason this decision is so short-sighted - there is an incredible lack of accommodation for guests in Perth City Centre. PKC is closing Air B'nBs at a time when two city centre hotels are completely closed off to visitors (Station Hotel and Queen's Hotel). The New County Hotel is also obviously closed in the most tragic of circumstances.

The Council have for years recognised the lack of accommodation as a problem - that's why in 2020 they sold 1 - 5 High Street to developers for £1 to build a hotel - a hotel that's never materialised. So a city which is three hotels down from where they were when they were flogging buildings for pennies in the hope of attracting hotels is now actively shutting down other forms of accommodation. It's a strange tactic for a place opening a new £27million museum next year in the hope of attracting tourists - where are they going to stay?

Because trust me, as a person living in Perth trying to organise a **wedding** in Perth where the majority of guests aren't from the area - getting accommodation is a genuine struggle. Again, I assume from what is stated above that the council is very much aware of this struggle.

On a final note, the apartment in question is a little bit different - it describes itself as a luxury apartment - and that's why we booked it for our **wedding** night, it offers something different from everywhere else in the city. Do visitors and locals not deserve the option of a little bit of luxury if they want it?

In 2019, the owner of the Blue Lagoon chip shop on High Street told the council to "start acting like a city" after they refused their licence extension to remain open until after the pubs shut. It would seem on this evidence that years down the line this advice has not been heeded and once again Perth is giving off the impression that it is closed for business and closed to tourists.



Home



Rates & Availability



Promotions



Reservations



Property



Boost performance

Guest

Customer Service

Customer Service

Messages

Reply score: 90%

Sort messages by:

All messages

Lisa Brown

29 Jan 2024

Hi Lee, Thanks for getting in touch with me ...

Heather Crosby

29 Jan 2024

Thank you Heather for the warm words, I wil...

Jackie Coutts

Good evening, Lee

I am truly sorry to hear that due to regulations, you are having to temporarily close your business.

My husband & myself have been coming to your beautiful apt with friends for the past 2 years and had once again booked for this year.

The apartment is just perfect for catching up with our friends and exploring the beautiful city of Perth. The location is perfect for walking into the city or taking the car to explore and support businesses in the area. The house is always immaculately presented with all the little touches that make it a perfect loca-

Conversation with guest

Hi Lee,

Thanks for getting in touch with me and I'm sorry to hear that. Me and my friends were really looking forward to coming to your accommodation. We felt like we won a watch when we found this was only 10 minutes away from a wedding we're attending. The apartment met all our needs with being able to have a relaxing evening before the wedding and allow us to get ready together for the wedding the next day. The wedding is a two day event so we were glad we found a home away from home only 10 minutes taxi ride away from the destination.

The communication since I booked has been great and if this decision is reversed we would love you to get back in touch with us to book us back in on these dates.

We actually have really struggled to find anywhere in the area that's a reasonable price and is done to a high spec. We only get

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Guest Customer Service

**Messages**

Reply score: **90%**

Sort messages by:

Hi Jackie Thank you for the lovely message,...

---

**Nicole Daly** 26 Jan 2024

If suitable you can book this by clicking the l...

< **Darren Crosbie**

Hi Lee, ...

this is extremely disappointing. I booked this as a surprise for valentines for my wife and now due to the short notice (I appreciate any notice is better than none) I'm going to struggle to find somewhere as a replacement and if I am lucky enough to find somewhere it won't be the same (I picked this accommodation for that fact it's different to anything else I seen) and will most definitely be a lot more expensive due to the short notice of the booking.

Guest Customer Service

**Messages**

Reply score: **90%**

Sort messages by:

**linda porter** 29 Jan 2024

Hi, we sent a message above a couple of da...

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**Lisa Brown** 29 Jan 2024

Hi Lee, Thanks for getting in touch with me ...

< **Heather Crosby**

Sat 27 Jan 14:03

We are terribly sad to hear this.  
 Dear Perth and Kinross council,  
 It would behooove your city to allow places like Knowehead Pent-  
 ouse accommodation to offer potential visitors to your city a  
 lovely place for short term visits. Without this, your community  
 may be forfeiting income from potential visitors whom may now  
 choose to visit elsewhere in Scotland.  
 Best,  
 Heather Crosby and family

Protect your account security – do not share sensitive information via



# FAO Lee - Free Promotional Opportunity with Perth City & Towns for Dean's Retreats

External Inbox x



Nicola Martin

to me

Thu, Aug 4, 2022, 11:44 AM



Hi Lee,

I work with Kirsty Easton for Invest in Perth and Emily Queen on Invest in Perth and Perth City & Towns Channels.

We're about to do a bank of photographs to use in future promotions for the area and I'd like to do a session in your apartment with a hot tub. This one ideally so we can capture those views. **Knowehead Penthouse with rooftop hot tub**

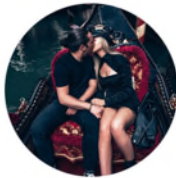
This is free of charge for you to take part, and you'd have use of the images afterwards. The budget has been allocated via VisitScotland's destination marketing fund and so they would also have use of the images making this a great opportunity for you to get some free exposure.

Time, however, is not on our side here!

I have a group of women arranged for photography on **Friday 19th August** - they're actually Kirsty's friends and she has suggested you'll know some of them!

I'm aware you're probably all booked up over the busy period but wondered if there was an hour or two free on this day where we could stage and do the photographs. I'm crossing my fingers it might be a crossover day!

< Ashley & Stuart



@ontheroadagaintravels

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Message

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