

LRB-2023-30 - 23/00755/FLL – Change of use of flat to form a short-term let accommodation unit (in retrospect), 131 Atholl Road, Pitlochry, PH16 5AG

**PAPERS SUBMITTED
BY THE
APPLICANT**

NOTICE OF REVIEW

UNDER SECTION 43A(8) OF THE TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997 (AS AMENDED) IN
RESPECT OF DECISIONS ON LOCAL DEVELOPMENTS

THE TOWN AND COUNTRY PLANNING (SCHEMES OF DELEGATION AND LOCAL REVIEW PROCEDURE)
(SCOTLAND) REGULATIONS 2013

THE TOWN AND COUNTRY PLANNING (APPEALS) (SCOTLAND) REGULATIONS 2008

**IMPORTANT: Please read and follow the guidance notes provided when completing this form.
Failure to supply all the relevant information could invalidate your notice of review.**

Use BLOCK CAPITALS if completing in manuscript

Applicant(s)

Name

Address

Postcode

Contact Telephone 1

Contact Telephone 2

Fax No

E-mail*

Agent (if any)

Name

Address

Postcode

Contact Telephone 1

Contact Telephone 2

Fax No

E-mail*

Mark this box to confirm all contact should be
through this representative:

* Do you agree to correspondence regarding your review being sent by e-mail?

Yes No

Planning authority

Planning authority's application reference number

Site address

Description of proposed development

Date of application

Date of decision (if any)

Note. This notice must be served on the planning authority within three months of the date of the decision notice or from the date of expiry of the period allowed for determining the application.

Nature of application

- 1. Application for planning permission (including householder application)
- 2. Application for planning permission in principle
- 3. Further application (including development that has not yet commenced and where a time limit has been imposed; renewal of planning permission; and/or modification, variation or removal of a planning condition)
- 4. Application for approval of matters specified in conditions

Reasons for seeking review

- 1. Refusal of application by appointed officer
- 2. Failure by appointed officer to determine the application within the period allowed for determination of the application
- 3. Conditions imposed on consent by appointed officer

Review procedure

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

Please indicate what procedure (or combination of procedures) you think is most appropriate for the handling of your review. You may tick more than one box if you wish the review to be conducted by a combination of procedures.

- 1. Further written submissions
- 2. One or more hearing sessions
- 3. Site inspection
- 4. Assessment of review documents only, with no further procedure

If you have marked box 1 or 2, please explain here which of the matters (as set out in your statement below) you believe ought to be subject of that procedure, and why you consider further submissions or a hearing are necessary:

I did not tick the No.3 box above as I hope that my supporting documents submitted/ attached to my email submission, will suffice and thereby not require further steps such as a site (location) inspection

Site inspection

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

- | | Yes | No |
|--|--------------------------|--------------------------|
| 1. Can the site be viewed entirely from public land? | <input type="checkbox"/> | <input type="checkbox"/> |
| 2. Is it possible for the site to be accessed safely, and without barriers to entry? | <input type="checkbox"/> | <input type="checkbox"/> |

If there are reasons why you think the Local Review Body would be unable to undertake an unaccompanied site inspection, please explain here:

N/A

Statement

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

If the Local Review Body issues a notice requesting further information from any other person or body, you will have a period of 14 days in which to comment on any additional matter which has been raised by that person or body.

State here the reasons for your notice of review and all matters you wish to raise. If necessary, this can be continued or provided in full in a separate document. You may also submit additional documentation with this form.

I am requesting a review of Council's decision to refuse my Planning Permission Application for my property: 131 Atholl Road, Pitlochry PH16 5AG and provide you with my reaction to the following (main reasons) reasons provided:

1. ... "the loss of such a mainstream housing unit"
2. ... "the proposed retrospective (?) change of use by reason of its location fails to contribute positively to the area in which it is located"
3. ... "the loss of accommodation has not been outweighed by any demonstrable local economic benefit"

From what I am able to determine, these points above were offered by way of 'Points to Consider' by the 3 CONSULTEES (Housing Strategy, Transport & Regulatory Services Manager), for the Planning Department to assist them in their deliberations to either APPROVE, or REFUSE the application or not.

None of the Consultees recommended that my application be refused - 2 of them actually state that they have no objection to my application.

I would like to refer you to the Approval of another Application for a Short Term Let that is literally almost identical to mine in description, location and intent - just a few doors down from my property - for which the application for Planning was approved, and the same reasons provided for the approval of this STL Application, were what was used for the Refusal of my application.

In the documents attached, please allow me to elaborate further on the more material reasons leading to my appeal for this review, which I hope will lead to a favourable outcome.

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

Yes No

If yes, you should explain in the box below, why you are raising new material, why it was not raised with the appointed officer before your application was determined and why you consider it should now be considered in your review.

The matters raised now, after the event, could only be raised because of the Refusal of my Planning Application. I raise these matters now in response to and to elaborate on the reasons for my request for a Review.

List of documents and evidence

Please provide a list of all supporting documents, materials and evidence which you wish to submit with your notice of review and intend to rely on in support of your review.

1. Request for REVIEW FORM
2. Background and current PERSONAL INFORMATION
3. RESPONSES to REASONS PROVIDED FOR REFUSAL
4. PHOTOS of Building
5. Visitor Footfall - PHOTOS
6. Listings & Ratings on Online Booking Platforms
7. BUSINESS WEBSITE - Screenshot Photos

Note. The planning authority will make a copy of the notice of review, the review documents and any notice of the procedure of the review available for inspection at an office of the planning authority until such time as the review is determined. It may also be available on the planning authority website.

Checklist

Please mark the appropriate boxes to confirm you have provided all supporting documents and evidence relevant to your review:

- Full completion of all parts of this form
- Statement of your reasons for requiring a review
- All documents, materials and evidence which you intend to rely on (e.g. plans and drawings or other documents) which are now the subject of this review.

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

Declaration

I the applicant/agent [delete as appropriate] hereby serve notice on the planning authority to review the application as set out on this form and in the supporting documents.

Signed Date 27 AUGUST 2023

1-2. BACKGROUND and CURRENT PERSONAL INFORMATION:

I started my own Self Catering Business in Pitlochry in 2021. The business comprises 2 STL Units/ Flats: **127 Atholl Road** (bought in 2007/8 and registered in my daughter's name, used as a STL for 10 yrs +) & **131 Atholl Road**, Pitlochry - PH16 5AG (bought in 2021), directly adjoining one another, each with their own private Entrance Doors off the street and no shared spaces.

To ensure compliance, I opened a Business banking Account, appointed a firm of Accountants, Registered with HMRC and established my own dedicated Business Website: "*Atholl Rd Self Catering*". IOW, did everything lawfully and by the book.

I am not a 'Fly by Night' operator and certainly not new to the business. Before settling in Scotland 4 years ago, my husband and I owned a Restaurant as well as a Self Catering Business for more than 20 years in South Africa.

I unfortunately lost my husband on the 10th August 2022 and am now completely left to fend on my own. It is not that I cannot cope, but it is far more difficult as I am not so young any more.

It did not take me long to realise that I needed help and have recently taken on 2 local ladies to assist me with the servicing of the flats.

*** FLAT 131 is now in its 3rd year of business**

I am proud to share with you that my business has, in the space of a few years, built up a considerable and successful track record on 3 Booking Platforms in the years running up to the new regulations introduced : 9.5/ 10 rating on Booking.com, 5/ 5* on AirBnb. This does **not** happen overnight. I now have a business with a strong track record of a few years, but it also cost a sizeable amount in set-up fees.

At the age of 73, I am not quite suitable material to line up in job queues any more. Also, I love what I am doing and what I am best at.

I am thankful (based on the 10 yr+ operating as an STL) Flat 127's Planning Permission was approved on Friday past. If the Review Committee decide to uphold the Refusal of my Planning Application for Flat 131, it will feel as if one of my legs have been taken out from under me. The income provided by 1 Flat only is not enough to sustain me.

The income that I derive from my 2 Flats is not only my primary income, it is my *SOLE INCOME* and I rely on it heavily. It has caused me sleepless nights of fear that I could lose either one of the flats.

If you think that all Holiday Let Owners are without empathy for Council's Housing Shortage dilemma, you would be wrong. I believe that most of us agree that regulations of some kind are necessary and needed to be introduced.

The majority of us can still understand if it is the fate of a NEW Business venture, not yet out of the starting blocks, but to cut down and deny established businesses the right to continue operating as they did before legislation dictated that Planning Permission is required with immediate effect - even for established Short Term Let businesses - seems unduly harsh and without compassion.

If you do not see your way clear to grant Planning permission for Flat 131 also (it would be 1st Prize for me if you could), if you can then, as a 2nd option grant Planning Permission "*with a condition*" that I operate it as an STL for 5 years only? Until end November 2028.

2. Document: RESPONSES TO REASONS PROVIDED FOR REFUSAL OF PLANNING PERMISSION:

1. "THE LOSS OF A MAINSTREAM HOUSING UNIT":

I speak from personal experience when I assure you that the flat is better suited for some commercial purpose over residential use. * The footfall on the pavements directly below the flat creates a LOT of noise (see attached document with photos) and the vehicular traffic - cars in the Main Road & heavyduty Buses turning down Rie-achan Rd. directly next to flat, creates loud rumbling noises every few minutes.

2. THE CHANGE OF USE BY REASON OF THE PROPERTY'S LOCATION FAILS TO CONTRIBUTE POSITIVELY TO THE AREA IN WHICH IT IS LOCATED:

Not too sure what the Planning Dept. Means by this, but it USED to be an unsightly building for well over 10 years. When I started the business, I single-handedly had the building painted (cosmetic repairs) without any assistance from the other 2 owners in the shops below the flat (who are supposed to contribute a pro-rata share of the maintenance and repairs expenses, but did not assist.) * **See PHOTOS**
ZERO alterations have been effected either externally or internally

3. THE LOSS OF ACCOMMODATION HAS NOT BEEN OUTWEIGHED BY ANY DEMONSTRABLE ECONOMIC BENEFIT

As opposed to a resident in occupation, every Holiday Guest spends on average £500 PER DAY on restaurants, dining out, attending events, attractions, etc. (according to the guests I consulted) which injects into- and boosts the economy of the town. It is all our towns' and Scotland's lifeline in my opinion. Pitlochry is a MAJOR Player and asset in Scotland's Tourism.

4. A POINT ALSO RAISED BY THE TRANSPORT CONSULTEE - RE: NO PARKING

In his own words:

There is no vehicle access for the property and no allocated parking spaces. No changes are proposed to allocate parking spaces for the property. Several bus services operate along the A924 through Pitlochry and the railway station is also within walking distance. On-street parking is currently available subject to restrictions.

Insofar as the Roads matters are concerned, **I have no objections to this proposal.**

> I have not had more than 2 guests see this as a negative. All have been happy so far with the Pay & Display Parking lot just 40 meters from the front door, or to park in a side street at no charge (even though space is limited)

** Whether the occupant of the flat is the Owner, a Long Term Tenant or a Short term Let guest, the property does require a designated parking spot somewhere close?*

5. POINT RAISED BY THE Regulatory Services Manager

HOLIDAY ACCOMMODATION:

As the development is for a holiday accommodation unit, there is the **potential for noise from the users of the properties** (* **SEE POINT 1 ABOVE & PHOTOS**) 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.

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

> **The noise factor is rather from the OUTSIDE IN as opposed to any noise that the guests may make.**

AFTER painting of exterior:



1. BEFORE - Facade of 127 & 131 Atholl Rd:



HEAVY Visitor Footfall & NOISE on pavements directly below Flats. (Noise not from inside out - but from outside in)



HEAVY motor-vehicle traffic, as well as large BUSES turning down Rie-achan Road to the bus Terminal just down from the main road, every few minutes...



Booking.com - Listing and review score: 9.5/ 10

Search
Destination/property name:
Pitlochry
Check-in date:
Check-in Date
Check-out date:
Check-out Date
2 adults · 0 children · 1 room
 I'm traveling for work
Search

131 on Atholl
131 Atholl Road, Pitlochry, PH16 5AG, United Kingdom –
Excellent location – show map

Exceptional 9.5
56 reviews
This is our 3rd visit to Ronelle's flat on Atholl. Everything you could wish for and more. Beautifully clean and fantastically equipped for an enjoyable break in Pitlochry. Ronelle herself ...
Pauline United Kingdom
Staff 9.9

+37 photos



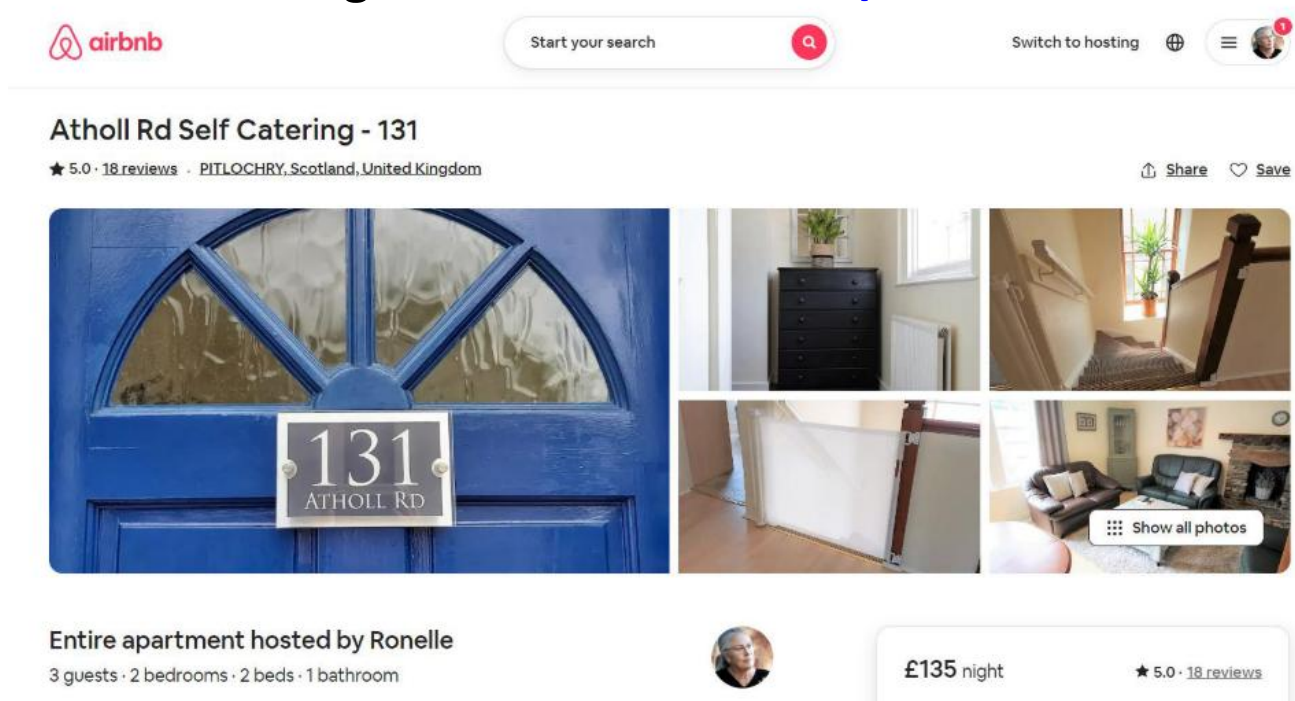
Airbnb - Listing and Review Score 5/ 5 *****

airbnb Start your search Switch to hosting

Atholl Rd Self Catering - 131
★ 5.0 · 18 reviews · PITLOCHRY, Scotland, United Kingdom

Entire apartment hosted by Ronelle
3 guests · 2 bedrooms · 2 beds · 1 bathroom

£135 night ★ 5.0 · 18 reviews



Pg 2/ Most recent reviews



Guest reviews

131 on Atholl

10

Exceptional

Antonio - Family with young children
(Italy)

Sun, 13 Aug 2023 21:15

10

Exceptional

Tanya - Young couple (United Kingdom)

Fri, 11 Aug 2023 13:00

10

**Clean, comfortable and a home
from home.**

Pauline - Young couple (United Kingdom)

Thu, 10 Aug 2023 21:21

 **Reply not published**

10

**Excellent accommodation and
host was very informative would
highly recommend.**

Lynne - Young couple (United Kingdom)

Mon, 7 Aug 2023 21:12

WEBSITE : 'Atholl Rd Self Catering'

www.athollroadselfcatering.co.uk



Atholl Road Self Catering

home accommodation gallery contact us

Our Apartments

Click on the images for more information on each Apartment

127 on Atholl	131 on Atholl
Private entrance off street	Children 12 years and above Private entrance off street

Atholl Road Self Catering

home accommodation gallery contact us



About Us

We have been in the Hospitality business for 20+ years! When we are able to, we also love travelling so we understand most of our guests' needs.

We enjoy hosting and welcoming visitors to our two apartments and trust you will enjoy your stay with us as much as we did when we visited it ourselves for a few months every year.

We are there for you if you need any further information or assistance prior to your arrival and will do our best to oblige!

