

LRB-2023-46**23/01362/FLL – Change of use of flat to form short-term let accommodation unit (in retrospect) at 2 Jubilee Place, Pitlochry, PH16 5GA**

FURTHER INFORMATION

- Further Information from Planning Officer, as requested by the LRB Members on 15 January 2024
- Comments by the applicant on the further information received

Planning Officer comments

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

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

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

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

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

In this instance, the application site is within an area zoned for residential and compatible uses. The application site also lies within a wider flatted development served by a communal courtyard carpark with wider areas of shared amenity space. The wider development is part social housing with the remaining flats originally offered for first sale at an affordable rate (this requirement did not remain for subsequent sales). The effect of the proposal on local amenity and character of this area should therefore be considered, in addition to the loss of residential accommodation and local economic benefits which may accrue from the proposal. In this case the benefits of providing holiday accommodation are not seen to outweigh the impacts on the residential character of the area and the loss of affordable housing.

The consideration of this proposal did acknowledge and address the STL Guidance. If this proposal been considered after the guidance was adopted in November 2023, the recommendation would not have changed and the proposal would have been recommended for refusal for the same reasons.

Reasons

- 1 The proposed retrospective change of use is contrary to Policy 30, Tourism e) of National Planning Framework 4 (2023) as the proposal will result in:
 - i) An unacceptable impact on local amenity and character of the area, and
 - ii) The loss of residential accommodation where such loss is not outweighed by demonstrable local economic benefits.

- 2 The proposal is contrary to National Planning Framework 4 (2023) Policy 14c): Design, Quality and Place and Perth and Kinross Local Development Plan 2 (2019), Policies 1A and 1B: Placemaking, Policy 17 d) Residential Areas and the Change of Use of Residential Property to Short-term Let Planning Guidance as the short-term let accommodation would adversely impact on the amenity of residents of the flats and the short-term let use is not compatible with the amenity and character of the existing residential development.

Kind regards,

Joanne Ferguson
Planning Officer

2 Jubilee Place, Pitlochry, PH16 5GA

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

Planning reference: 23/01362/FLL

Local Review Body

Applicants' response to Planning Officer comments

It appears that draft or non-statutory proposals for the Change of Use of Residential Property to Short-Term Letting accommodation were incorrectly applied to this application ie: applied before the proposals were adopted (reportedly 1 November 2023) or enshrined in Planning Law

Notwithstanding this, the Planning Officer appears to continue to apply the conditions of the STL guidance retrospectively to the application, declaring that 'the (adopted) STL Guidance forms the most up to date indication of Council policy.

Observations of policies adopted by other areas of Scotland appear to make the requirement for planning consent only necessary for properties within newly-formed 'Control Areas (to quote:

.....Short-term Let Control Areas bring into force the requirement to obtain planning permission before a dwellinghouse can be used for short-term letting (as defined in the Act and Regulations)

It would seem that Development Control has applied rulings intended for Control Areas of which there are none as yet in Highland Perthshire.

We do not intend to comment individually on the STL conditions as these did not prevail at the time of application. But it should be noted that the reasons given for refusal are nullified by the fact that the property has been used for STL for the past eight years and therefore the 'impact' on the local amenity of the area is tried and tested and there is no 'loss' of residential accommodation.

We re-iterate a claim already made in both our submissions for Planning Consent and for Local Review Body consideration that the suggested procedure for determining if planning consent were necessary was to consult a 'tick-box' pro-forma entitled '*Do I need Planning Permission to use my property as a short term let?*' and for which a link was provided on the website.

The document we were referred to was dated '*latest revision May 2023*'. It was from this document that we ascertained that only one point required addressing by Development Control and that was the first question – '*Is your property a flat?*').

The current STL Guidance, in draft or approved form, was not referred to at the time of submission.

**I R Lewis
Ian Lewis Design**

23 February 2024

