

Planning Officer comments

LRB-2024-03 - Planning Application 23/01423/FLL - Change of use of flat to form short-term let accommodation unit (in retrospect) at Upper South Flat, Annesley Cottage, Burnside, Aberfeldy PH15 2AU.

The above planning application was refused on October 31st 2023 on the following grounds:

- 1 *The proposed retrospective change of use is contrary to Policy 30(e): Tourism of National Planning Framework 4 (2023) as the proposal results 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 14(c): Design, Quality and Place and Perth and Kinross Local Development Plan 2 (2019), Policies 1A and 1B: Placemaking and Policy 17: (d) Residential Areas as the short-term let accommodation adversely impacts on the amenity of neighbouring residents and the short-term let use is not compatible with the amenity and character of the surrounding predominantly residential area.*

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 in a predominantly residential area approximately 82 metres north of the boundary of Aberfeldy Town Centre. 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 respect of criterion (i) of NPF4 Policy 30(e), the following excerpt from the original officer Report of Handling remains valid following the adoption of the November 2023 STL Guidance:

“... the high turnover of guests is likely to be higher than typical private rented or owner-occupied accommodation, and this could have an impact on noise and disturbance to neighbours. Whereas such impacts may be offset in town centre or mixed-use areas, the same cannot be said for this building which comprises four residential flats outwith the Town Centre.”

In addition, the following statement in the Residential Amenity section of the Report of Handling also remains valid:

“... the proposal fails to accord with the intent of NPF4 Policy 14(c) and LDP2 Policies 1A and 17 in respect of residential amenity, by virtue of its location in a predominantly residential area.”

Turning to criterion (ii) of NPF4 Policy 30(e), this retrospective proposal has resulted in the loss of a flat to short term let accommodation in an urban location. It is also acknowledged that the Council's Housing Strategy have undertaken consultation in respect of the introduction of a Short Term Let Control Area, however no such Control Area has yet been formally designated. Whilst the assessment of this policy criterion for the application as originally submitted referred to a postcode district level of saturation of potential short-term lets, it has since been considered that a more up to date analysis of the proliferation of short-term lets in the area, including but not limited to recent licensing data, requires to be undertaken before the Council as Planning Authority decide whether to progress with the designation of a Short Term Let Control Area. It is also acknowledged that economic benefits can derive from small-scale short-term let accommodation which provides access to a range of attractions and activities for business and leisure guests alike. As such, the loss of this one-bedroom flat in Aberfeldy to short term let accommodation is not considered at this point in time to have a significant impact on the availability of residential accommodation in the local area. As such, had this proposal been considered by the Council as Planning Authority after November 1st 2023, the proposed loss of a residential flat to short-term let accommodation would not have been considered in conflict with criterion (ii) of NPF4 30(e): Tourism. As such, Refusal Reason 1 should remove reference to NPF4 Policy 30(e)(ii).

It is further noted, on reflection, that LDP2 Policy 1B: Placemaking is not of relevance to a proposal for a change of use of an existing building and mention of it should be removed from Refusal Reason 2. This has been reflected in recent Local Review Body decisions where LDP2 Policy 1B has been removed from decision notices where reviews have been dismissed.

Notwithstanding this and as set out above, the proposal by virtue of its location in a predominantly residential area still conflicts with NPF4 Policy 30(e)(i): Tourism, and the intent of LDP2 Policies 1A: Placemaking and 17: Residential Areas. The principle in this instance therefore remains unacceptable and would attract a **refusal** recommendation if it were considered by Development Management today.

Refusal Reasons

In light of the above analysis, the two extant refusal reasons could be truncated as follows if the Local Review Body are minded to concur with the analysis of this document and dismiss the review of planning decision 23/01423/FLL:

- 1 *The proposed retrospective change of use is contrary to Policy 30(e): Tourism of National Planning Framework 4 (2023) as the proposal results in:*
 - i) *An unacceptable impact on local amenity and character of the area.*
- 2 *The proposal is contrary to National Planning Framework 4 (2023) Policy 14(c): Design, Quality and Place and Perth and Kinross Local Development Plan 2 (2019), Policy 1A: Placemaking and Policy 17: (d) Residential Areas as the short-term let accommodation adversely impacts on the amenity of neighbouring residents and the short-term let use is not compatible with the amenity and character of the surrounding predominantly residential area.*

Alternatively, the two truncated refusal reasons could be combined into a single refusal reason as follows:

- 1 *The proposal is contrary to National Planning Framework 4 (2023) Policies 14(c): Design, Quality and Place and 30(e)(i): Tourism, and Perth and Kinross Local Development Plan 2 (2019) Policies 1A: Placemaking and Policy 17(d): Residential Areas as the short-term let accommodation adversely impacts on the amenity of neighbouring residents and the short-term let use is not compatible with the amenity and character of the surrounding predominantly residential area.*

For the avoidance of doubt, if Local Review Body are minded to dismiss the Review and refuse planning permission, two different options for the wording of refusal reasons have been suggested by Development Management to be attached to the decision notice.

Kind regards,

John Cooney BAI MA MRTPI
Planning Officer
13th May 2024