

REVIEW DECISION NOTICE

Decision by Perth and Kinross Local Review Body (the PKLRB)

Site Address: 4 Monart Road, Perth, PH1 5UQ

Description: Change of use of flat to form a short-term let accommodation unit (in retrospect)

Application for Review by Mrs M Deans against decision by an appointed officer of Perth and Kinross Council.

Application Ref: 23/01079/FLL

Application Drawings: 23/01079/1 23/01079/4

Date of Review Decision Notice – 1 August 2024

Decision

The PKLRB upholds the decision to refuse planning permission for the reasons given below and dismisses the review.

1. Introduction

- 1.1 The above application for planning permission was first considered by the PKLRB at a meeting held on 18 March 2024. The Review Body resolved that:
- (i) having regard to the material before the Local Review Body and the comments from the Planning Adviser, insufficient information was before the Local Review Body to determine the matter without further procedure.
 - (ii) Development Management to review and comment on the proposal in conjunction with the new Non-Statutory Planning Guidance on Change of Use of Residential Property to Short-Term Let.
 - (iii) The applicant to review and comment on the response from Development Management as per (ii) above and in conjunction with the new Non-Statutory Planning Guidance on Change of Use of Residential Property to Short-Term Let.
 - (iv) Following receipt of all information and responses, the application be brought back to a future meeting of the Local Review Body, along with a copy of the Non-Statutory Planning Guidance on Change of Use of Residential Property to Short-Term Let.
- 1.2 Following receipt of the requested information, the PKLRB convened on 10 June 2024. The Review Body comprised Councillor B Brawn, Councillor D Cuthbert and Councillor D Illingworth.
- 1.2 The following persons were also present at the meeting:

C Elliott, Legal Adviser; L Tierney, Planning Adviser; and K Molley, Senior Democratic Governance Officer.

Also attending:

A Brown and M Pasternak (both Strategy, People and Resources) and C McLaren (Economy, Place and Learning).

2. Proposal

- 2.1 The proposal is for the change of use of flat to form short-term let accommodation (in retrospect), 4 Monart Road, Perth, PH1 5UQ. The application was refused consent in terms of a decision letter dated 27 September 2023.

3. Preliminaries

- 3.1 The PKLRB was provided with copies of the following documents:
- (i) the drawings specified above;
 - (ii) the Appointed Officer's Report of Handling;
 - (iii) the refusal notice dated 27 September 2023;
 - (iv) the Notice of Review and supporting documents;
 - (v) consultation responses and representations to the planning application;
 - (vi) representations to the Notice of Review and comments from the applicant;
 - (vii) further information from the planning officer, as requested by the PKLRB on 18 March 2024, and comments from the applicant together with a copy of the Non-Statutory Planning Guidance on Change of Use of Residential Property to Short-Term Let.
- 3.2 The Planning Adviser described the proposals, and explained the further comments received from the planning officer and the applicant.
- 3.3 The PKLRB was shown projected photographs taken by the Planning Adviser, who had visited the site. These showed the application site from various angles.
- 3.4 Having regard to the material before them, the PKLRB resolved that the review of the decision to refuse could be determined without further procedure.

4. Findings and Conclusions

- 4.1 Having regard to the Development Plan and other material considerations set out in the Report of Handling and other papers before it, the PKLRB concluded by unanimous decision that the review application be refused.
- 4.2 The PKLRB considered that with this being an area for residential use and with communal entry arrangements, a potential intensification of use and with only one parking space, there would be an increased potential for noise

nuisance and an adverse impact on the character and amenity of the local area, particularly on those living permanently in the block.

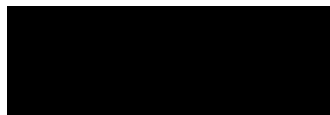
4.3 Accordingly, the PKLRB refused the review application for the following reasons:

- (1) By virtue of the potential for increase noise nuisance both when using the property, and arriving/leaving the property, the proposal would impact adversely on the character and amenity of the local area, particularly the residential amenity of those living permanently in the block. Accordingly, the proposal is contrary to Policy 30(e) (Tourism) of the National Planning Framework 4 (2023) which states that new proposal for short term holiday letting will not be supported where 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) By virtue of the shared entry arrangements and the flatted nature of the property, the proposal would result in an increased potential for noise nuisance and general disturbance to occur and affect other existing residents in the block. The proposal is therefore contrary to Policy 17 (Residential Areas) of the adopted Perth and Kinross Local Development Plan 2 (2019) which seeks to protect existing residential amenity, and Policy 1A of the adopted Perth and Kinross Local Development Plan 2 (2019) which seeks to ensure that all proposals contribute positively to the surrounding environment.
- (3) It has not been demonstrated that there is a sufficient level of either designated or available parking to service the use of the property as a short term let. The proposal is therefore contrary to the principles of the National Roads Development Guide 2015 which requires all new developments to have suitable parking provisions.

Justification

The proposal is not in accordance with the Development Plan and there are no material reasons which justify departing from the Development Plan.

4.5 The Review Application was accordingly dismissed.



Lisa Simpson
Clerk to the Local Review Body

TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997

Notification to be sent to applicant on determination by the Planning Authority of an application following a review conducted under Section 43A(8)

Notice Under Regulation 22 of the Town and Country Planning (Schemes of Delegation and Local Review Procedure) (Scotland) Regulations 2013.

- 1 If the applicant is aggrieved by the decision of the planning authority to refuse permission or approval required by a condition in respect of the proposed development, or to grant permission or approval subject to conditions, the applicant may question the validity of that decision by making an application to the Court of Session. An application to the Court of Session must be made within 6 weeks of the date of the decision notice.
- 2 If permission to develop land is refused or granted subject to conditions and the owner of the land claims that the land has become incapable of reasonably beneficial use in its existing state and cannot be rendered capable of reasonably beneficial use by the carrying out of any development which has been or would be permitted, the owner of the land may serve on the planning authority a purchase notice requiring the purchase of the owner of the land's interest in the land in accordance with Part V of the Town and Country Planning (Scotland) Act 1997.