

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

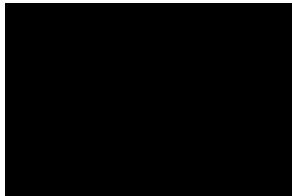
IMPORTANT: Please read and follow the guidance notes provided when completing this form. Failure to supply all the relevant information could invalidate your notice of review.

Use BLOCK CAPITALS if completing in manuscript

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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

Planning Authority

Perth and Kinross

Planning authority's application reference number 24/01079/FLL

Site address 4a Breadalbane Terrace, Aberfeldy, Perth and Kinross, PH15 2AG

Description of proposed development

Change of use of flat to short-term let accommodation unit

Date of application 14/07/2024

Date of decision (if any) 22/08/2024

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) | <input checked="" type="checkbox"/> |
| 2. | Application for planning permission in principle | <input type="checkbox"/> |
| 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) | <input type="checkbox"/> |
| 4. | Application for approval of matters specified in conditions | <input type="checkbox"/> |

Reasons for seeking review

- | | | |
|----|--|-------------------------------------|
| 1. | Refusal of application by appointed officer | <input checked="" type="checkbox"/> |
| 2. | Failure by appointed officer to determine the application within the period allowed for determination of the application | <input type="checkbox"/> |
| 3. | Conditions imposed on consent by appointed officer | <input type="checkbox"/> |

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 mark more than one box if you wish the review to be conducted by a combination of procedures.

- | | | |
|----|--|-------------------------------------|
| 1. | Further written submissions | <input type="checkbox"/> |
| 2. | One or more hearing sessions | <input type="checkbox"/> |
| 3. | Site inspection | <input checked="" type="checkbox"/> |
| 4. | Assessment of review documents only, with no further procedure | <input type="checkbox"/> |

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:

An external site visit is suggested to enable the LRB to fully assess the location of No. 4a Breadalbane Terrace and its proximity to the town centre and other uses in the vicinity.

Site inspection

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

- | | | |
|----|---|-----|
| 1. | Can the site be viewed entirely from public land? | Yes |
| 2. | Is it possible for the site to be accessed safely, and without barriers to entry? | Yes |

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

The LRB may view the outside of the property and the access arrangements without any barrier but prior arrangement would be required to access the flat itself if requested.

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.

Please see Notice of Review Appeal Statement (1).

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.

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. Notice of Review Appeal Statement
2. Existing plans as submitting with planning application
3. Grant of full licence (secondary letting) for short-term let
4. Letter from the Holiday Let Management Company Ltd
5. Statement from Mike Pickersgill (Applicant)

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: K Crerar

Date: 4/11/2024

Notice of Review Appeal

Application: 24/01079/FLL Change of use of flat to short-term let accommodation unit



**Location: 4a Breadalbane Terrace, Aberfeldy,
Perth & Kinross, PH15 2AG**

Contents

1. Introduction	2
2. Background & Proposal	3
3. Policy appraisal	6
4. Other material considerations	19
5. Conclusion	24
<i>Summary of key points</i>	26
APPENDIX 1: Location Plan	27
APPENDIX 2: Aberfeldy Settlement Map	28



1. INTRODUCTION

- 1.1. This Supporting Statement has been prepared on behalf of Michael Pickersgill and should be read in conjunction with the Notice of Review appeal submitted to Perth and Kinross Council.
- 1.2. This Notice of Review relates to the refusal of planning application **24/01079/FLL** issued on 22 August 2024 for change of use of flat to short-term let accommodation unit at 4a Breadalbane Terrace, Aberfeldy.
- 1.3. The application was refused on the basis that:

The proposed 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'; and*

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: 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 residential flatted block and surrounding predominantly residential area.


- 1.4. Therefore, this supporting statement along with the additional material submitted requests that the Local Review Body kindly reconsider this decision.
- 1.5. Along with the floor and location plans submitted as part of the planning application (2), the following additional documents have been presented to support this application for review (with document numbers in brackets):
 - Grant of Full Licence (Secondary Letting) for short-term let (3)
 - Letter from the Holiday Let Management Company Ltd (4)
 - Statement from Mike Pickersgill (Applicant) (5)

2. BACKGROUND & PROPOSAL

- 2.1. 4a Breadalbane Terrace is a 3-bedroom, first floor flat forming part of a 19th century Grade C listed block of 3-storey rectangular plan tenements. The block is built in traditional stone with a slate roof and the attic (top) storey comprises of stone dormers. The block lies within the settlement boundary of Aberfeldy and the Aberfeldy Conservation Area. It is also approximately 63 metres northeast of the town centre (see **Settlement Map from the Local Development Plan – Appendix 2**). Breadalbane Terrace is located on the A827 which is the main route into and through Aberfeldy from the A9 and other settlements to the east including Ballinluig, Grandtully, Pitlochry (north east) and Perth (south east) amongst others.



- 2.2. The applicant purchased the property in July 2023 and submitted a planning application on 30 October 2023 for the change of use of No. 4a Breadalbane Terrace to a short-term let accommodation unit, which was acknowledged (Ref: 100649483 – 003). Whilst awaiting the outcome of the planning application, the applicant completed all the necessary risk assessments and certifications required to submit their application for a Short-term let licence on 3 March 2024. All due



process was followed including putting up a notice for 28 days for residents and members of the public to comment. On 28 May 2024, the applicant followed up the planning application after having had no communication or a decision. After further correspondence via email with the Council, they were informed that there had been an error and the application could not be located so the applicant should therefore re-apply for planning permission.

- 2.3. A new planning application was then submitted on 1 July 2024 (ref: 100649483 - 002) - the planning application to which this Notice of Review relates (**24/01079/FLL**) - and was validated on 14 July 2024 for the change of use of 4a Breadalbane Terrace to form a short-term let accommodation unit.
- 2.4. There was no communication from the planning authority before the applicant received notification that the application had been refused on 23 August 2024. By this point, the applicant had obtained their full short-term let licence (on 15 May 2024) and had been operating as such.

Proposal

- 2.5. As set out above, this proposal seeks planning permission for the change of use of No. 4a Breadalbane Terrace to form a short-term let accommodation unit.
- 2.6. The application does not propose any external or internal alterations to the property. No. 4a has been internally refurbished and redecorated to create a comfortable and welcoming visitor accommodation unit and will be exclusively managed and maintained by the Holiday Let Management Company Ltd who are specified on the property's short-term let licence.
- 2.7. Access to the property is through a pend to the rear (See **Photo overleaf**) where there is a door to the internal stairway. No. 4a is the only property located on the first floor (and visitors do not pass any neighbouring doors to access it).
- 2.8. There is no designated parking for Breadalbane Terrace. On street parking is available for residents and others on the on Breadalbane Terrace / A827.



View of No. 4a (outlined in red) – access to the property is through the pend (outlined in blue)



3. POLICY APPRAISAL

- 3.1. As required by Sections 25 and 37 (2) of The Town and Country Planning (Scotland) Act 1997 as amended by the Planning etc (Scotland) Act 2006, all planning decisions should accord with the development plan unless material considerations indicate otherwise.
- 3.2. In this instance, the planning application was assessed primarily against National Planning Framework 4 (2023) which forms part of the Development Plan as well as the Perth & Kinross Local Development Plan (2019).
- 3.3. In addition there is a duty under section 14(2) of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 for planning authorities to have special regard to the need to preserve a listed building and/or its setting or any features of special architectural or historic interest. Section 64(1) of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 also requires planning authorities to preserve or enhance the character or appearance of the designated conservation area.

National Planning Framework 4 (2023)

- 3.4. National Planning Framework 4 (NPF4) is the national spatial strategy for Scotland and contains a suite of policies that should be taken into consideration for all development proposals. As stated in the reason for refusal, of specific relevance to this application is Policy 30: Tourism.
- 3.5. *Part e) states 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’.*
- 3.6. In addition, Policy 14: Design, quality and place, criterion c states that *‘proposals that are poorly designed, detrimental to the amenity of the surrounding area or inconsistent with the six qualities of successful places, will not be supported’.*




Perth & Kinross Local Development Plan (2019)

- 3.7. Whilst there are no specific policies within the Perth & Kinross Local Development Plan relating to short-term let (STL) accommodation, policies 1A and 1B relating to placemaking and Policy 17: Residential Areas are of particular relevance. Policy 1A seeks to ensure development makes a positive contribution to the quality of the surrounding built and natural environment, whilst Policy 1B requires proposals to meet the criteria set out including creating a sense of identity (a) and considering and respecting the sites topography, surrounding landmarks and wider landscape.
- 3.8. Policy 17: Residential Areas states that *'generally, encouragement will be given to proposals which fall into one or more of the following categories of development and which are compatible with the amenity and character of the area'* which include (amongst others) *'Business, homeworking, tourism or leisure activities'* (Criterion d).

Appraisal - Residential Amenity

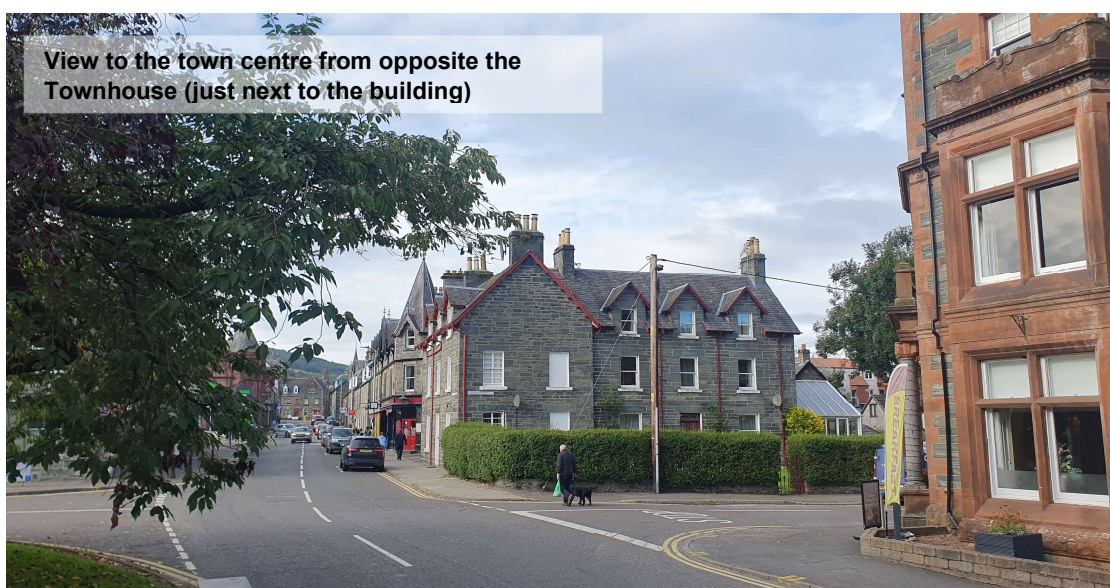
- 3.9. The Report of Handling for this application (**24/01079/FLL** referred to in this statement as No. 4a) acknowledges that *'the proposed use of the property as a short term let is not significantly different from a flat in terms of its physical appearance, the extent of guest footfall or noise emanating from the property, so long as good management practices are in place'*.
- 3.10. However, the Report goes on to state that *'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 a number of residential flats within a residential block'*.
- 3.11. No. 4a has been operating as a short term let since May this year and is managed and serviced by the Holiday Let Management Company Ltd who are named on the short-term let licence as the only ones permitted to carry out the day-to-day management of the premises. Whilst it is acknowledged that turnover of guests could at times be higher (but also at times considerably lower) than typical private accommodation, the management company are responsible for ensuring that any issues are dealt with immediately (although there have been no issues to date) and the property is maintained and kept in good condition at all times. As such there are already good management practices in place which are overseen by a company that



have significant experience managing STL properties (See **Letter from Management Company - 3**).

- 3.12. The assertion that the potential noise and disturbance to neighbours could be offset in a town centre or mixed-use area but not in this building as it comprises other residential flats is somewhat unsubstantiated.
- 3.13. Whilst it is recognised that the flat forms part of a larger building which does have other residential flats, Breadalbane Terrace lies a mere 63 metres from the town centre (see **Location Map – Appendix 1** and **Settlement Map for Aberfeldy – Appendix 2**) and is on the main route through Aberfeldy (A827) which encounters a steady stream of traffic (including being a bus route) and can be very busy at times. To the north of the building (less than 60m from the back of the flat and can be clearly seen and heard from the property) is Aberfeldy Business Park which is a thriving employment area comprising different businesses. Adjacent to the eastern boundary of the Business Park is Aberfeldy Caravan Park which is another very busy operation comprising 164 pitches and accommodating a high number of visitors every season (See **Appendix 2 - Settlement Map for Aberfeldy**).
- 3.14. People staying at the Caravan Park and employees working at the Business Park all use the A827 - which Breadalbane Terrace is located on – as the main route to the town centre. Whilst Breadalbane Terrace is not technically in the town centre, it is very close to it and is a busier part of town. In the peak season when the Caravan Park is busy – in combination with the Business Park and general traffic coming into Aberfeldy - there are high levels of activity along this route.
- 3.15. In addition, the building (comprising 1-6 Breadalbane Terrace) lies next to 'The Townhouse' which is a busy and popular guest house comprising bedrooms, an apartment for let and a restaurant. This business is not located within the town centre, however like No. 4a, lies in very close proximity and is closely connected to it (see **Image on Page 10**).
- 3.16. The businesses surrounding No. 4a already create a higher existing level of underlying noise and potential for disturbance. The assumption that any potential noise or disturbance impacts as a result of a STL can be offset in the town centre but not outwith is not justified. Due to No. 4a's position on a busy A road, close proximity to the town centre and with existing nearby businesses, any noise or disturbance that may be created as a result of this proposal would be offset – a conclusion that would be reached if it was located a matter of meters to the west.

- 3.17. Another short-term let application (for a flat in a building with other residential properties) was recently approved on Kinnoull Street in Perth (**24/01092/FLL**) - which whilst a different and larger town – is located just outwith the town centre. The Officer took the view that *‘whilst the property is on the other side of the road from an area which has been identified as part of the city centre (secondary uses), there are a clear mix of uses within the close vicinity of the property’*.
- 3.18. Further to this, an application (**24/00279/FLL**) for the conversion of Dunolly House (Grade C listed, outwith Aberfeldy Town Centre but also within the Conservation area) has recently been approved for 8 serviced/STL apartments. This proposal lies in a much quieter part of Aberfeldy and whilst was previously used as an outdoor centre creating an existing level of activity, the property is surrounded by other residential homes and it is argued that the cumulative impact of 8 STL apartments could result in a greater impact on residential amenity (and could also accommodate much larger groups occupying multiple flats) than a single flat in a busier part of town.
- 3.19. The Report of Handling for No. 4a acknowledges that there are some mixed-uses in the surrounding area but concludes that the area is considered to be predominantly residential in character which conflicts with NPF4 Policy 30(e)(i) Tourism. However, it is argued that this is not the case as No. 4a lies in very close proximity to the town centre, is located on a busy A road (which is the main route into Aberfeldy from the A9 separating Breadalbane Terrace from the residential dwellings on the opposite side of the road), is surrounded by a mix of uses (including other visitor accommodation, as well as business and residential uses) and therefore a similar position to the Kinnoull Street application (24/01092/FLL) should be taken.



Part of Aberfeldy Business Park which lies to the north east of Breadalbane Terrace



KC Planning

Image (Source: Google, Access 15/10/24) illustrating the proximity of No. 4a Breadalbane Terrace (outlined in red) to the Townhouse Guest House / Restaurant and Aberfeldy Town Centre (Image



KC Planning

Access

- 3.20. The Report of Handling adds that *'the building which the flat is located within is entirely residential in character and includes a shared stairwell which would be utilised by users of the short-term let (STL) and owner/occupiers of the neighbouring residential flats. The flat is also three bedrooms which potentially gives rise to larger parties utilising the STL which could have more scope for impact on the amenity of existing residential properties'*.
- 3.21. The main door to No. 4a Breadalbane Terrace is accessed by walking through a pend in the building (see **Photo below - left**) leading to a rear door which provides access to the shared stairwell (see **Photo below – right**). This rear stairwell only provides access to No. 4a on the first floor and Nos 4b and 4c on the second floor (the ground floor flat - No. 3 - has its own main door on the front of the building). Visitors do not pass any other doorways of neighbouring residential properties to get to No. 4a (it is the only flat accessed from the first floor) and would have no reason to come into contact with any other residential properties in this part of the building.






Doorway into stairway



Front door into No. 4a – the only property on the first floor

- 3.22. Other short-term let applications have been approved in recent months with shared entrances / stairways. Whilst it is fully acknowledged that the circumstances of these applications are slightly different (and they all lie within designated town centres), it raises the question of why the principle of a shared entrance / stairway for a short term let is acceptable in these cases – which also have residential neighbours - but appears to be a concern for No. 4a just because it does not lie within the town centre boundary.
- 3.23. The following recently approved applications (not an exhaustive list) all have shared access/stairway arrangements:
- **24/01185/FLL** – Flat 2, 59 South Street, Perth – first floor (2 bed) flat is accessed via a shared entrance and stairs used for other flats in the building.
 - **24/00856/FLL** – 6 Birnam Place, Pitlochry – first & second floor (2 bed) flat also has shared entrance with another flat.
 - **24/00786/FLL** – 3 Birnam Place, Pitlochry (1 bed) also has shared entrance.
- 3.24. In addition to the above, the Report of Handling for another application approved since No. 4a was refused, is **24/01092/FLL** (Kinnoull Street in Perth) where the Report of Handling states that: *‘This property is accessed via a shared pedestrian access, and with other residential properties (3) using the same entrance, there*



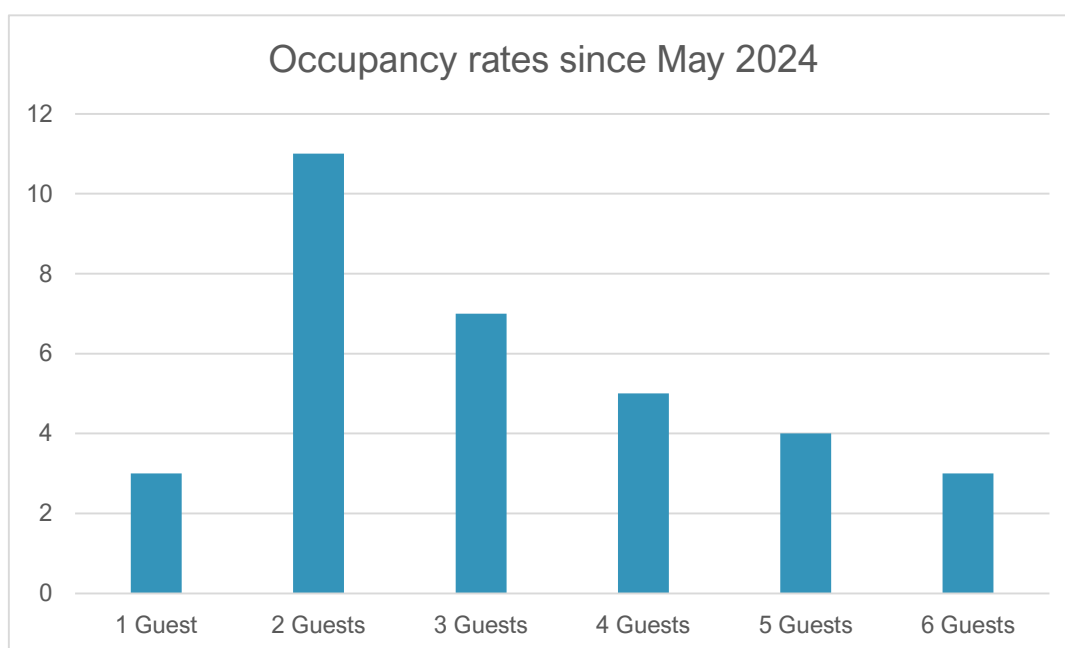
would be some potential for casual disturbance from guests / residents arriving, leaving and using this STL on other residents who share the communal access areas– and the Council’s published non-statutory STL guidance recognised this as a potential issue’.

- 3.25. However, it goes on to conclude that ‘A STL does not automatically increase footfall, and whilst there might be an increase, there is as much of a chance that the level of movements will either remain the same or be less than a typical residential flat – depending on the circumstances of the guest / occupier’.
- 3.26. Despite acknowledging the potential for changes for other users of the building, it states that there is ‘no guarantee that the users of this STL will a) meet other permanent residents within shared areas and b) will cause nuisance’.
- 3.27. The shared stairway for No. 4a is only used by two other properties (on the floor above) and visitors would not pass the front doors of any other residences enroute to No. 4a. As highlighted by the Kinnoull Street application, a STL does not automatically increase footfall – there will be periods when the property is not let and would be much quieter than a typical residential flat. As shown above, shared entranceways and stairwells are acceptable in other cases and there is no reason why it should be a particular concern in this instance taking into account the level of activity in the surrounding area.


Size of property

- 3.28. In respect of the size of the property, it is acknowledged that being 3-bedroom is slightly larger accommodation however there is a need to provide a range of visitor accommodation in the area to cater for families and other small groups. Aberfeldy is a popular tourist town with a lot to offer visitors. This is reinforced in the Settlement Statement in the Local Development Plan (2019) which states that ‘*It is a local and visitor service centre and plays a significant role in the Highland economy. Tourism is important for employment and helping maintain the viability of services within the town*’ and the Report of Handling does acknowledge that local economic benefits may accrue from the proposal.

- 3.29. The second consideration of Perth & Kinross Council's STL Guidance is whether a proposal relates to a property of 4 or more bedrooms. This suggests that properties of 4 or more bedrooms could be considered of greater risk for impacting local amenity from noise or disturbance. However, being a 3-bedroom property, No. 4a is below this and whilst it has capacity, the occupancy rates show that it is very rarely occupied by 6 people



- 3.30. Since No. 4a has been in operation, it has had a total of 33 bookings. The occupancy rates from these bookings are shown in the graph above. The majority of bookings (33%) were only 2 guests. 64% of all booking so far have been 3 guests or less (21 bookings) with only 15% being 4 guests (5 bookings), 12% being 5 guests (4 bookings) and 9% (3 bookings) being for the maximum capacity of 6 guests.
- 3.31. This clearly illustrates that whilst this is a 3-bedroom flat, the likelihood is that most of the time it will be operating at half of its capacity and therefore the potential for any form of disturbance or impact on residential amenity is incredibly low.
- 3.32. As a residential property, it could be occupied by up to 6 people continuously which equally could have the potential to cause disturbance (not that it necessarily would).

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- 3.33. Further to this, Environmental Health have been consulted on this application and have raised no objection to the proposal subject to a short term let licensing informative, and noise conditions which would form part of any licence that was granted. As set out above, a short-term let licence has been granted for the property (See **Short-term let licence (3)**) which is satisfied that the relevant criteria have been met.
- 3.34. This is further reinforced in the recent application on Kinnoull Street (24/01092/FLL) where the Report of Handling concluded that *'STL are now covered by a separate licence, so in the event that this STL was resulting in regular and constant issues these will be addressed via the licence, which could result in the operation being instructed to cease'*.
- 3.35. The STL licensing system has been set up to manage STLs and should there be any issues with the operation of or disturbance associated with a STL, then the licence could be revoked. No. 4a is managed by the Holiday Let Managemenet Company who are responsible for the day-to-day operation of the property and ensure that it is carefully monitored and maintained as well as dealing with any issues. Whilst reference is made in the Report of Handling to the recent appeal decision at Birnam (ref: PPA-340-2155), the Kinnoull Street application (24/01092/FLL) - which was approved since this appeal decision - is satisfied that the STL licensing system will address any potential management or disturbance issues. Therefore, it is fair and reasonable that the same approach should be applied in the case of No. 4a. Should there be any issues in the future that are not dealt with in a timely manner by the Management Company (even despite it having operated without issues for nearly 6 months), then it is reasonable for the licence to be reviewed.

Loss of Residential Accommodation vs Economic Benefit

- 3.36. Despite criterion ii of Policy 30e (NPF4) being listed as a reason for refusal, the Report of Handling is satisfied that *'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 three-bedroom flat in Aberfeldy to short term let accommodation would not have a significant impact on the availability of residential accommodation in the local area'*.

- 3.37. The flat had been for sale for over 6 months (it was put on the market in September 2022) prior to the current owner purchasing it, illustrating that there was limited demand for the property. As set out above, the Council is satisfied that the use of No. 4a as a STL would not have a significant impact on the availability of residential accommodation and as such the proposal complies with criterion ii of NPF Policy 30e.

Impact on character and visual amenity of the area

- 3.38. No. 4a forms part of 19th century Grade C listed block of 3-storey rectangular plan tenements which is located within the Aberfeldy Conservation Area. There are no external or internal alterations proposed and as such there will be no impacts on the integrity of the listed building or effects on the wider Conservation Area.
- 3.39. The Report of Handling confirms that *'No external works are proposed as part of this proposed change of use of a listed flat within Aberfeldy Conservation Area'*. However, it adds that *'it could be argued that the introduction of a short-term let accommodation in predominantly residential areas which are in or adjacent to conservation areas may adversely affect the character of such places'*.
- 3.40. No explanation has been provided as to why this may be the case and differing conclusions have been reached in relation to the impact of other STL applications on listed buildings and/or conservation areas in other parts of Perth & Kinross.
- 3.41. The Report of Handling for 24/01092/FLL (Kinnoull Street, Perth - which is both listed and within a Conservation Area) concludes that the *'proposed use would also not have a material impact on the character or appearance of the Conservation Area or on the listed building itself'*. In addition, for both 24/00856/FLL (6 Birnam Place, Pitlochry) and 24/00786/FLL (3 Birnam Place, Pitlochry), it was concluded that *'the site context within town centre is such that the introduction of a short term let accommodation unit would not adversely impact the character of the area, including Pitlochry Conservation Area'*.
- 3.42. Therefore, in the absence of further detail as to why this proposal could adversely affect the character of the conservation area - despite being in very close proximity to the town centre and the principle being acceptable for other applications – it is reasonable to conclude that it would not affect either the listed building or wider

conservation area. It is also highlighted that the use of the property as a STL ensures that it will always be maintained to a high standard and the use and fabric of the flat will much more closely monitored than a private residential flat. Whilst some of the flats in other parts of the block are showing signs of wear, No. 4a will be well looked after and make a positive contribution to the listed building.




Front elevation of the property (No. 4a on first floor)

4. OTHER MATERIAL CONSIDERATIONS

- 4.1. Non-statutory Planning Guidance for the Change of Use of Residential Property to Short-Term Let (STL Guidance) was adopted in November 2023 and sets out six considerations to assist in assessing STL proposals. The Report of Handling for No. 4a refers to this Guidance as discussed below.

Consideration 1

- 4.2. The first consideration set out in the STL Guidance is ***‘Where is the proposal located?’***. It provides three options, the first (a) of which is *‘Within the city centre or a town centre (as identified in the LDP2) where there is no adverse impact on amenity or character of the area?’*. It is agreed that No. 4a does not lie within the town centre, however it is obviously within very close proximity and does encounter surrounding activity associated with the town centre.
- 4.3. The second criterion (b) is *‘Within a settlement boundary (as identified in the LDP2) and located in an area where there is a mix of other uses which could already affect residential amenity?’*. No. 4a is located within the settlement boundary, and as set out in this statement, is on the busy A827 road which is the main route into and through Aberfeldy as well as being the main route from the nearby Aberfeldy Business Park and Caravan Park into the town centre which generates both pedestrian and motorised traffic. In addition, there is the ‘Townhouse’ Guest House/ Restaurant which is located next to the building (comprising 1-6 Breadalbane Terrace) and provides visitor accommodation. These surrounding operations illustrate that there is a mix of uses in the immediate vicinity of No. 4a, which provide an existing level of underlying noise and activity that would be more closely associated with a town centre (criterion a) or area where there is a mix of uses that could already affect residential amenity (criterion b).
- 4.4. Therefore, it is argued that this proposal would be much more closely aligned with criteria a) or b) of the first consideration in the STL Guidance than the third criterion which it appears to have been assigned - *‘Within a predominantly residential area and there could be adverse impact on amenity for existing residents, particularly in blocks with shared / communal entry?’* (c).
- 4.5. The Report of Handling states *‘In this instance, the property is located within an entirely residential flatted block and whilst there are some mixed uses in the*




surrounding area, the overall character of this part of Breadalbane Terrace and this flatted block is residential. The properties on the opposite side of the road are all, also residential’.

- 4.6. It is acknowledged that No. 4a is located within a largely residential building (there is a business located at 5 Breadalbane Terrace next door) however the surrounding area could not be described as predominantly residential. Whilst there is more modern housing across the A827, it is very much separate from Breadalbane Terrace, divided by the busy road with no crossing or direct connection between the two. Breadalbane Terrace clearly does not form part of this residential area and is more closely aligned with the uses on the same street and town centre. Therefore, as set out above, this proposal is much more closely aligned with criteria a) and b) and should be identified as such.

Consideration 2

- 4.7. The second consideration of the STL Guidance is ***‘Does the proposal relate to a residential property with four or more bedrooms, and will there be no adverse impact on local amenity from noise or disturbance if the let is occupied by a group or more than one family?’.***
- 4.8. In respect of this, the Report of Handling states that *‘Furthermore, the scale of the property, being three bedrooms also gives potential for a larger number of guests to utilise the STL which would increase the coming and going associated with the STL and therefore increase the potential disturbance to residential neighbours’.*
- 4.9. This proposal does not relate to a property of 4 bedrooms or more. However as set out above (Para. 3.28), it is acknowledged that the property could accommodate up to 6 people however that does not mean that it will always operate at full capacity and as the occupancy rates illustrate, most of the time it will be 3 guests or less. A 3-bedroom property could not accommodate more than one family. In addition, there is a need to provide accommodation that can cater for different numbers or configurations of people (for example three individuals).
- 4.10. As highlighted in the Report of Handling for the Kinnoull Street application (24/01092/FLL), a STL does not automatically increase footfall – there will be many periods when the property is not let and will be much quieter than a typical residential flat. Therefore, it cannot be assumed that this 3-bedroom property is going to impact on local amenity from noise or disturbance.

- 
- 4.11. In addition, Environmental Health have been consulted on the application and have raised no objection subject to a short-term let licensing informative and noise conditions which would form part of any licence that was granted. A STL licence has already been granted for the property (See **Short-term let licence (3)**) which is satisfied that the relevant criteria have been met.
- 4.12. In addition, the STL licensing system also plays a part in monitoring and managing STLs. This is reinforced in the recent application on Kinnoull Street application (24/01092/FLL) where it was concluded that *‘STL are now covered by a separate licence, so in the event that this STL was resulting in regular and constant issues these will be addressed via the licence, which could result in the operation being instructed to cease’*.
- 4.13. The STL licensing system will monitor STLs and should there be any issues with the operation of or disturbance associated with a STL, then the licence could be revoked and the STL would cease to operate. No. 4a is managed by the Holiday Let Management Company who are responsible for the day-to-day management of the property and ensure that it is carefully monitored and maintained as well as dealing with any issues. Whilst reference is made in the Report of Handling to the recent appeal decision at Birnam (ref: PPA-340-2155), the Kinnoull Street application - which was approved since this appeal decision - is satisfied that the STL licensing system will address any potential management or disturbance issues. Therefore, it is fair and reasonable that the same approach should be applied in the case of No. 4a. Should there be any issues in the future that are not dealt with in a timely manner by the Management Company (even despite it having operated without issue for 6 months), then it is reasonable for the licence to be reviewed.

Consideration 3

- 4.14. The third consideration in the STL guidance is ***‘Is the proposal for the extensive refurbishment a long term empty property?’***. As highlighted in Para. 3.37, No. 4a had been on the market for over six months prior to the applicant purchasing the property in July 2023. Due to the position of the property and its busier location, it was potentially seen as a less desirable property to purchase as a residential family home. As such, the applicant purchased the property to bring it back into active use,





having completely redecorated the property and continues to maintain it to a high standard for visitors.

Consideration 4

- 4.15. The fourth consideration is ***‘Will there be no unacceptable impact from the proposal on local amenity or the character of the area?’*** and the Report of Handling states in relation to this that *‘the proposal raises concern in terms of residential amenity and its effect on the character of this residential building and area’*.
- 4.16. As set out in detail above, No. 4a lies in very close proximity to the town centre, is located on a busy A road (which is the main route into Aberfeldy from the A9 and separates Breadalbane Terrace from the residential dwellings on the opposite side of the road), is surrounded by a mix of uses (including other visitor accommodation, as well as business and residential uses), all of which create higher existing level of underlying noise and potential for disturbance than would be the case in an entirely residential area.
- 4.17. No. 4a has operated as a STL without issue for nearly 6 months, has been issued a STL licence and Environmental Health have not objected to this application. In addition, as the Council has accepted in the case of other applications, the STL licence system is will ensure that any should there be impacts on residential amenity, then a licence can be reviewed.
- 4.18. As detailed under the *Impact on character and visual amenity of the area heading (Para. 3.38)*, there are no proposed internal or external alterations to the property and whilst the Report of Handling notes that the proposal could adversely affect the listed building or wider conservation area, there is no basis to conclude that this would be the case.

Consideration 6


- 4.19. The fifth consideration in respect of whether the proposal forms part of a rural diversification scheme is not relevant here and the sixth consideration is whether ***there is anything which demonstrates that the loss of the residential accommodation will be outweighed by the benefits of the proposal to the local economy?***
- 

- 
- 4.20. As set out in Para. 3.36, the sixth criterion reflects criterion ii of Policy 30e of NPF4 which is listed as a reason for refusal in this case. However, the Report of Handling is satisfied that *'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 three-bedroom flat in Aberfeldy to short term let accommodation would not have a significant impact on the availability of residential accommodation in the local area'*.
- 4.21. The Report of Handling concludes in relation to the STL Guidance that *'Whilst it is preferable for a property to be occupied than not, the nature of the proposed short-term let use is finely balanced against the impact such uses can have in predominantly residential areas. It is considered that in this instance, the concern regarding residential amenity and the effect on the surrounding area attracts greater weight within the planning balance'*.
- 4.22. As set out above, this appeal to the Local Review Body challenges the assertion that No. 4a will affect residential amenity based on it being identified as a *'predominantly residential area'* (Criterion c of the first consideration of the STL Guidance). As has been set out in this supporting statement, Breadalbane Terrace – whilst itself being a predominantly (but not exclusively) residential building - does not lie within what would typically be characterised as a residential area. The property lies just 63 metres from the designated town centre which comprises a range of businesses; is fronted by the A827 road which is a main route into and through Aberfeldy from the surrounding area creating a steady amount of traffic; is in close proximity to a Business Park (visible and can be heard from the rear of the flat) and the Caravan Park beyond it both of which use the A827/Breadalbane Terrace as the main route to the town centre. In addition, there is the Townhouse immediately adjacent to the building in which No. 4a is located which also provides visitor accommodation.
- 4.23. The combination of these surrounding uses and operations create a higher existing level of underlying noise and potential for disturbance which would not be present in a typical residential area. As such, it is requested that the basis for which this application was refused – primarily that No. 4a lies within a residential area and would result in a greater impact on residential amenity than if it were located within a town centre or in an area where there is a mix of other uses – is reconsidered.



5. CONCLUSION

- 5.1. This proposal for the change of use of No. 4a Breadalbane Terrace to form a short-term let accommodation unit has been refused on the basis that it does not comply with the relevant provisions of Policy 30 of NPF4 as well as Policies 1A: Placemaking and Policy 17: (d) Residential Areas of the Local Development Plan (2019) as it is deemed that the short-term let accommodation would adversely impact on the amenity of neighbouring residents and is not compatible with the amenity and character of the residential flatted block and surrounding predominantly residential area.
- 5.2. As has been set out in detail in this statement, it is argued that the location of No. 4a is not a '*predominantly residential area*'. It lies on a busy road (A827) on the edge of the town centre and has a number of different uses (including other visitor accommodation and businesses) in very close proximity which create a higher existing level of underlying noise and activity than would be encountered in a predominantly residential area. In respect of Perth and Kinross Council's STL Guidance, the location of Breadalbane Terrace is undoubtedly most closely aligned with 1a - being located so close to the town centre - and 1b - within a settlement boundary and in an area where there is a mix of other uses which could already affect residential amenity.
- 5.3. The Report of Handling (reflecting the STL Guidance) assumes that any impacts on residential amenity as a result of STL accommodation will be offset in a town or city centre. However, in this instance, the property is very close to the town centre, and encounters surrounding noise, movement and activity associated with the town centre. As such, it is argued that the impact on residential amenity would be considerably less in this location than a predominantly residential area.
- 5.4. No. 4a is professionally managed visitor accommodation and whilst the Report of Handling considers that management guidelines cannot be relied upon to control adverse impacts on neighbouring properties and harm to amenity, a separate application approved since this (24/01092/FLL) is satisfied that the STL licensing system is sufficient to address any potential management or disturbance issues - '*STL are now covered by a separate licence, so in the event that this STL was resulting in regular and constant issues these will be addressed via the licence,*



which could result in the operation being instructed to cease’. Therefore, it is fair and reasonable that the same approach should be applied in the case of No. 4a where a STL licence has been issued and has been operating without problem for 6 months.

- 5.5. In addition, the flat was on the market for over 6 months prior to being sold and was internally redecorated and refurbished by the current owner to create high quality and comfortable accommodation for visitors to Aberfeldy which is a thriving tourist town. The Report of Handling is satisfied that the loss of No. 4a to short-term let accommodation would not have a significant impact on the availability of residential accommodation in the local area.
- 5.6. Therefore, it is argued that this proposal does meet the policy principles set out in NPF4 Policy 30, Policy 1A and Policy 17 of the Local Development Plan (2019) as well as the STL Guidance (2023). The proposal has operated and can continue to do so without having any adverse impacts on the residential amenity and character of the area and it is requested that the decision to refuse this application is reviewed.

Katie Crerar

MRTPI BA (Hons) MA

Planning Consultant **KC Planning**

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E: kcplanning@outlook.com

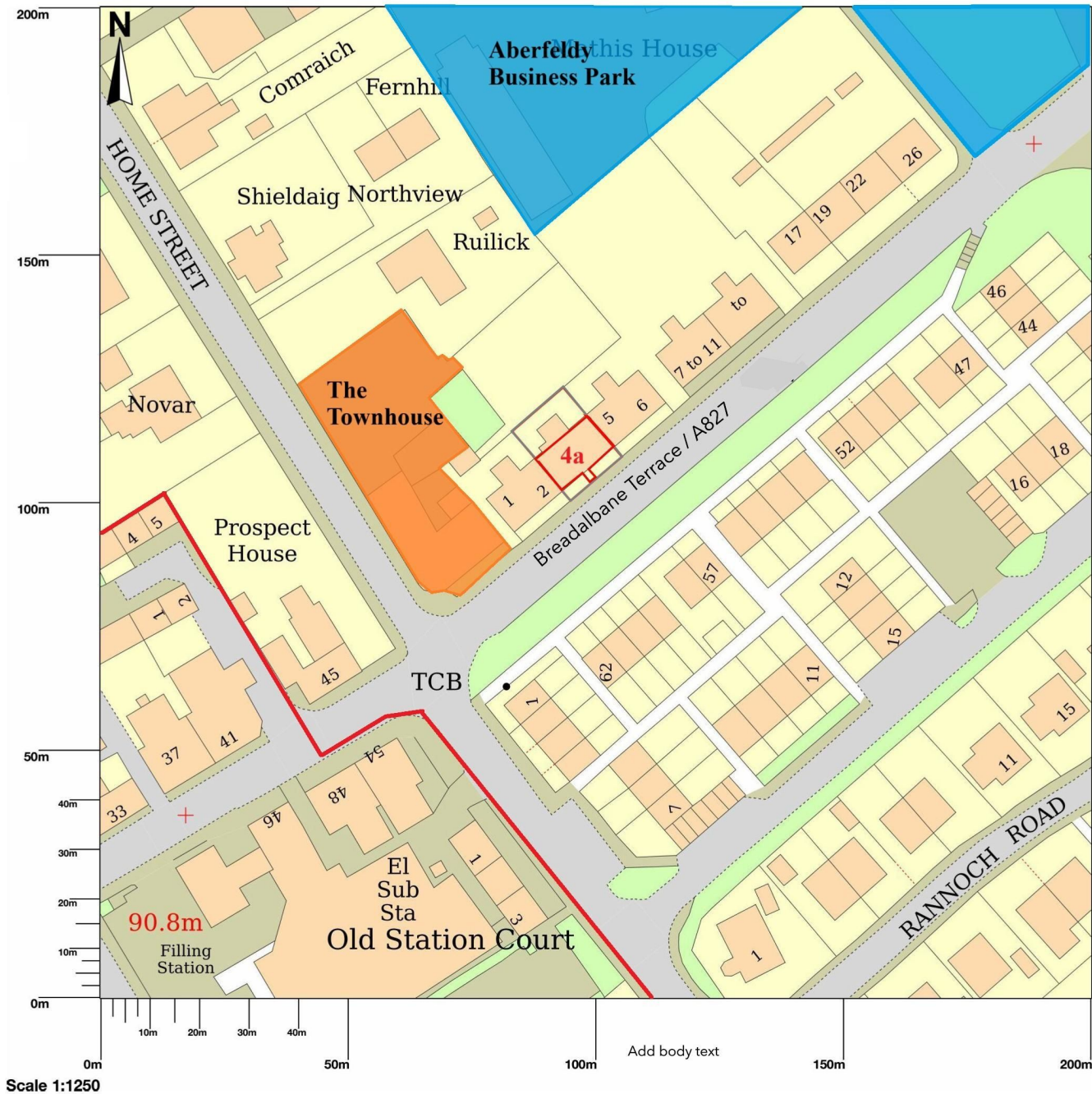
SUMMARY OF KEY POINTS

- No. 4a Breadalbane Terrace lies 63m from the town centre and on the A827 – the main route into and through Aberfeldy – as well as being in close proximity to Aberfeldy Business Park and the neighbouring Townhouse Guest House / Restaurant. There is a higher existing level of underlying noise as a result of these surrounding uses and activity which would not be present in a typical residential area.
- When assessed against the key considerations of Perth & Kinross Councils STL Guidance, in terms of its location, No. 4a is much more closely aligned with a town centre (a) or area within a settlement boundary where there is a mix of uses (b) however has been assessed as being a '*predominantly residential area*' (c).
- The shared stairway for No. 4a is only used by two other properties (on the floor above) and visitors would not pass the front doors of any other residences enroute to No. 4a. It has been accepted in other applications that a STL does not automatically guarantee disturbance or increased footfall.
- Whilst the application does not apply to a property of 4 or more bedrooms (as per key consideration 2 of the STL guidance), the size of the property (3-bed) was highlighted as being of concern for giving rise to larger parties. However, as illustrated in the occupancy rates, the majority of the time (64%), it is occupied by 3 people or less.
- Environmental Health have not objected to the application and the Report of Handling for a separate STL planning application (24/01092/FLL) concluded that '*STL are now covered by a separate licence, so in the event that this STL was resulting in regular and constant issues these will be addressed via the licence, which could result in the operation being instructed to cease*'.
- The Report of Handling is satisfied that '*the loss of this three-bedroom flat in Aberfeldy to short term let accommodation would not have a significant impact on the availability of residential accommodation in the local area*'.

APPENDIX 1: Location Map



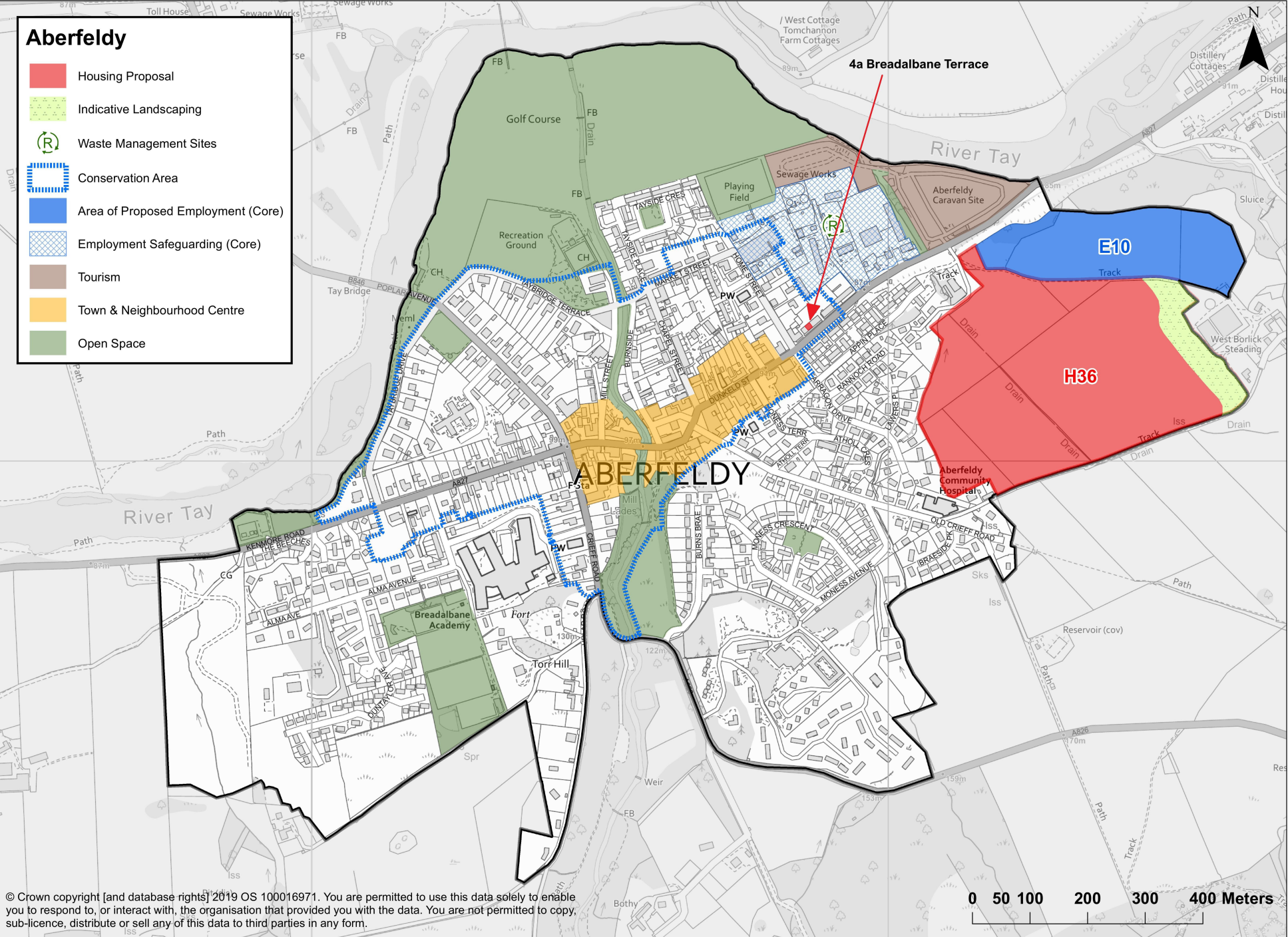
4A Breadalbane Terrace, Aberfeldy, PH15 2AG



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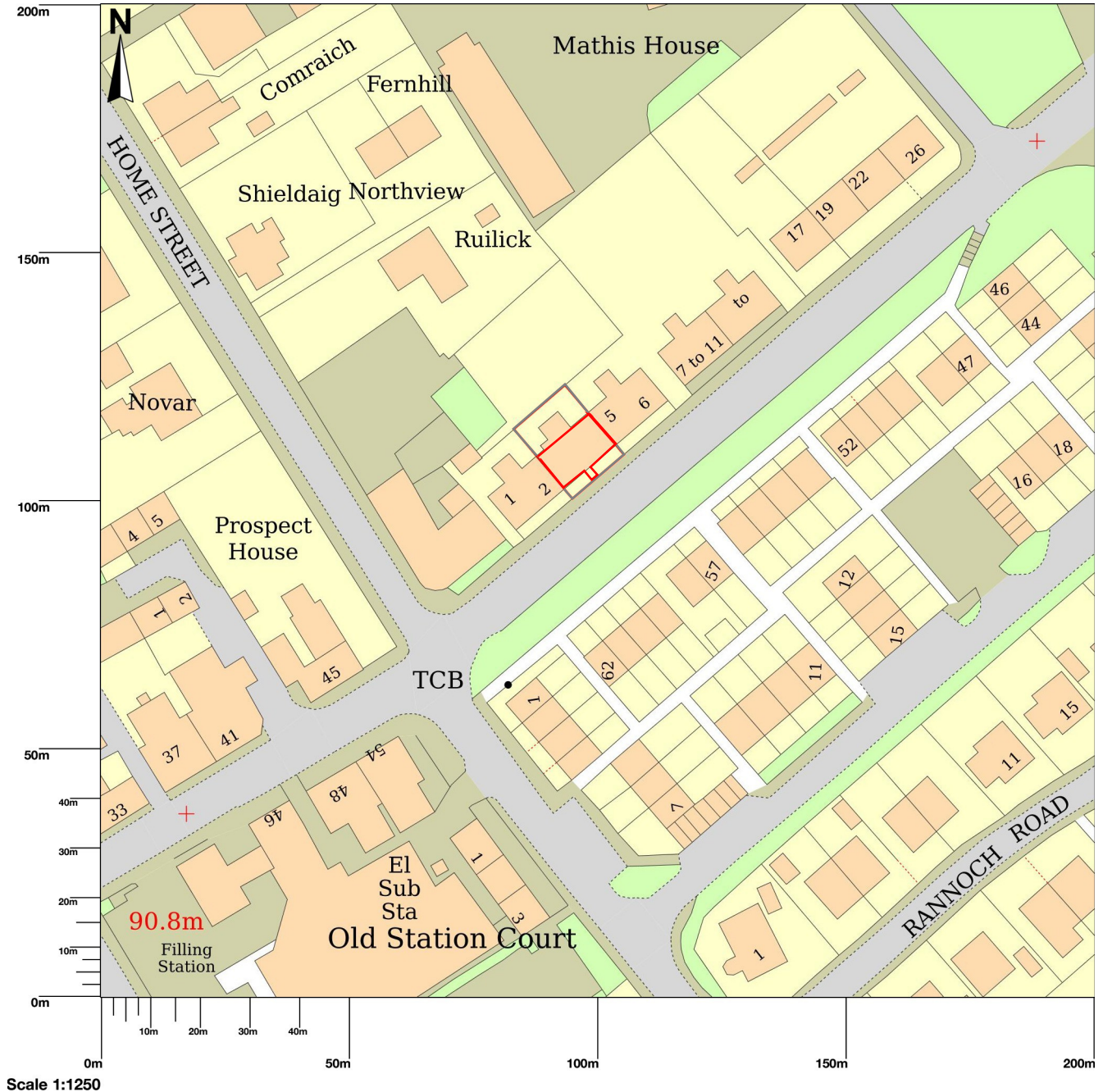
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**UK
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Maps**

4A Breadalbane Terrace, Aberfeldy, PH15 2AG



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PERTH AND KINROSS COUNCIL

The Civic Government (Scotland) Act 1982 (Licensing of Short-term Lets) Order 2022

GRANT OF FULL LICENCE (SECONDARY LETTING) FOR SHORT-TERM LET

Licence holder(s): Mike Pickersgill

Day to Day Manager(s): The Holiday Let Management Company Ltd

has been granted a Short-Term Let Licence

to accommodate a maximum of

6 guest(s)

at

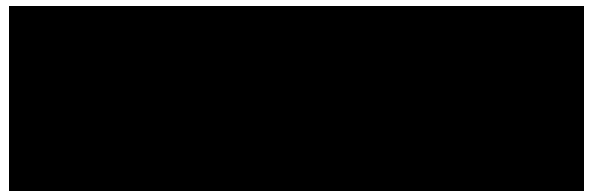
4a Breadalbane Terrace, Aberfeldy, Perth And Kinross, PH15 2AG

Subject to the Council's approved conditions for Short-Term Lets.

Licence No: PK12944F

Valid From: 15/05/2024

Valid Until: 14/05/2027



THIS IS A CERTIFIED COPY OF THE LICENCE

L. Simpson
Head of Legal & Governance Services

Mandatory Conditions

Mandatory conditions will be applied to all types of short-term let licences (as specified in schedule 3 of the Order) and Temporary Exemptions. The following are mandatory conditions and will apply to all licences issued:-

Agents

1. Only those named as a holder of the licence can carry out the day to day management of the short-term let of the premises.

Type of licence

2. The holder of the licence may only offer the type of short-term let for which the licence has been granted.

Fire safety

3. The holder of the licence must ensure the premises has satisfactory equipment installed for detecting, and for giving warning of -

- a. fire or suspected fire, and
- b. the presence of carbon monoxide in a concentration that is hazardous to health.

4. The holder of the licence must keep records showing that all upholstered furnishings and mattresses within the parts of the premises which are for guest use, or to which the guests are otherwise permitted to have access, comply with the Furniture and Furnishings (Fire Safety) Regulations 1988(1).

Gas safety

5. Where the premises has a gas supply -

- a. the holder of the licence must arrange for an annual gas safety inspection of all gas pipes, flues and appliances in the premises,
- b. if, after an annual inspection, any appliance does not meet the required safety standard, the holder of the licence must not allow a short-term let of the premises until the works necessary to bring the appliance to the required safety standard have been carried out.

Electrical safety

6. Where there are electrical fittings or items within the parts of the premises which are for guest use, or to which the guests are permitted to have access, the holder of the licence must -

- a. ensure that any electrical fittings and items are in -
 - i. a reasonable state of repair, and
 - ii. proper and safe working order,
- b. arrange for an electrical safety inspection to be carried out by a competent person at least

- every five years or more frequently if directed by the competent person,
- c. ensure that, following an electrical safety inspection, the competent person produces an Electrical Installation Condition Report on any fixed installations,
- d. arrange for a competent person to—
 - i. produce a Portable Appliance Testing Report on moveable appliances to which a guest has access, and
 - ii. date label and sign all moveable appliances which have been inspected.

7. In determining who is competent, the holder of the licence must have regard to guidance issued by the Scottish Ministers under section 19B(4) of the Housing (Scotland) Act 2006.

Water safety: private water supplies

8. Where the premises are served by a private water supply, the licence holder must comply with the requirements on the owners of private dwellings set out in the Water Intended for Human Consumption (Private Supplies) (Scotland) Regulations 2017.

Water safety: legionella

9. The holder of the licence must assess the risk from exposure to legionella within the premises, whether or not the premises are served by a private water supply.

Safety & repair standards

10. — (1) The holder of the licence must take all reasonable steps to ensure the premises are safe for residential use.

(2) Where the premises are subject to the requirements of Chapter 4 of Part 1 of the Housing (Scotland) Act 2006, the holder of the licence must ensure that the premises meet the repairing standard.

Maximum Occupancy

11. The licence holder must ensure that the number of guests residing on the premises does not exceed the number specified in the licence.

Information to be displayed

12. The holder of the licence must make the following information available within the premises in a place where it is accessible to all guests -

- a. a certified copy of the licence and the licence conditions,
- b. fire, gas and electrical safety information,
- c. details of how to summon the assistance of emergency services,
- d. a copy of the gas safety report,
- e. a copy of the Electrical Installation Condition Report, and
- f. a copy of the Portable Appliance Testing Report.

Planning Permission

13. Where the premises is in a short-term let control area for the purposes of section 26B of the Town and Country Planning (Scotland) Act 1997(4) (“the 1997 Act”), the holder of the licence must, where the use of the premises for a short-term let requires planning permission under the 1997 Act, ensure that either—

- a. an application has been made for planning permission under the 1997 Act and has not yet been determined, or
- b. planning permission under the 1997 Act is in force.

Listings

14. - (1) The holder of the licence must ensure that any listing or advert (whether electronic or otherwise) for the short-term let of the premises includes -

- a. the licence number, and
- b. a valid Energy Performance Certificate rating if an Energy Performance Certificate is required for the premises, in accordance with the Energy Performance of Buildings (Scotland) Regulations 2008(5).

(2) The holder of the licence must ensure that any listing or advert (whether electronic or otherwise) for the short-term let of the premises is consistent with the terms of the short-term let licence.

Insurance

15. The holder of the licence must ensure that there is in place for the premises -

- a. valid buildings insurance for the duration of the licence, and
- b. valid public liability insurance for the duration of each short-term let agreement.

Payment of fees

16. The holder of the licence must pay any fees due to the licensing authority in respect of the licence on demand.

False or misleading information

17. The holder of the licence must not provide any false or misleading information to the licensing authority.

Interpretation

18. In this schedule - “**Electrical Installation Condition Report**” means a report containing the following information –

- a. the date on which the inspection was carried out,

- b. the address of the premises inspected,
- c. the name, address and relevant qualifications of the person who carried out the inspection,
- d. a description, and the location, of each installation, fixture, fitting and appliance inspected,
- e. any defect identified,
- f. any action taken to remedy a defect,

“Energy Performance Certificate” means a certificate which complies with regulation 6 of the Energy Performance of Buildings (Scotland) Regulations 2008),

“gas safety report” means a report containing the following information -

- a. the date on which the appliance or flue was checked,
- b. the address of the premises at which the appliance or flue is installed,
- c. a description of and the location of each appliance or flue checked,
- d. any safety defect identified,
- e. any remedial action taken,
- f. confirmation that the check undertaken complies with the requirements of an examination of -
 - i. (i) the effectiveness of any flue,
 - ii. (ii) the supply of combustion air,
 - iii. (iii) subject to head (iv), its operating pressure or heat input or, where necessary,
 - iv. (iv) if it is not reasonably practicable to examine its combustion performance,
 - v. (v) its operation so as to ensure its safe functioning,
- g. (g) the name and signature of the individual carrying out the check, and
- h. (h) the registration number with which that individual, or that individual’s employer, is registered with a body approved by the Health and Safety Executive for the purposes of regulation 3(3) of the Gas Safety (Installation and Use) Regulations 1998(7),

“holder of the licence” means any person to whom a short-term let licence has been granted or jointly granted,

“home letting” means a short-term let consisting of the entering into of an agreement for the use, while the host is absent, of accommodation which is, or is part of, the host’s only or principal home,

“home sharing” means a short-term let consisting of the entering into of an agreement for the use, while the host is present, of accommodation which is, or is part of, the host’s only or principal home,

“premises” means the accommodation which is the subject of an application for a short-term licence or the subject of a short-term licence,

“repairing standard” means the steps which the holder of the licence is required to take to comply with the obligations placed on the holder by Chapter 4 of Part 1 of the Housing (Scotland) Act 2006(8),

“secondary letting” means a short-term let consisting of the entering into of an agreement for the use of accommodation which is not, or is not part of, the licence holder’s only or principal home,

“short-term let” has the same meaning as in article 3 of the Civic Government (Scotland) Act 1982 (Licensing of Short-term Lets) Order 2022,

“short-term let licence” means a licence for a short-term let, and **“type of short-term let”** means

one of the following purposes -

- a. secondary letting,
 - b. home letting,
 - c. home sharing, or
 - d. home letting and home sharing.
-



THE HOLIDAY LET MANAGEMENT COMPANY

HLM Management Scotland
2/3 48 West George Street
Glasgow
G21BP

Supporting Statement: The Holiday Let Management Company

To Whom It May Concern,

As the property management company responsible for overseeing operations at Aberfeldy Retreat, we are pleased to provide the following information regarding our management practices and the property in question.

Overview of Operations:

The Holiday Let Management Company is dedicated to maintaining the highest standards of property management and guest service across all of the properties under our care. We ensure that all properties comply fully with local regulations, including short-term let licenses, health and safety guidelines, and fire risk assessments. Our team conducts regular inspections, ensures that properties are correctly advertised according to their licenses, and offers 24/7 guest support to guarantee that all regulations are adhered to.

Aberfeldy Retreat:

Aberfeldy Retreat has been managed by The Holiday Let Management Company for six months. During this time we have welcomed 115 guests, we have experienced no issues with guest compliance concerning the occupancy limits or any health and safety breaches. The property's short-term let license stipulates a maximum occupancy of six guests, and we ensure that the property is only marketed and managed within this legal framework.

Management of Similar Properties:

We also manage several similar properties less than one mile away on the Drumcroy site, all of which operate under similar short-term let regulations. Like Aberfeldy Retreat, these properties have not encountered any issues concerning occupancy, health, or safety. Our commitment to best practices and strict compliance ensures that these properties remain safe and professionally managed, providing a positive experience for both guests and the local community.

We are confident in our ongoing ability to manage Aberfeldy Retreat and other nearby properties in accordance with all applicable regulations. Should you require any further information, please do not hesitate to contact us.

Sincerely,

Kristopher Dunn, Director HLM Management Ltd

HLM Management Scotland Ltd
2/3, 48 West George Street, Glasgow G21BP

5. STATEMENT FROM MIKE PICKERSGILL (APPLICANT)

In February 2023 I made a successful bid to purchase 4a Breadalbane Terrace, Aberfeldy, a 3 bedroomed flat with the purpose of making this property into a holiday let business.

Having spent many months looking at various properties in Northern England and Scotland, I decided to concentrate on Perthshire and Fife areas as I spent many years holidaying in both areas with which I have a fondness. Having the property presented to me by an agent I visited the area and got a fantastic hospitable feeling from the businesses and locals in Aberfeldy and felt purchasing the flat was certainly the right thing to do as I knew from a tourist perspective it was a stunning area.

So having completed the purchase in July 2023 I spent a large amount of money on redecorating the whole property whilst ensuring all gas certification and electrical certification was completed.

In November 2023 after all decorating works were completed, I then submitted a planning application for a change of use to use the property as a holiday let and submitted the necessary forms as per the PKC portal guidelines along with planning fee and documents that also incurred extra costs. I then submitted an application for a short-term holiday let licence as I now had all Pat testing, Fire Risk assessments, Legionella risk assessments etc completed as per the requirements on the PKC portal, whilst the planning permission was in the pipeline been considered.

Sometime around April 2024 my short-term licence application had been submitted but my planning permission application had disappeared off the PKC planning portal even though PKC had acknowledged my application and receipt of planning application fee which I found rather concerning.

In May 2024 I then raised this with Development Planning Department and raised the matter as to where the planning application had gone, some weeks later Caroline Stewart contacted me by email and acknowledged that indeed they had lost the planning application, confirmed my initial planning application reference number and acknowledged the payment fee from 2023 but apologised and suggested I should submit another planning application which I did immediately with another fee paid out. During this period from May to July 2024 the property had been let out under the terms of the short-term licence with guest numbers averaging between 2-3 guests at a time most weekends and some weekdays.

I had also at this point been to the property and had spoken residents within my block whether they had any issues with guests staying and none had reported any noise or concerns. In August 2024 I received notification from PKC that my planning application had been rejected and one of the reasons implied was the risk of anti-social behaviour from guests staying at the property, this is speculation only as I have spoken to residents on a What's App group regularly who inform me that there have been no issues from my guests but they have pointed out they have more asb issues from some council tenanted flats in Breadalbane Terrace (though not above my property) which legally under new legislation could take 12 months to evict but holiday guests are gone within a couple of days and if there are ever any issues with

guests then they would be barred from any future bookings with the holiday letting management company and myself as the owner.

I'm writing this statement asking for a change of heart on this decision to prevail here as this is my first venture into the holiday let business at great expense and want this to work in Aberfeldy as it's a wonderful community and benefits the town financially but I'm socially aware of the impact holiday let's can have hence my conscious decision to consider everyone involved.

Submitted for consideration

Mike PICKERSGILL