

# 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 2013

**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.**

PLEASE NOTE IT IS FASTER AND SIMPLER TO SUBMIT PLANNING APPLICATIONS ELECTRONICALLY VIA <https://www.eplanning.scot>

1. Applicant's Details		2. Agent's Details (if any)	
Title	Dr	Ref No.	
Forename	Harriet	Forename	
Surname	Miles	Surname	
Company Name		Company Name	
Building No./Name	6	Building No./Name	
Address Line 1	Barnshot Road	Address Line 1	
Address Line 2		Address Line 2	
Town/City	Edinburgh	Town/City	
Postcode	EH13 0DH	Postcode	
Telephone		Telephone	
Mobile		Mobile	
Fax		Fax	
Email		Email	
<b>3. Application Details</b>			
Planning authority	East Lothian Council		
Planning authority's application reference number	23/00471/P		
Site address	2A Forth Street Lane North Berwick EH39 4JB		
Description of proposed development	Change of use of flat to short term holiday let ( Retrospective)		

Date of application

07/08/2023

Date of decision (if any)

10/10/2023

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

#### 4. Nature of Application

- Application for planning permission (including householder application)
- Application for planning permission in principle
- 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)
- Application for approval of matters specified in conditions

#### 5. Reasons for seeking review

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

#### 6. 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.

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

If you have marked either of the first 2 options, 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 necessary.

Factual inaccuracies presented by the objector.

#### 7. Site inspection

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

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

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

### 8. 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 would like to appeal the planning decision due to factual inaccuracies presented by the objector:  
The planning assessment states "the other flatted property used as a residential dwelling within the residential building of 2 Forth Street Lane"  
2 Forth Street Lane the flat below 2A is not a permanent/ long term residence but a second property / holiday home. The owner's permanent address is elsewhere in Scotland. The owner sometimes spends several weeks at a time away from the property during which time their property is either unoccupied or used by their family and friends. When they do come, like the guests to our property at 2A they have to bring their own luggage, shopping etc.  
You state that "whilst permanent residents are likely to have visitors of their own from time to time, those permanent residents would remain in control of security to communal areas"  
Flat 2, the property below flat 2A, is regularly used by family and friends of the owner when the owner is not resident therefore the owner is not in control of security to communal areas such as the gate being left open.  
There are only 2 properties, No 2 and 2A sharing the common entrance, unlike in many tenemental properties where there are a large number of properties. The use of both is not, for the reasons stated, dissimilar given the use of No 2 is not a permanent/long term residence but rather a second property/holiday home. Given this, it is not justified to refuse consent in this instance and determine that the use of 2A is incompatible with and harmful to the amenity of the occupants of the other flatted property, and as such contrary to part e) of policy 30 of National Planning Framework and Policy RCA1 of the adopted East Lothian Local Development Plan 2018.  
I would also like to comment on the the Council's Housing Strategy and Development Service

Have you raised any matters which were not before the appointed officer at the time your application was determined? Yes  No

If yes, please explain below a) why your are raising new material b) why it was not raised with the appointed officer before your application was determined and c) why you believe it should now be considered with your review.

I was not asked to comment on or able to review written submissions by the objector.

### 9. 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

1. Letter which I have already submitted to the planners.
2. Copy of Rates document

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.

### 10. Checklist

Please mark the appropriate boxes to confirm that 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 requesting 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 hereby serve notice on the planning authority to review the application as set out on this form and in the supporting documents. I hereby confirm that the information given in this form is true and accurate to the best of my knowledge.

Signature:



Name:

Harriet Miles

Date:

21/11/23

Any personal data that you have been asked to provide on this form will be held and processed in accordance with the requirements of the 1998 Data Protection Act.

**FULL TEXT FROM COMMENT BOX WITHIN SECTION 8 (PAGE 3) OF THE NOTICE OF REVIEW FORM**

“I would like to appeal the planning decision due to factual inaccuracies presented by the objector:

The planning assessment states “the other flatted property used as a residential dwelling within the residential building of 2 Forth Street Lane”

2 Forth Street Lane the flat below 2A is not a permanent/ long term residence but a second property / holiday home. The owner’s permanent address is elsewhere in Scotland. The owner sometimes spends several weeks at a time away from the property during which time their property is either unoccupied or used by their family and friends. When they do come, like the guests to our property at 2A they have to bring their own luggage, shopping etc.

You state that “whilst permanent residents are likely to have visitors of their own from time to time, those permanent residents would remain in control of security to communal areas”.

Flat 2, the property below flat 2A, is regularly used by family and friends of the owner when the owner is not resident therefore the owner is not in control of security to communal areas such as the gate being left open.

There are only 2 properties, No 2 and 2A sharing the common entrance, unlike in many tenemental properties where there are a large number of properties. The use of both is not, for the reasons stated, dissimilar given the use of No 2 is not a permanent/long term residence but rather a second property/holiday home. Given this, it is not justified to refuse consent in this instance and determine that the use of 2A is incompatible with and harmful to the amenity of the occupants of the other flatted property, and as such contrary to part e) of policy 30 of National Planning Framework and Policy RCA1 of the adopted East Lothian Local Development Plan 2018.

I would also like to comment on the Council’s Housing Strategy and Development Service statement that they “object to this retrospective application as the use of the property as a short term let is considered a significant loss as the property is located in North Berwick with a concentrated number of short term lets: the short term let is not considered long term established: and the annual occupancy rate is low.”

Michael Wilkie Assessor Valuation Joint Board assessed the property in November 2022 and provided a non-domestic rating revaluation 2023 of £6000. Ref 421F700AE2(A). In his assessment information about occupancy and availability were submitted and these met the Council’s thresholds for a non-domestic rating, I would therefore contest the statement that the annual occupancy rate is low.

Copy of letter dated 30/11/22 attached.

I hope that you will reconsider this planning application on these grounds.”