

Statement of Appeal

App No. 23/01051/P

This application, and appeal, raises important principles for the East Lothian economy. The outcome of this appeal could also set a precedent for all short-term lets in East Lothian, and possibly beyond.

Legal Position

It is important at the outset to set out the legal position, as this appears to have been misunderstood by the planning officer in their report.

The legal position is that planning permission for use of a residential property for short-term lets is only required where that is a change of use which is material. So planning permission is not always required, only where the change of use is material, and that must be decided on a case by case basis having regard to the individual circumstances.

This matter has been considered very recently (4 December 2023), by Lord Braid in the Court of Session. That case did not change the law, so the position should already have been well understood by the officer, but it does helpfully summarise it:

“Prior to the enactment of section 26B [of the Town and County Planning (Scotland) Act 1997], there was little regulation of short-term letting in Scotland. There was no requirement to obtain a licence, and the use of a dwellinghouse for short-term lets did not of itself require planning permission, unless it involved a material change of use of the property. Whether the use of a dwellinghouse for short-term letting does amount to a material change of use is a question of fact and degree depending on the individual circumstances of the accommodation: Moore v Secretary of State for Communities and Local Government [2013] JPL 192; Cameron v Scottish Ministers [2020] CSIH 6.” (emphasis added)

This makes clear that planning permission is only required where there is a material change in use. Section 26B allows a planning authority to designate short-term let control areas where use a short-term let is “deemed to involve a material change of use” – I am not aware that East Lothian Council has designated any short-term let control areas, and this case confirmed that such designation does not have retrospective effect.

So the position in East Lothian generally, and for this appeal, is that planning permission is only required where the change of use to short-term lets is material, which depends on the individual circumstances.

The planning officer has assumed that for a property to be used as a short-term let there must be a planning permission for the use as a short term let (or certificate of lawful use). This is not correct – the property could be lawfully used as a short term let if the change from the previous use was not material. The report states:

“However, there is no record of planning permission having been granted for the use of that neighbouring flat [REDACTED] as a short term let nor has a Certificate of Lawful Use been issued for that use. [...] Accordingly, it can reasonably be concluded that the neighbouring first floor flat is in use as a residential dwelling and not as a short term holiday let.”

This is not correct, it is perfectly possible that the neighbouring flat is being lawfully used as a short-term let, as stated in the application, without a record of a planning permission for that use.

[It would have been, and still is, open to the appellant to apply for a certificate of lawful use that in these individual circumstance the change in 2021 from medium/long term lets to short term lets is not a

material change of use, and so planning permission is not required at all. Depending on the outcome of this appeal, this is next step the applicant may take.]

However, of direct relevance to the appeal is that planning officer could not reasonably assume that the neighbouring flat is not also a short term let, as stated by the appellant. The council has no evidence to the contrary and has made no enquiries to establish the correct position.

This is a fundamental flaw in the decision notice. This is reason on its own for the LRB to place very little weight on the officer's report, and carefully consider its decision.

Planning policy position

The officer's report explains there is no policy in the East Lothian LDP in relation to short-term lets, although the LDP states *"that a range of hotel, guest house and other accommodation attracts visitors and encourages them to stay and benefit the economy of East Lothian"*.

The officer report also refers to Policy 30(e) of the National Planning Framework 4, which is a national policy. The policy intent of policy 30 (which is not referred to in the officer report) is stated to be: *"To encourage, promote and facilitate sustainable tourism development which benefits local people, is consistent with our net zero and nature commitments, and inspires people to visit Scotland."* Policy 30(e) of NPF4 states that development for short term lets will not be supported where the proposal will result in an *"unacceptable"* impact on local amenity or the character of a neighbourhood or area, or, the loss of residential accommodation where such loss is not outweighed by demonstrable local economic benefits.

The officer report confirms *"The change of use of the residential flat to a holiday let provides holiday accommodation within North Berwick that attracts visitors and encourages them to stay in East Lothian, which supports the existing long established business and benefits the wider economy of East Lothian."*

The officer report explains that the Council's Economic Development Service Manager supports this planning application stating that the change of use of the flat to short term holiday let accommodation supports the strategic goals and objectives of the Economic Development Strategy 2012-2022 and the intent and outcomes of part (e) of Policy 30 of NPF4. The view of the Council's Economic Development Service Manager is based on the individual circumstances of the property and the local area,

- (i) *"the property will provide high quality tourist accommodation attracting visitors to North Berwick and the surrounding area providing economic benefit;*
- (ii) *there is a demonstrable economic benefit to having a wide range of accommodation types in East Lothian with the tourism sector contribution £155m to the local economy in 2021 and supporting 10% of the workforce;*
- (iii) *non-serviced accommodation (short term holiday lets) contributes positively to the local economy (£279m in 2019) and the applicant's flat accounts for 6 bedspaces and a potential annual economic impact of £136,362 and 3FTE jobs;*
- (iv) *there is an increasing number of overnight stays in East Lothian for work purposes (which is expected to increase over the next 10-15 years) such that the loss of short term accommodation is likely to have a significant negative impact on the local tourist economy in monetary and reputational terms."*

Importantly, the Council's Economic Development Service Manager has also considered and balances the caution of Policy 30(e) of NPF4 in reaching this view.

Despite this balanced judgement and positive support from the Council's Economic Development Service Manger, the officer report concludes:

“However the local economic benefits associated with the use of the applicant's first floor flat operating as a two bedroom unit of short term self-catering holiday let accommodation does not outweigh the unacceptable impact on local amenity.”

The fundamental problem, and driver for this appeal, is that this conclusion is not based on any real consideration of the individual circumstances of the property or the application. The officer report notes that the Senior Environmental Health Officer advises that *“whilst the normal use of a property would not result in loss of amenity to neighbours, the use of properties for short term holiday lets (particularly those with communal entrances shared by other occupiers within the building) can result in future guests misusing and abusing the property in a manner that is antisocial and can result in a significant impact upon amenity of neighbours”* – this advice is framed in general and generic terms – the EHO advises short terms lets can result in amenity impacts but, crucially, the EHO has not advised that there is any such risk arising from this particular application. The advice from the EHO is entirely generic. Furthermore, the officer report does not record that the EHO actually objects, and records that in relation to other amenity impacts there are no objections from the Council's Antisocial Behaviour Team, Police Scotland or the Council's Road Services. This is despite the short term use having been ongoing since 2021, so the subject of the application has been tested thoroughly in reality.

As well as no objections from the council's internal experts (and indeed support from the Council's Economic Development Service Manger), the most important stakeholder in all this – the other property which would potentially suffer the amenity impact – has been fully consulted and not raised any concerns at all. Of relevance here is the officer's flawed assumption that the property is not also in short-term use, as set out above, this is a legally incorrect assumption. So not only has the other property owner not raised any concerns, the officer has made unsubstantiated and flawed assumptions about the use of that property.

So absent any objections, or concerns which consider the individual circumstances of the application, the officer's decision turns on their own analysis. And on reading the report, this is also problematic. The officer describes the possible impacts of a short-term let with a shared entrance in wholly generic terms – there is no evidence to suggest any of these concerns are actually relevant in the individual circumstances of the application. Similarly, although the location of the property is described, there does not appear to have been any consideration of those circumstances in reaching a conclusion. Policy 30(e) of NPF4 refers to an unacceptable impact on “local amenity” and “the character of the neighbourhood” – the officer's report does not engage with existing amenity of the individual property which is between the beach and centre of the busy tourist high street and above a public house (and close to other commercial businesses). This is not, for example, a property in a purpose built block of flats in a residential area (where quite obviously a different conclusions might be reached).

The planning officer's decision

The reason for the officer's decision is stated to be *“However the local economic benefits associated with the use of the applicant's first floor flat operating as a two bedroom unit of short term self-catering holiday let accommodation does not outweigh the unacceptable impact on local amenity.”* The formal “reason for refusal” similarly states *“The holiday let use of the flatted property is incompatible with and harmful to the amenity of the neighbouring flatted property used as a residential dwelling within the residential building and as such is contrary to part e) of Policy 30 of National Planning Framework 4 and Policy RCA1 of the adopted East Lothian Local Development Plan 2018.”*

This only refers to limb (i) of Policy 30(e) of NPF4 (“unacceptable impact on local amenity...”) and not to limb (ii) (“loss of residential accommodation...”). Given also that the loss of residential accommodation was considered by the Council's Economic Development Service Manager who supports the application, it can be reasonably assumed that the core reason for refusal is that impact on local amenity and residential character does not outweigh the local economic benefits.

Request on appeal

The planning officer has not properly considered the actual individual circumstances of this property and the application. Considering an individual application based on its own circumstances is an approach supported by the Court of Session, when this matter was considered in December. It is also the approach taken by the Council's Economic Development Service Manager who supports the application, and whose reasons are based on the actual evidenced benefits and impacts of this application. The planning officer's concerns in relation to amenity (and the EHO's) are based on generic impacts which can arise from short term lets where there is a shared entrance hall, but not on any consideration of whether such impacts might actually be a concern with this individual property.

It is respectfully submitted that the LRB should consider the following:

- The actual local economic benefits of the proposal, as summarised by the Council's Economic Development Service Manager, which led to support for the application.
- The appellant is a local small business, so the benefits of the short term are within the local community.
- The lack of any amenity concerns by the owner of the other property – it is the amenity impacts on this property which have led to the refusal but the owner has raised no concerns at all.
- No objections on amenity are raised recorded in the officer's report from any of the council's other functions (EHO, roads) or the police.
- The actual situation and amenity of the property, including its location at the heart of the North Berwick tourist area and above a public house.

When the actual circumstance of the application and the property are considered, it is clear that there is no evidence of amenity impacts, especially when considered in the context of the location of the property in the heart of a busy tourist area and above a public house. This is reason enough to conclude that the amenity impacts are not unacceptable, and so there is no conflict with policy 30 of NPF4 or RCA1 of the East Lothian LDP, and planning application should be granted. However, even if the LRB does have residual amenity concerns, these are clearly outweighed, when the development plan is weighed as a whole, by the economic and tourism benefits supported by the policy intent of Policy 30 of NPF4 and by Tourism policies of the East Lothian LDP which provides at 3.26 that *“The East Lothian Economic Development Strategy 2012-22 identifies tourism as one of the strengths of the East Lothian economy and a source of employment opportunities in the future.”*

Therefore, it can be safely concluded that application accords with the development plan, read as a whole, and there are no material considerations which indicate otherwise.

The LRB is respectfully requested to allow this appeal.

Precedent

It is also respectfully submitted that this application raises important precedent points, which are likely to be of broad interest to the tourism sector in East Lothian and beyond.

If the LRB were to follow the same approach as the planning officer, it would be taking a decision based on legal flaws, and which is wholly unreasonable.

The approach of the planning officer was to assume there would be unacceptable amenity impacts without consideration of the actual location and circumstances of the property. This would set a precedent which would effectively mean any application for a short term let with a shared entrance would be refused regardless of the individual circumstances. This would not accord with the recent Court of Session judgement, and would be an unfair and irrational approach.

(i) An unacceptable impact on local amenity or the character of a neighbourhood area

The officer report cites the Council's Senior Environmental Health Officer suggestion that the use of properties for short-term holiday lets "can result in future guests misusing and abusing the property in a manner that is antisocial and can result in a significant impact upon the amenity of neighbours." The report goes on to concede that the Council's Environmental Health Service cannot "assume that antisocial behaviour will arise".

The fact is, no objections to the retrospective planning application have been made by the Council's Antisocial Behaviour Team, Police Scotland, the public and most importantly, including the flatted property at [REDACTED] Forth Street Lane. If antisocial behaviour of past guests (temporarily) residing at 8 Forth Street Lane had been a problem, one would reasonably expect objections to have been raised.

Antisocial behaviour has been reported to Police Scotland and widely publicised in the East Lothian Courier. Internet research dating back to 29 February 2016 cites an email from [REDACTED] that states that "antisocial behaviour of clients of this pub is having a serious, negative impact on the lives of local residents". According to EL Courier (16.01.2023) Police Scotland were called out because of antisocial behaviour due to a "heavily intoxicated male refusing to leave the pub and causing a nuisance". In March 2021 it was well documented that a man smashed the windows of the pub in the early hours of the morning.

I would argue that the impact of regulars and visitors to the pub and the smoking area, located very close to the external entrance of the property, cause more disturbance, nuisance and noise to both residential dwellings (regardless of use) than regular guest changeovers "sometimes at unsociable hours". The Auld House opens Mon-Wed 11am-11pm; Thursday-Saturday 11am-1pm and Sunday 11am-12 midnight) and according to their website, regularly hosts live music events.

- I would ask the review board to consider whether future guest behaviour should be assumed to be any different since the start of my short term let in June 2021?
- I would ask the review board to consider how to measure the impact of the change of use in the context of what the report later defines as "typical residential circumstances" given the property is located above a public house.
- Considering the facts, and in the absence of any objections raised, and considering the 'atypical residential circumstances' of both properties, would the review board not also come to the conclusion that a change of use would not be harmful to the amenity of the occupant of the neighbouring first floor flat [REDACTED] Forth Street Lane?

The report states "it can reasonably be concluded that the neighbouring [REDACTED] flat is in use as a residential dwelling and not as a short-term holiday let".

I did state in good faith (based on a conversation with the publican) that this property is in fact not used as a principal private residence and has in the past been used as a short-term holiday let. I think one could not reasonably assume that the absence of planning permission or STL application would reasonably indicate the actual use of the property (as a residential dwelling). The requirements for both are intrinsically connected to and were only required effective from 31 October 2024 (the STL application deadline). What would be conclusive evidence would be to review the utility use within the property to support "typical residential circumstances". An equally reasonable conclusion could be that the publican has decided to cease his current use due to the enhanced requirements imposed by the STL requirements, but more likely because the publican is in fact only the leaseholder of the property

and not the freehold owner. As such, it would have to be the owners Greene King Group (GKG) that would have to make the application. It might be equally reasonable to assume that the GKG would object their property to be used for holiday let purchase for licencing and insurance purposes.

- I would like to ask the review board to consider the reasonableness of the officer's "reasonable conclusion".

The officer goes on to state that the change in use of the property as a holiday let for short stays will result in "turnover of people over short time periods with a significant proportion of occupants likely to be visitors." The consequence is the change to the "nature of comings and goings not only to the application property itself but also within the communal entrance and hallway of the residential building".

- I would ask the review board to also consider the prior points raised in the context of the officer's conclusion that "future guest might misuse and abuse the property in a manner that is antisocial". The highlighted change to the use of the communal entrance and hallway must surely be relative to the impact on both residences by the virtue of their location and a-typical circumstance – i.e. situated in a mixed-use area with significant pedestrian footfall and turnover of stakeholders (pub regular and guest, care home support staff, customers of the beauty and tanning parlour and tourists/visitors). I would argue that the impact of guest [REDACTED] Forth Street Lane is less detrimental than turnover of the wider stakeholder community.
- If the review board agree with the a-typical circumstance of the property and the significant stakeholder impact, then would the review board not also agree that the current use of either property is not important.
- The fact that no objections were raised by my immediate neighbours further supports that any change caused by guest turnover is negligible and non-contentious.

The report goes on to cite that "most users/occupants of the holiday let have a degree of luggage or other property to take through the communal entrance and hallway which itself would lead to level of disturbance and nuisance not associated with the permanent/long-term residential use of the property. This is harmful to the amenity of the occupant of the neighbouring first floor flat [REDACTED] Forth Street Lane."

No objections have been raised to date. I am not sure to what extent the comings and goings of guests differs from for example a young family with children. Given the short-term nature of their stay, they will have relatively small amount of luggage but to what degree that would cause a "level of disturbance and nuisance not associated with long term residential use" is not clear. In fact, when I think of my three young children, I would say they cause more disturbance than any short-term guest will ever cause.

The officer then comments on permanent residents that "keep their luggage in the own homes". Is the officer implying that guest do not?

I can assure the review board that all guests store their luggage in the property of 8 Forth Street Lane and not in the communal hallway.

The report also states that guest "do not move them (luggage) with the same frequency as regularly changing guest who arrive and depart sometimes at unsociable hours, and this differs from typical residential circumstances".

I want to reassure the review board that the property operates strict check in (4pm) and check out (10am) times. It would be the exception if guests checked in at an unsociable hour and most likely due to circumstances out with their control (delayed flight, road congestion etc). When it comes to

unsociable hours, I would draw the review board's attention to the opening hours of the public house. Throughout the week it closes between 11pm-1am.

The report assumes that "extra comings and goings of users of the holiday let" create "additional level of activity". This would be "as a result of regularly accessing both the main building and the application property itself to service/clean it and remove waste and recycling material".

I respectfully disagree with this conclusion. The intention of any self-catering property is to create a user experience akin to that of someone living locally – as opposed to a hotel or B&B. Therefore, it would not be unreasonable to argue that the 'user profile' of a visiting family/guest would be identical to that of a permanent resident. Permanent residents will also require regular access, as well as hosting friends and families which is certainly something our guest will not. Moreover, we have had no complaints from the neighbour (permanent or otherwise) to that affect. This assumption is not well supported especially as no formal complaint(s) has been raised to date. The agency that professionally manages the property also set very clear instructions to guest prior to arrival.

- I would like the review board to consider whether the conclusion/assumption made by the officer is in fact reasonable. A permanent resident also needs to use the communal space to remove waste and recycling material. There is no evidence to support that the level and nature of activity would be any different to that of a permanent resident.
- Given the lack of substantive supporting evidence to that affect would the review board not also come to the conclusion that a change of use is in fact not harmful to the flat at 8a Forth Street Lane.

Finally, the question on security due to "unfettered access to otherwise secure shared area changes the actual and perceived level of security for the existing permanent resident".

The biggest impact on security of guests and residents alike is surely posed by the location of the property itself. Situated above a pub and on a main pedestrian thoroughfare (Forth Street and the High Street), the main external entrance to the property is accessible to all. Neither the entrance gate to the external steps nor the main entrance to the common hallway currently benefit from a secure entry system (i.e. lock and key). Security has never been raised as a concern by the leaseholder or the freeholder.

I would also argue that regular and visitors of the pub that use the side entrance to pub as a smoking area are more intimidating or pose an equal risk to security as guest of the holiday let.

(ii) The loss of residential accommodation where the loss is not outweighed by demonstrable local economic benefits.

The officer report concludes that the economic benefit does not outweigh “the unacceptable impact on local amenity”.

In reaching his conclusion the officer cites the directly opposing views of the Council’s Housing Strategy & Development Service set against those of the Council’s Economic Development Service Manager. The latter is in support of the application citing the actual annual economic impact (c£136,362 p.a.) and the fact that it property at 8 Forth Street Lane (in its current use) supports 3FTE jobs, which seems to directly support the respective strategies set out in both the East Lothian Economic Development Strategy 2012-22 and the adopted East Lothian Local Development Plan 2018 which identify “tourism as one of the strengths of the East Lothian economy and a source of employment opportunities in the future” and that “a range of hotel, guest house and other accommodation attracts visitors and encourages them to stay and benefit the economy of East Lothian.”

The flatted property has a direct economic impact as outline above. Furthermore, it provides a wider indirect beneficial economic impact. It would be hard to argue that guests will not also materially contribute to the East Lothian/North Berwick’s economy by supporting local amenities/businesses/tourist attraction and the significant golfing industry. The report states a demonstrable benefit and that increased demand for overnight stays will have a negative impact o the local tourist economy and the reputations of the region.

Upon review, I would argue that the planning application refusal would have an unacceptable economic impact on the local amenities and completely disregards the Council’s wider Economic Development Strategy 2012-22.

The Council’s Housing Strategy & Development Service simply states that it would consider the change in use from a long-term residential dwelling to a short term let as a “significant loss, because (i) it is located in the North Berwick Coast Ward; (ii) the property is two-bed flat which is in high demand; (iii) the shot term let is not considered long term established.” Unlike the Council’s Economic Development Service Manager, the Council’s Housing Strategy & Development Service seems to conclude without providing any supporting facts and figure to support their refusal.

Taking these points in turn:

- (i) I am unsure of the significance of the location within the North Berwick Coastal (NBC) Ward in supporting the refusal. Unlike Edinburgh City Council (where the whole of the City has been designated as a control area), I am not aware that East Lothian Council has designated the NBC as a control area which would be relevant to planning applications. As such, one might even argue that with an absence of a designated control area the NBC is not a valid reason to refuse an application.

I have reviewed the NBC Snapshot (downloaded from the EL Council website) and there is nothing in the Snapshot that would appear to clearly support a refusal. I have however picked out two points that might be relevant in support of my planning application:

1. “14% of the respondents in this ward felt that their neighbourhood had improved over the last 3 year, 80% felt it stayed the same, and no-one thought it had got worse.”
2. “Residents in this ward were the most likely to say that nothing required improvement in their local area.”

- (ii) This feels like a statement in lieu of any supporting evidence or facts. "High demand" does require further definition. Is it in high demand for first time buyers, young families, people with assisted living requirements etc. As already outlined in the previous section, I would not consider the flatted property at 8 Forth Street Lane to be fairly and objectively described as a typical residence with "typical residential circumstances".

The property is situated in a 'mixed commercial and residential environment'. It is above a public house (The Auld Hoose), opposite a Beauty and Tanning Parlour (Studio Soleil) as well as Housing Association property (Castle Rock HA) as well as residential dwellings. To the rear of the building at the end of the cul-de-sac is the car park of North Berwick police station. Significant footfall already exists for the various amenity users including visitors to the pub, residents, carers and visitors of Castle Rock HA and customer of Studio Soleil. Moreover, Forth Street Lane is a pedestrian thoroughfare as it provides direct access to North Berwick High Street.

I would not consider 8 Forth Street Lane to be a 'typical residential dwelling' and from my own experience following a recent re-mortgage, to acquire a residential but certainly a buy-to-let mortgage is almost impossible for properties situated above a public house. The current mortgage with Shawbrook Bank is a commercial mortgage taken out 'legitimately' be able to operate as a small business. Consequently, the profile of any prospective buyer would likely be 'narrow' and would likely have to be a cash buyer.

The price point would perhaps also make the property unattractive for anyone other than somebody looking for a second home (which would certainly go against the ambitions of the Council's strategic development plan as well as improving the local amenity). A recent bank valuation carried out by Graham & Sibbald valued the property at £325,000 (just under the median sale price of £382,500 for houses sold as quoted in the NBC). According to Rightmove, there are currently six 2-bed properties for sale in North Berwick with an average price of £291,666. 8 Forth Street Lane is therefore more expensive than several other available 2-bed properties. The price point for properties in the NBC is already at a level that pose a very high entry point for first time buyers.

For first-time buyers, the current valuation presents a significant barrier to entry. For young families with children the property is complete unsuitable (I speak with the experience of having three young children). The property does not benefit from a garden or equivalent, same-level safe outdoor space and neither does it have secure/allocated parking or garage. The property has no storage for bikes or prams, let alone lifestyle items (e.g. suitcase/luggage etc). The property is accessible via two steep external staircase which are suitable for those firm of foot but not if they require assistance or suffer from impaired mobility. It would be almost inconceivable how a mother/father could manoeuvre a pram safely into the property. Whilst the property is well proportioned, it only has a comparatively small WC/shower room. I would argue that young families would look for a set up that includes at least a proper family bathroom (with a bath).

The fact remains that the property is above a pub from a perspective of noise and disturbance.

Considering all the factor listed above, the property does not suit itself to anyone who requires help, or assisted living or has specific mobility requirements.

This property might be in high demand for those seeking to invest in a second home by the sea. However, taking all of this into account the reason I have listed above, I disagree with the statement that this property would be in high demand as a residential dwelling. Taking the above into account, it is hard to conclude that this property displays the characteristics of a typical residential dwelling. Disappointingly, the report simply does not provide robust supporting information that would support it decision.

- (iii) I would ask the review board to consider whether this is relevant in determining “a significant loss”.

The property has been in operation as a small business since June 2021. In lieu of clearly defined guidelines, how does the officer reach this conclusion? In isolation, it feels an arbitrary determination.

Since inception, I have operated 8 Forth Street Lane as a Small Business with the help of a professional local agency to manage the guest experience and changeovers. As a small business, the property is listed on the Valuation Roll as it is assessed as a Commercial and Domestic property for Business Rates by the Lothian Valuation Joint Board. Refuse collection and recycling is provided is provided by East Lothian Council Waste Management Services. For what it is worth, the legal terms of my mortgage provide for the use of short-term holiday let. The property is constantly presented and maintained to the highest standard to provide a positive and more importantly safe stay for our guests. Those standards are in line with the stringent and ‘high bar’ set by the Short-term Let Licence application (STL) (which I have submitted pending this change of use application). On this latter point, I am aware that some holiday-let operators have simply submitted a STL completely by-passing the planning application route in the hope that the ongoing Judicial Review will ultimately find in their favour.

A recent article published by the Association of Scotland’s Self Caterers (ASSC) summarises Lord Braid’s judgement summary. It states it is “Unfair” and “Illogical”.

As an operator, and proud business owner, I am in favour of stringent rules to govern the management of self-catering holiday lets. Rules and regulations will set the required high standards for holiday let accommodation provided in East Lothian and will hold operators accountable if those standards are not met. It will also provide a register of operators with the associated benefit that operators pretending to run a business when in fact they are at best masquerading behind the veneer, benefitting from tax reliefs and exemptions, when in fact they are in fact enjoying a personal benefit.

I take great pride in my business and the loss of this revenue would have a materially detrimental impact on my young family. It would feel unfair that those circumventing a planning application might in the long run get to continue to operate and genuine operator pursuing the correct process are penalised. For the avoidance of any doubt, I would be forced to sell my property if the review board upheld the original refusal.

Bringing it back to the reference of time, can one really be penalised for not having been in business long enough? And indeed, the report does not provide a robust time reference and reason why it is a relevant argument in this application.

- I would like the review board to consider what facts the officer has presented that would support his conclusion.
- I would ask the review board whether the refusal to grant the planning application would not be more unacceptable to local amenities such as local shops, restaurants and tourist attractions (including golf courses).