

# 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	Mr	Ref No.	23/01289/P
Forename	Peter	Forename	Sue
Surname	Oliver	Surname	Oliver
Company Name		Company Name	
Building No./Name		Building No./Name	
Address Line 1		Address Line 1	Dragonlea
Address Line 2		Address Line 2	Dirleton
Town/City		Town/City	North Berwick
Postcode		Postcode	EH39 5EP
Telephone		Telephone	
Mobile		Mobile	
Fax		Fax	
Email		Email	
3. Application Details			
Planning authority	East Lothian Council		
Planning authority's application reference number	23/01289/P		
Site address	<div style="border: 1px solid black; padding: 5px;">12D Bush Terrace Musselburgh EH21 6DF</div>		
Description of proposed development	<div style="border: 1px solid black; padding: 5px;">Use of this 2 bedroom flat for longer holiday and work purposes(short term work contracts locally) - retrospective planning permission sought.</div>		

Date of application

Date of decision (if any)

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.

The applicant is willing to extend the length of lets to 7 NIGHTS MINIMUM OR LONGER if the Council deems necessary, to encourage use by people with short work contracts in the area. The longest let to date, for work purposes, has been 90 days. The price structure already favours longer lets.

**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:

They would need to contact the agent to get access to the flat itself, but the communal areas (garden and stairs) are readily accessible.

## 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.

1. No objections from Residents in the time the flat has been let for holidays (since August 2017).
2. No objections from a) Police Scotland, b) the Council's Antisocial Behaviour team, c) the Roads services, d) the Council's Housing Strategy & Development Service Manager, on grounds that it is a long established holiday let, used by people working in the area on short contracts as well as families visiting relatives, and tourists, with no adverse affect on residents.
3. Acknowledgement by the Council's Economic Development Service Manager that short term lets are an asset, enabling people to work and use local amenities (ref: the Council's report 21/12/23).
4. It provides employment in the area (People staying for work purposes, and cleaners), which is to the economic benefit of the area.
5. It provides holiday accommodation for families (up to 3 people) who might have difficulty paying the cost of a hotel. Recently, a mother and daughter who wanted to stay for a week, found that a hotel would have cost them over £1000.
6. The applicant and his family return from Australia as often as they can (4 months planned for 2025). They intend to return permanently in four years' time. Hence they will not do residential letting in the flat.
7. The flat is not a business venture - it only needs to cover its costs till the family returns.
8. The applicant has provided a work station in the flat, to allow guests to work at their laptops and other IT devices.

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.

Having talked to my son Peter Oliver (the applicant) over Christmas, he told me of his plans to return to UK in four years' time, and to have extended periods of stay in his Musselburgh flat in the interim, to acclimatise his children to the Scottish Education system and culture, for him to set up a business venture, for his wife to resume her nursing career here, and for the family to be nearer the ageing grandparents.

Peter is selling his current business in Australia - he has begun negotiations with a potential buyer.

The extended minimum let period of the flat (7 nights or more) will reduce footfall in the communal stairway.

### 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. Location Plan 1a) aerial photo of the area 1:1250 |                             |
| 2. Communal garden                                   |                             |
| 3 Communal tair from main door                       |                             |
| 4. Communal stair from above the first floor (12D)   |                             |
| 5. Floor plan  |                             |
| 6. EICRcertificate                                   |                             |
| 7. PAT certificate                                   | 10. Insurance certificate   |
| 8. Legionella certificate                            | 11. Fire Safety Certificate |
| 9.EPC  | 12. Gas Safety Certificate  |

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:  Date:

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.