

I believe the following matters should be considered;

- (a) This property has been operating as a short term let since 2022. This property is not within a controlled area. The Scottish government's view is clear within the planning circular "Section 26B is not retrospective, meaning that the designation of a control area does not in itself retrospectively deem any previous change of use of a dwelling house to use for short-term lets within that area to be a material change of use".
- (b) All short-term let licences granted by licensing authorities are subject to the mandatory conditions set out in schedule 3 to the Civic Government (Scotland) Act 1982 (Licensing of Short-term Lets) Order 2022. "Mandatory Condition 13 only requires planning permission to be in place, or an application to be pending, *'where the use of the premises for a short-term let requires planning permission under the 1997 Act'*. Unless section 26B of the 1997 Act operates to bring about a deemed material change of use (which it does not), the question of whether planning permission is required under the 1997 Act is a question of fact to be determined in the circumstances of each case. If there has been no material change of use, or if a material change of use is immune from planning enforcement through the passage of time under section 124 of the 1997 Act, planning permission is not required. Where a premises has been used or is proposed to be used as a short-term let and that use did not involve a material change of use, planning permission is not required, and an applicant for a short-term let licence is not be in breach of Mandatory Condition 13". As this property has been operating since 2022 I believe it is not in breach.
- (c) How can my planning permission be refused even in light of the decision of Lord Braid in the petition for Judicial Review of the City of Edinburgh Council Short Terms Lets Licensing Policy (case reference: [2023] CSOH 35) (the "Decision") and in terms of provisions contained in the The Provision of Services Regulations 2009 (the "2009 Regulations") and therefore this is my appeal to the planning permission decision.
- (d) The 25/00150/P refusal decision section B states that the use of this flat is affecting local amenity. I would like to point out that when i applied to the licensing review board (License Number EL00192F) I came across objections from the neighbours and had to attend Licensing Meeting with councillors and neighbours where the East Lothian Committee listened to both sides of the story. The objector (at that meeting) was the same objector that has been quoted in the planning permission refusal determination letter. The objections are exactly the same. ELC licensing committee put several stipulations in place to ensure I did not affect amenity and I adhered to them and they were satisfied and granted me a license.
- (e) I would like to address each point that is quoted in the planning refusal officers report below;

(i) Flats [REDACTED] are occupied by homeowners, as permanent residents within the block, and the ongoing use of the applicant's flat (35E) as a short term holiday let has resulted in significant difficulties - due to the attitude from the applicant towards his neighbours and the fact that the applicant's flat is located on the top floor such that guests

have to navigate the communal stairwell passing every residents' flat in the process. I do not have a bad attitude. We have a clash of personalities. She just does not like short term lets in her block of flats.

(ii) there continues to be significant noise disturbance in the stairwell as guests arrive at all hours of the night and day pulling luggage up the stairs and moving in and out of the flat during their stay at all hours - including unsociable hours. This is unsubstantiated. In fact part of the Licensing Committee Approval stipulated house rules which permitted check-in times are only between 3pm – 8pm and guests abide by this.

(iii) guests use the back drying green and the front steps of the building to drink, smoke and party resulting in noise and disturbance to neighbours - guests also hang their clothes on the wrong washing lines which are not allocated to the applicant's flat; This is unproven. Since operating for 36 months involving thousands of guests staying at this property, one person hung a towel on her washing line not realising the back green drying area was of limits. This happened within the first month of operating as a STL so we since notify guests in advance the this is forbidden. Condemning one rogue guest out of thousands does not justify her reasoning.

!

(iv) guests throw cigarette butts out of the windows onto both the front garden area and the back drying green resulting in health and safety concerns. This is not proven. As part of the licensing commitment, we introduced the threat of a £200 fine if we see any cigarette as on the windowsill in an attempt to thwart this behaviour. We have never seen any evidence of this.

(v) music, loud voices, laughing, shouting, banging in the stairwell from guests renting the flat can be heard by neighbours which affects the amenity of permanent residents.

This is not proven. As part of the licensing commitment, we had to install carpets to replace wooden floors) throughout the flat and introduce a noise monitor which sends an alarm to my phone if it exceeds 75db during the day (comparison to a car stereo) and 65db (comparison to a library) after 11pm. Having had guests staying there for 36 months (over a thousand days) the noise monitor has activate around 10 times. How can that be deemed to affect the neighbours?

(vi) there is no security for the front door which means anyone can gain entry and it bangs loudly all of the time - the permanent residents in the building know to hold the door to close it but guests don't. This is not proven.

(vii) guests often cause damage to the stairwell when dragging their suitcases up and down, and dirt and sand from shoes are deposited onto the stairwell leaving a mess for residents to deal with;

This is not proven. I regularly clean the stairwell and have never seen any of my neighbours do it in 36months.

(viii) guests often deposit their waste/recycling in bins belonging to residents rather than using the correct bins/containers designated for the short term let flat or they leave their rubbish on the pavement which then overflows onto the pavement and onto the beach attracting vermin. This is untrue. It happened once out of the thousands of guests we have had Once!!

(ix) concerns that guests are blocking drains by pouring fat, oil and grease down kitchen sinks and a recent water leak, coming from the applicant's flat, caused water and electrical damage to the occupiers in a neighbouring flat. Most people on holiday do not cook, they eat out or get a take away. This objection is totally unproven. Yes, there was a leak. That was my fault as I was doing maintenance and disturbed a pipe. I immediately cleaned the flat below and paid for painting and decorating within a few days.

(x) guests of up to 6 people, 7 days a week, are utilising the common areas, increasing the wear and tear on the front steps, stair and stairwell, and the back green, as well as affecting amenities such as drainage; Unproven – no one uses the back green

(xi) parking is compromised and there is no dedicated off-street parking for visitors; there are 12 flats within the vicinity. However, the street outside our flats have plentiful spaces for 24 cars to park. This objection is not proven

(xii) the applicant does not appear to be able to attract holiday makers or families and is increasingly offering the let to groups of males and tradespeople which is distressing and disconcerting for residents, and in particular females, to have so many male strangers in the stairwell or encountering them in the back green or around the front steps of the building;

We have a mixture of couples, families and tradespeople. In fact the best guests are the tradespeople, they leave the flat spotless as because they always work away from home they are very well behaved as otherwise they would jeopardise their jobs/ability to find accommodation. These objections are ridiculous.

(xiii) the applicant is generally unresponsive, unavailable and unsympathetic to calls made when there are issues of concerns such that residents have had to resort to calling the Police. This is untrue.

The objector called the police because a group of friends were playing loud music once. They couldn't get hold of me as I was on holiday abroad. To condemn me for this is unfair considering the thousands of guests we have had. Several times she has called saying there is noise, and I have went round and asked the guests to turn down the tv. But it has been only on a handful of occasions out of thousands of guests. The ELC licensing committee stipulated that I should get a ring doorbell (which I did). I jump to their attention every time neighbours call but nothing seems good enough. I'll give you a taste of the ridiculousness of the calls I receive. I received a call from the neighbour one summer Thursday afternoon saying there was a lot of noise coming from my flat. So, I drove straight round thinking I would be faced by a drunken group of men having a party. Instead, I found 3 men in suits having a pizza for their dinner (after their day working at the bank) cheering on their mate who was on the tv at the Olympic games in the highboard diving event. Every time he did a good dive they cheered, and this was upsetting enough for the neighbour to call me in a panic. Ludicrous.

- (f) Police Scotland advise that there have been four police incidents at this address (having checked their records over the last three years) relating to (i) guests banging on the door who were locked out of the property; (ii) banging and loud laughing coming from the flat; (iii) loud noise coming from the flat to which police officers found 20 persons within the flat hosting a party; and (iv) a call for advice regarding concerns over the property being used as a holiday let and residents feeling intimidated by guests and owner interactions. Yes these incidents occurred very early on when we had teething problems within the first few months of renting out the flat, occurring prior to the Licensing board putting in extra measures (house rules, ring doorbell, noise monitor and carpets). Once these strict things were installed there has been little to no problems.

Kind Regards

Montgomery Empire Ltd

OFFICER REPORT

31st March 2025

App No. **25/00150/P**

Application registered on **17th February 2025**

Target Date **16th April 2025**

Proposal	Change of use of flat to short term holiday let (Retrospective)	SDELL	Y/
		CDEL	N
Location	35E Edinburgh Road Musselburgh EH21 6EE	Bad Neighbour Development	N

APPLICANT: **Montgomery Empire LTD**

Is this application to be approved as a departure from structure/local plan? N

**Per Mr Alan Montgomery
9 Clanranald Avenue
Prestonpans
EH32 9FP**

DECISION TYPE:

Application Refused

REPORT OF HANDLING

PROPOSAL

This application relates to a top floor flat within a three storey flatted building situated on the north side of Edinburgh Road in Musselburgh. The flatted building is located within a predominantly residential area as defined by Policy RCA1 of the adopted East Lothian Local Development Plan 2018.

The flatted building is bounded to the north by the foreshore of Fisherrow Sands beach, to the east by the communal garden area serving the flatted building beyond which there are neighbouring residential properties and to the south and west by the public road of Edinburgh Road.

In June 2024, an application seeking a certificate of lawfulness (Ref: 24/00068/CLU) was refused for the use of the flat of 35E Edinburgh Road, Musselburgh as a short term holiday let for the reason being that it has not been demonstrated that the use of the flat as a short term holiday let is not a material change of use that does not require planning permission or

that the flat has been in use as a short term holiday let for a continuous period of 10 years or more.

The decision to refuse application 24/00068/CLU was appealed to the DPEA and dismissed by the reporter on 25th November 2024 concluding that the use of the flat was a material change of use which required planning permission for it.

Planning permission is now retrospectively sought for the change of use of the residential top floor flat of 35E Edinburgh Road, Musselburgh as a three bedroomed unit of short term self-catering holiday let accommodation.

No alterations have been undertaken to the flat, either internally or externally, to facilitate the retrospective change of use.

Subsequent to the registration of this application the applicant has confirmed in writing that (i) the flat has been marketed/used for short term lets since September 2022; (ii) the minimum length of stay is 2 days and the maximum length of stay is 28 days; (iii) the maximum number of visitors in one booking is 6 guests; (iv) bins/recycling are managed by the applicant and the flat is cleaned between guest stays by the applicant or by an appointed cleaning company; (v) the property is advertised online and guests have access to a key safe box for checking in and checking out; (vi) the property has an occupancy rate of 87% for the year and the busiest months are from April to August; (vii) there are a total of six flats within the building (2 per floor) which share a communal entrance and internal stair; (viii) the applicant's flat does not benefit from an allocated or private parking space but there is on-street parking available.

DEVELOPMENT PLAN

Section 25 of the Town and Country Planning (Scotland) Act 1997 requires that the application be determined in accordance with the development plan, unless material considerations indicate otherwise.

The development plan is National Planning Framework 4 (NPF4) and the adopted East Lothian Local Development Plan 2018.

Policies 13 (Sustainable transport) and 30 (Tourism) of NPF4 are relevant to the determination of this application. Policies RCA1 (Residential Character and Amenity), T1 (Development Location and Accessibility) and T2 (General Transport Impact) of the adopted East Lothian Local Development Plan 2018 are relevant to the determination of this application.

REPRESENTATION

One objection to this application has been received. It states that it is made on behalf of five of the six residents within the building. The main grounds of objection, as summarised, are:

(i) Flats 35A, 35B, 35C, 35D and 35F are occupied by homeowners, as permanent residents within the block, and the ongoing use of the applicant's flat (35E) as a short term holiday let has resulted in significant difficulties - due to the attitude from the applicant towards his

neighbours and the fact that the applicant's flat is located on the top floor such that guests have to navigate the communal stairwell passing every residents' flat in the process;

- (ii) there continues to be significant noise disturbance in the stairwell as guests arrive at all hours of the night and day pulling luggage up the stairs and moving in and out of the flat during their stay at all hours - including unsociable hours;
- (iii) guests use the back drying green and the front steps of the building to drink, smoke and party resulting in noise and disturbance to neighbours - guests also hang their clothes on the wrong washing lines which are not allocated to the applicant's flat;
- (iv) guests throw cigarette butts out of the windows onto both the front garden area and the back drying green resulting in health and safety concerns;
- (v) music, loud voices, laughing, shouting, banging in the stairwell from guests renting the flat can be heard by neighbours which affects the amenity of permanent residents;
- (vi) there is no security for the front door which means anyone can gain entry and it bangs loudly all of the time - the permanent residents in the building know to hold the door to close it but guests don't;
- (vii) guests often cause damage to the stairwell when dragging their suitcases up and down, and dirt and sand from shoes are deposited onto the stairwell leaving a mess for residents to deal with;
- (viii) guests often deposit their waste/recycling in bins belonging to residents rather than using the correct bins/containers designated for the short term let flat or they leave their rubbish on the pavement which then overflows onto the pavement and onto the beach attracting vermin;
- (ix) concerns that guests are blocking drains by pouring fat, oil and grease down kitchen sinks and a recent water leak, coming from the applicant's flat, caused water and electrical damage to the occupiers in a neighbouring flat;
- (x) guests of up to 6 people, 7 days a week, are utilising the common areas, increasing the wear and tear on the front steps, stair and stairwell, and the back green, as well as affecting amenities such as drainage;
- (xi) parking is compromised and there is no dedicated off-street parking for visitors;
- (xii) the applicant does not appear to be able to attract holiday makers or families and is increasingly offering the let to groups of males and tradespeople which is distressing and disconcerting for residents, and in particular females, to have so many male strangers in the stairwell or encountering them in the back green or around the front steps of the building;
- (xiii) the applicant is generally unresponsive, unavailable and unsympathetic to calls made when there are issues of concerns such that residents have had to resort to calling the Police.

COMMUNITY COUNCIL COMMENTS

None.

PLANNING ASSESSMENT

This application seeks retrospective planning permission for the change of use of a three bedroomed flat to a three bedroomed unit of short term holiday let accommodation. The holiday let comprises of three bedrooms, a kitchen, a living room and a bathroom. It is capable of accommodating/sleeping 6 guests.

The East Lothian Local Economy Strategy 2024-2034 identifies tourism as one of the strengths of the East Lothian economy and a source of employment opportunities in the future and the adopted East Lothian Local Development Plan 2018 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 adopted East Lothian Local Development Plan 2018 states that all leisure and tourism related development proposals, including visitor attractions, hotels and holiday accommodation, will be assessed against all relevant Local Development Plan policies.

The change of use of the residential flat to a holiday let provides holiday accommodation within Musselburgh 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 adopted East Lothian Local Development Plan 2018 does not contain a specific policy on the change of use of flats to holiday lets. However, part e) of Policy 30 (Tourism) of NPF4 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.

Policy RCA1 (Residential Character and Amenity) of the adopted East Lothian Local Development Plan 2018 states that the predominantly residential character and amenity of existing or proposed housing areas will be safeguarded from the adverse impacts of uses other than housing. Development incompatible with the residential character and amenity of an area will not be permitted.

In the determination of this application it is necessary to assess the impact of the change of use (retrospective) of the application property to a unit of short term holiday let accommodation on the amenity of the existing neighbouring residential properties.

The Council's 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 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. However, it is stated that the Council's Environmental Health Service cannot assume that antisocial behaviour issues will arise and thus cannot impose any enforceable conditions to protect the amenity of neighbours.

The Council's Antisocial Behaviour Team advise that they have had no records of any incidents relating to any antisocial behaviour matters at this address and thus they raise no objection to this retrospective planning application.

Police Scotland advise that there have been four police incidents at this address (having checked their records over the last three years) relating to (i) guests banging on the door who were locked out of the property; (ii) banging and loud laughing coming from the flat; (iii) loud noise coming from the flat to which police officers found 20 persons within the flat hosting a party; and (iv) a call for advice regarding concerns over the property being used as a holiday let and residents feeling intimidated by guests and owner interactions.

The Council's Road Services raise no objection to this application and note that the property is situated within a block of flats which has no private parking such that residents/visitors are required to park on-street. They also note that the documents submitted with this application confirm that no internal alterations are proposed and thus they advise that there would be no changes in the likely parking demands. In general, they state that whilst there may be some increase in the number of vehicles during the peak tourist season compared to residential use, this increase would likely even out throughout the year resulting in no noticeable difference in overall car parking demand. Accordingly, the proposals do not conflict with Policy 13 of NPF4 or Policies T1 and T2 of the adopted East Lothian Local Development Plan 2018.

The applicant's property is a three bedroomed flat located on the top floor of a three storey flatted building which contains a total of 6 residential properties within the block (2 per floor). The property the subject of this application shares a communal front entrance door and internal stairwell with three other residential properties within the flatted building.

The use of the application property as a holiday let enables it to be let out for short stays resulting in a turnover of people over short time periods with a significant proportion of occupants likely to be visitors. Such a regular turnover of users/occupants would change the nature of comings and goings not only to the application property itself but also within the communal entrance and internal stair of the residential flatted building. Most users/occupants of the holiday let would have a degree of luggage or other belongings to take through the communal entrance and internal stairwell which in itself would lead to a 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 occupants of the residential properties within the residential flatted building of 35 Edinburgh Road. It is accepted that permanent residents may also make noise but they tend to keep their luggage in their homes and do not move them with the same frequency as regularly changing guests who arrive and depart sometimes at unsociable hours, and this differs from typical residential circumstances.

Along with the extra comings and goings of users of the holiday let at check in/check out there would also be an additional level of activity not only at the application property but also within the communal entrance and stairwell as a result of people regularly accessing both the main building and the application property itself to service/clean it and remove waste and recycling material after each guest stay. This level of additional activity would be evidently different to that expected with the permanent/long term use of the flat as a private residence again which is harmful to the amenity of the occupants of the residential properties within the flatted building of 35 Edinburgh Road.

Moreover, allowing frequently changing guests unfettered access to otherwise secure shared areas changes the actual and perceived level of security for permanent residents. 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. The introduction of frequently changing guests regularly into these secure areas, independent of the owner, would therefore differ from typical residential circumstances.

Given the specific circumstances and location of the application property within the residential flatted building of 35 Edinburgh Road, Musselburgh which contains a number of permanent/long term residences which share a communal entrance and stairwell, the retrospective change of use of the applicant's top floor flat as a three bedroom unit of short

term self-catering holiday let accommodation is incompatible with, and harmful to, the amenity of the occupiers of the properties within the residential flatted building. By having an unacceptable impact on local amenity, the proposal is contrary to part e) of Policy 30 of NPF4 and with Policy RCA1 of the adopted East Lothian Local Development Plan 2018.

It is now necessary to assess the impact of the change of use on the loss of residential accommodation where such loss is not outweighed by demonstrable local economic benefits as is stated in part e) of Policy 30 of NPF4.

The Council's Housing Strategy & Development Service state that the change in use of this property from a long term residential dwelling to a short term let is considered a significant loss because the property is not an established short term let. Accordingly, the Council's Housing Strategy & Development Service object to this retrospective planning application.

The Council's Economic Development Service Manager advises that there are demonstrable local economic benefits delivered by all types of short term holiday lets in East Lothian and that existing provision of this type of accommodation must be retained, protected and supported where there is no demonstrable impact on local amenity, the character of the area or loss of residential accommodation. In the particular circumstances of this case it is stated that (i) the aggregate economic benefit from short terms lets is a vital element in the supply of visitor bedstock within the County and the provision of a sustainable and resilient supply of overnight holiday accommodation is key to delivering the Council's strategic priority of being "a successful, accessible and sustainable tourism sector that provides quality experiences and benefits our local communities"; (ii) based on primary research commissioned by the Council 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) visitors staying overnight in non-serviced accommodation contributed £60.1m to the local economy in 2021 and the majority of visitors to East Lothian are repeat visitors; (iv) 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 3 FTE jobs; (v) the proposal provides high-quality tourist accommodation attracting visitors to Musselburgh and the surrounding area providing economic benefit; and (vi) 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. Therefore, the Council's Economic Development Service Manager supports this retrospective 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 East Lothian Local Economy Strategy 2024-2034 and the intent and outcomes of part e) of Policy 30 of NPF4.

However the local economic benefits associated with the use of the applicant's top floor flat operating as a three bedroom unit of short term self-catering holiday let accommodation does not outweigh the unacceptable impact on local amenity. Therefore, the change of use is not in accordance with the Development Plan and there are no material planning considerations that outweigh the fact that the change of use is not in accordance with the Development Plan.

The application property of 35E Edinburgh Road, Musselburgh as a holiday let is unauthorised and a breach of planning control. Enforcement action will be taken to ensure the

cessation of the holiday let use with the period for compliance with the enforcement notice being three months.

REASON FOR REFUSAL:

- 1 The holiday let use of the flatted property is incompatible with and harmful to the amenity of the occupiers of the properties within the residential building of 35 Edinburgh Road, Musselburgh 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.

LETTERS FROM

[REDACTED]
[REDACTED]

31st March 2025

App No. 25/00150/P

**EAST LoTHIAN COUNCIL
DECISION NOTICE**

**TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997
TOWN AND COUNTRY PLANNING
(DEVELOPMENT MANAGEMENT PROCEDURE) (SCOTLAND) REGULATIONS 2013**

**Montgomery Empire LTD
Per Mr Alan Montgomery
9 Clanranald Avenue
Prestonpans
EH32 9FP**

APPLICANT: Montgomery Empire LTD

With reference to your application registered on 17th February 2025 for planning permission under the above mentioned Acts and Regulations for the following development, viz:-

**Change of use of flat to short term holiday let (Retrospective)
at
35E Edinburgh Road
Musselburgh
EH21 6EE**

East Lothian Council as the Planning Authority in exercise of their powers under the above-mentioned Acts and Regulations hereby **REFUSE PLANNING PERMISSION** for the said development.

The reasons for the Council's refusal of planning permission are:-

- 1 The holiday let use of the flatted property is incompatible with and harmful to the amenity of the occupiers of the properties within the residential building of 35 Edinburgh Road, Musselburgh 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.

The report on this application is attached to this Decision Notice and its terms shall be deemed to be incorporated in full in this Decision Notice.

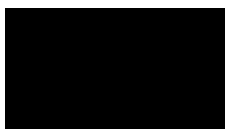
Details of the following are given in the application report:

- the terms on which the Planning Authority based this decision;
- details of any variations made to the application in terms of Section 32A of the Town and Country Planning (Scotland) Act 1997.

The plans to which this decision relate are as follows:

<u>Drawing No.</u>	<u>Revision No.</u>	<u>Date Received</u>
DWG 1	-	17.02.2025
MID70909	-	17.02.2025

11th April 2025

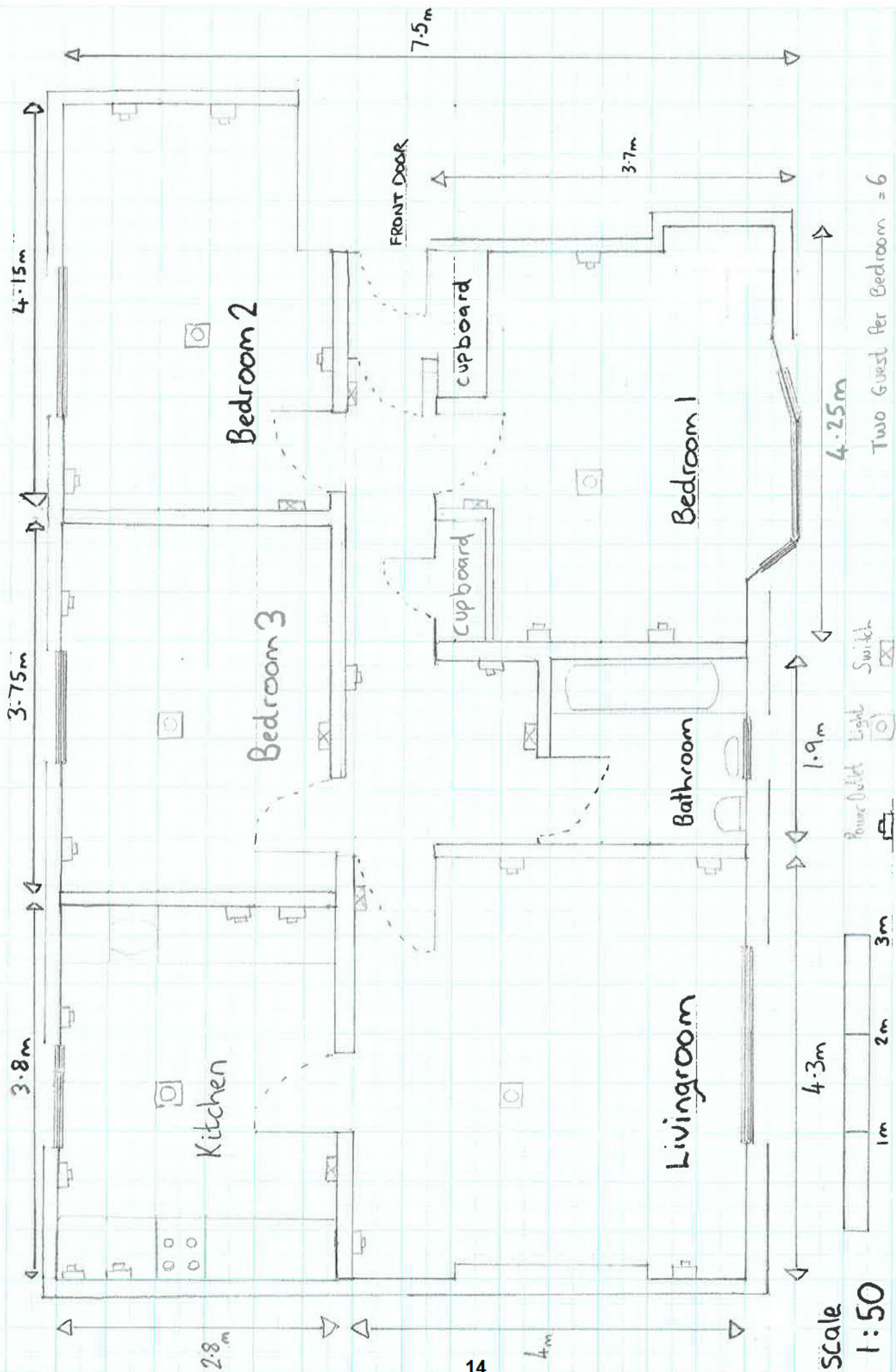


Keith Dingwall
Service Manager - Planning
(Chief Planning Officer)

NOTES

If the applicant is aggrieved by the decision to refuse permission for the proposed development, the applicant may require the planning authority to review the case under section 43A of the Town and Country Planning (Scotland) Act 1997 within three months from the date of this notice. The notice of review should be addressed to the Clerk to the Local Review Body, Committee Team, Communications and Democratic Services, John Muir House, Haddington, East Lothian EH41 3HA.

If permission to develop land is refused or granted subject to conditions and the owner of the land claims that the land has become incapable of reasonably beneficial use in its existing state and cannot be rendered capable of reasonably beneficial use by the carrying out of any development which has been or would be permitted, the owner of the land may serve on the Planning Authority a purchase notice requiring the purchase of the owner of the land's interest in the land in accordance with Part 5 of the Town and Country Planning (Scotland) Act 1997.





LAND REGISTER
OF SCOTLAND

Officer's ID / Date

3305
5/1/2012

TITLE NUMBER

MID70909



ORDNANCE SURVEY
NATIONAL GRID REFERENCE

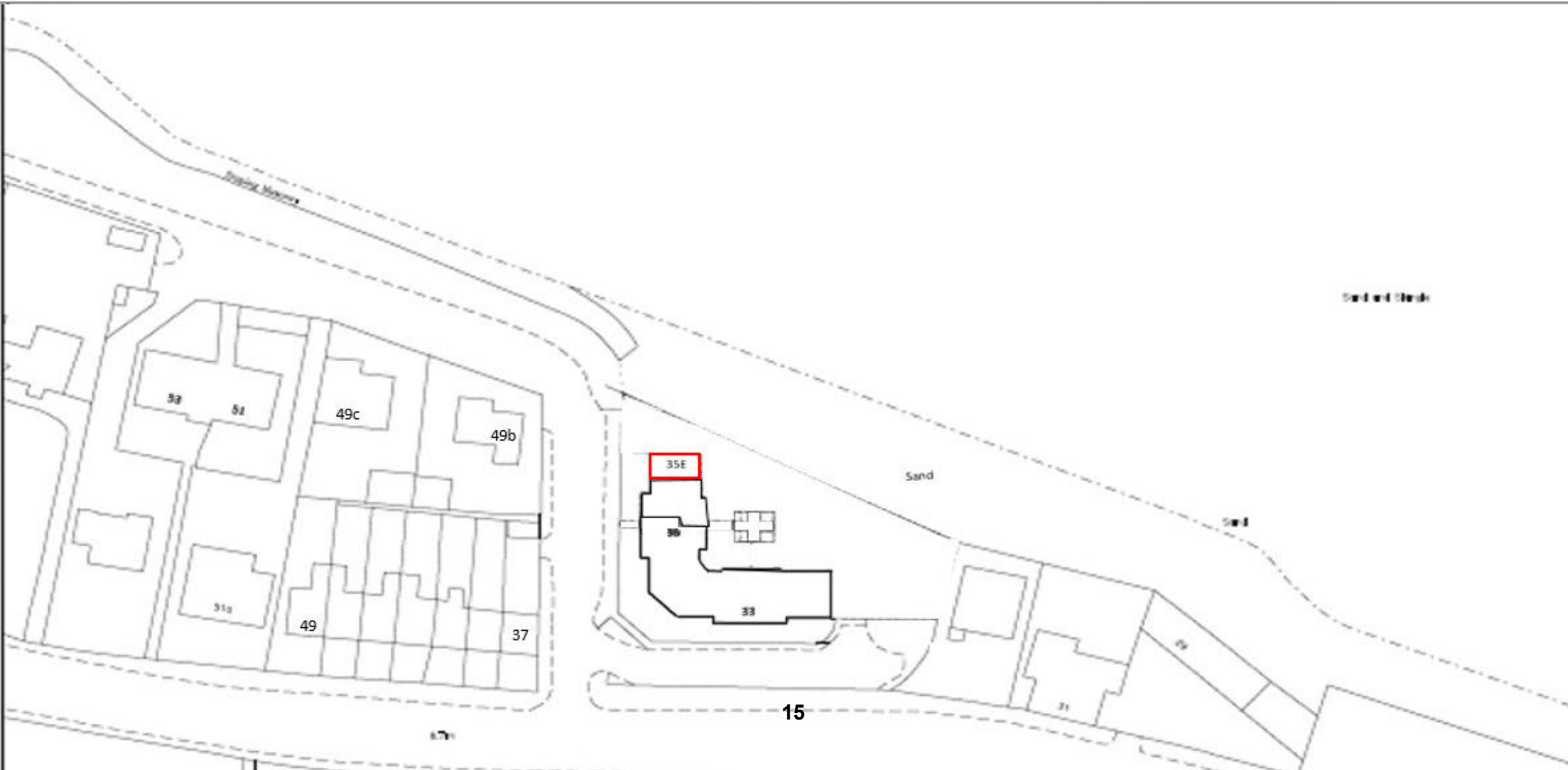
70m

NT3272NE NT3372NW NT3273SE NT3373SW

Survey Scale

1/1250

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Hi

Thanks for the booking

We have brand new carpets please take your shoes off at the door.

We do have house rules, as this is our home that we rent out sometimes and it's within a block of 6 flats we share with our neighbours. We get on well with them, despite the amount of traffic a short term let brings to their doorstep with many visitors using the communal door and stairwell. Thus we have a set of house rules to ensure your stay does not negatively impact our neighbours. These rules will have been emailed to you along with checkin lockbox code, checkin times and address by Airbnb .The rules are also available on booking Airbnb confirmation and on my Airbnb property page as well as Booking.Com

Please clean up at the back of yourselves.

Leave property, clean and in a good condition as you found it.

- (1) Be respectful of our neighbours in the building and there is a quiet zone 11pm till 8am.
- (2) Do not check out any later than 10am.(cleaner arrives at 10.05am).
- (3) No smoking in the flat or hanging out the window smoking, or any evidence of cigarettes smoked. (£200 Fine).
- (4) Put all your rubbish in green bin by the beach (marked 35e).
- (5) Wash and put away any dishes that you use.
- (6)No events/parties. (£200 Fine).
- (7) If you have made a stain, or broke anything please get in touch.
- (8) Don't smoke in the stairwell or on the front steps leading to the main door.Put cigarette ends in my green bin. Numbered 35e which is located outside the block of flats beside beach
- (9) No candles

(10) Lost keys will be a £20 charge

(11) Unnecessary call out where I have to attend property to fix an issue with the property but turns out to be no issue at all and it was a mistake on the renters part. £40 fee.

(12) Back Garden / Drying Green is strictly off limits

Review your Airbnb reservation email which includes the link to the checkin instructions.

This is a serviced apartment, which I own, clean and rent out on air BnB and [booking.com](https://www.booking.com).

The whole apartment will be entirely yours for the duration.

Please respect this is my home and respect the neighbours below. Also respect my house rules. Please leave the apartment the way you found it. This is not a hotel so please appreciate the house rules / Licensing conditions as loud noise affects my neighbours. So please try to refrain from loud music, stomping on floor and slamming doors. Also banging wheeled suitcases up and down every step in the stairwell really upsets our neighbours so please bear this in mind.

Just to let you know we have also installed a video ring doorbell outside the front door so we can monitor the stairwell and view/speak to guests and review the amount of people entering the apartment. The video recording is only in the stair outside the property. Not inside the flat. The maximum capacity is 6 people staying over. Also one of our licensing conditions is a noise monitor (Minut Monitor) installed inside the flat that monitors noise. It activates my phone, and your booking agent, when guests are too noisy .

The alarm during the day is set to a standard level and duration.

We have quiet zone between 11pm and 8am. The noise alarm is set to a much lower level.

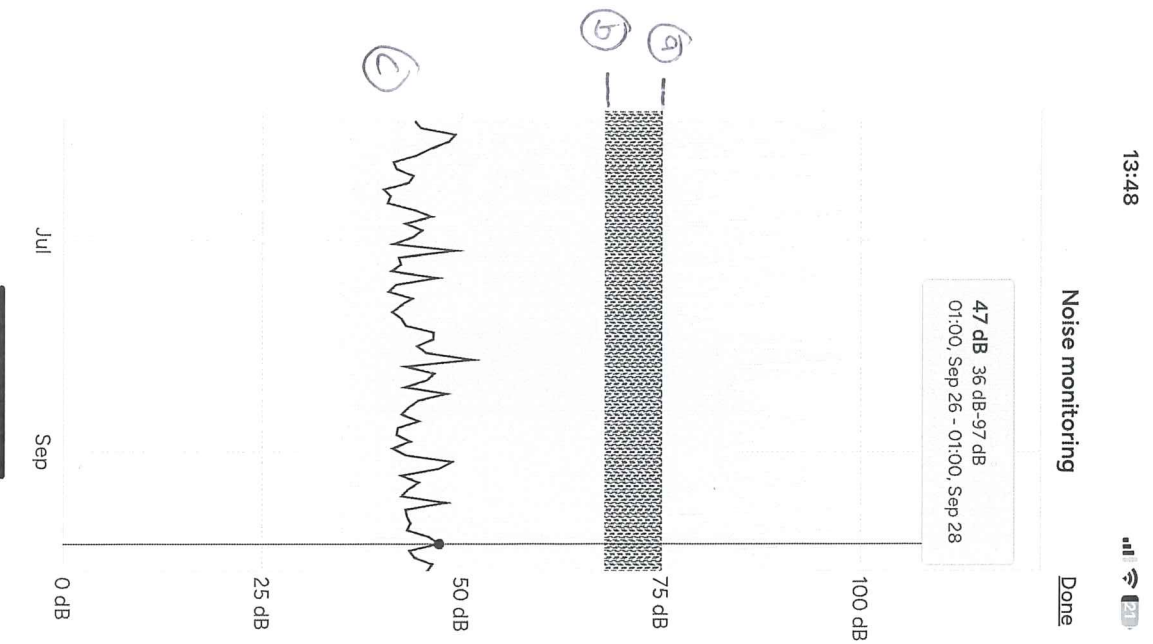
This monitor also detects crowd movement (to avoid the risk of party's), which is forbidden and also detects cigarette vape smoke . Any break in rules and we will warn you. It also detects if the sensor is touched . Continuously rule breaking will lead to immediate eviction.

I hope that you will not be the first and hope you enjoy your stay and enjoy yourselves.

Thanks

Page ①

Noise Monitor located in the livingroom



This example is taken from June-Oct 2024 of the noise monitor. More examples can be given if needed however they are all exactly the same, as in ③ is the day time noise alarm level set to 72db & ⑥ Noise alarm level for evening night time (1pm-8am) 68db.

③ illustrates the average noise level for the four months, which shows these levels are very quiet.

Motion

Done

14 motion events
19:00 - 20:00, Sep 19

80

60

40

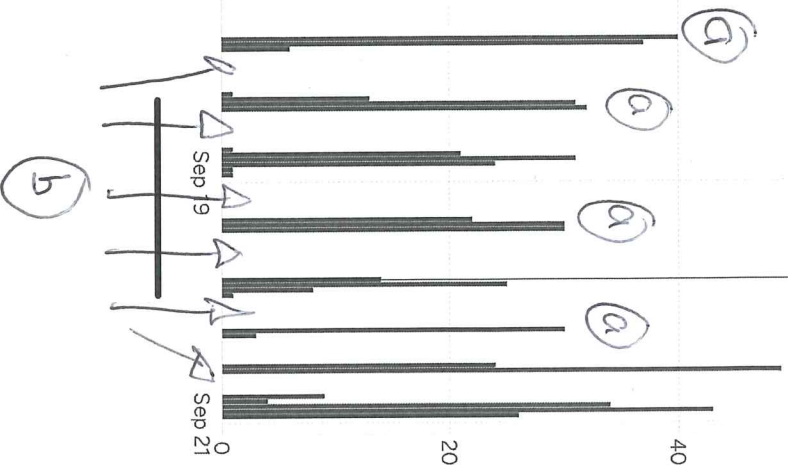
20

0

Sep 17

Sep 19

Sep 21



We have a motion detector within the livingroom which monitors motion movement of our guests. This example was taken in 2024. 17 Sept - 21st Sept and is typical of any day or month (more examples can be given), where motion within the livingroom is displayed on the adjacent chart. The bar chart rises and falls and obviously motion occurs during the day[ⓐ] and the bar chart falls to zero, when guests are sleeping[ⓑ].

More indepth analysis can be provided on a day to day basis for every day in the last year (if required) and it will show that guests go to bed between 10pm - 1am and wake between 6am - 9am.

CIVIC GOVERNMENT (SCOTLAND) ACT 1982

East Lothian Council, in terms of the Licensing of Short-term Lets Order 2022, hereby license:

Owner name **Montgomery Empire Ltd**

Owner address **9 Clanranald Avenue, Prestonpans, East Lothian** Postcode **EH32 9FP**

Being the owner of the premises and the person responsible for the day-to-day management of the premises respectively, and who have knowingly given permission for the use of the premises, or part thereof at:

Short-term Let address **35E Edinburgh Road, Musselburgh, East Lothian,** Postcode **EH21 6EE**

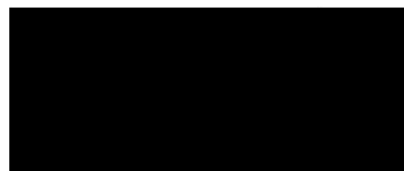
as a **Secondary letting** Short Term Let

This licence permits the occupation of the premises, or part thereof, for up to **6** persons and children under the age of 2 years, is subject to the provisions of the Act and also East Lothian Council's conditions and standards for Short-term Lets which are attached to this licence, as detailed overleaf.

The licence is valid from **9 May 2024** to **9 November 2025**

Licence Number **EL00192F**

Signed _____



Service Manager – Governance

on behalf of the issuing authority: East Lothian Council
John Muir House, Haddington, East Lothian, EH41 3HA

THIS LICENCE IS NOT TRANSFERABLE

Email: stl@eastlothian.gov.uk