

8. Statement

From: Maja Tomse

22 Vert Court
Haldane Avenue
Haddington EH41 3PX

Date: 19 September 2025

To: East Lothian Council - Planning Department

Subject: Appeal Against Refusal of Application – Change of Use to Short Term Let

Reference: App No. 25/00542/P

Dear Sir/Madam,

We write to formally appeal the decision dated 29 August 2025 regarding our application for a change of use of our property at 22 Vert Court, Haddington to allow short term holiday letting during limited periods of the year.

We respectfully submit our appeal on the following grounds:

1. Lack of clarity in grounds for refusal

It is unclear whether the refusal is based primarily on policy grounds or on a single neighbour's objection. If the determining factor is that the property does not have its own separate entrance, this should have been made transparent at the beginning of the process. If flats with communal entrances can never be approved, applicants should be informed prior to incurring nearly £1,000 in costs.

2. Costs and lack of transparency

We were unexpectedly required to cover the cost of an advert in the East Lothian Courier, which not only published our details without our consent but also circulated them on social media. At no stage were we informed that such advertising would be necessary, nor did we approve of our personal information being published in this way. While the application stated that a notice might need to be displayed on the building, it did not specify external advertising of this nature.

3. Proposed use is highly limited and proportionate

Our supporting statement made clear that:

- The property would only be let for **1.5 months each year (July and half of August)**.
- The minimum stay would be **1 week**, maximum **1 month**.
- This limits the number of potential guest turnovers to a maximum of **six in total per year**.

In effect, the level of “comings and goings” would be no greater — and in some cases much less — than that of ordinary residents who may frequently travel, host visiting family, or rent informally. Suggesting that luggage movements over six occasions in a summer period would disrupt the amenity of neighbours seems disproportionate.

4. Positive neighbour engagement

We have spoken individually with many of our neighbours, who expressed no objection and in many cases offered support. The only representation received came from a single neighbour, raising speculative concerns about potential long-term or “party” use. Our application and the conditions we outlined clearly prevent such misuse.

5. Council and police findings

- **Antisocial Behaviour Team:** No records of issues at this property.
- **Police Scotland:** No incidents over the past three years.
- **Road Services:** No objections regarding parking or accessibility.
- **Housing Strategy:** No objection, as this is our principal residence with only seasonal letting.
- **Economic Development Service:** Strongly supportive, citing measurable benefits to East Lothian's economy, tourism strategy, and local employment.

It is therefore contradictory that the application was refused on the basis of speculative concerns about amenity, when every specialist consultee except one neighbour has raised no objection, and when the Council's own Economic Development Service has clearly stated the positive local impact.

6. Compliance with Policy 30 (NPF4)

Policy 30(e) allows refusal only where there is (i) an unacceptable impact on amenity or (ii) the unjustified loss of residential accommodation.

- **Amenity:** Our proposal cannot be said to cause "unacceptable impact" when guest turnover is capped at a maximum of six lets per year, with minimum week-long stays. This is no greater than the movements of permanent residents. No evidence of harm exists.
- **Residential use:** The flat remains our **principal residence for 10.5 months of the year**, so there is no loss of residential accommodation.

- **Economic benefits:** Your own Economic Development Service confirmed the economic benefits of our proposal, which directly support the Council's Local Economy Strategy 2024–2034.

On this basis, the refusal misapplies Policy 30, as the conditions for non-compliance are not met.

7. Compliance with Policy RCA1 (East Lothian LDP)

Policy RCA1 safeguards residential character and amenity from incompatible uses.

- The **character of the building remains residential**, as the flat is occupied by us as our main home for most of the year.
- Letting for **1.5 months only** cannot reasonably be said to alter the building's residential character.
- Normal residential amenity is not harmed: no police or antisocial behaviour complaints exist, and luggage or visitor movements six times per year are well within ordinary residential patterns.

Therefore, the proposal does not breach Policy RCA1, as it does not introduce any material incompatibility with the building's residential nature.

8. Inconsistencies in the reasoning

The decision report accepts that:

- Short term lets are vital to the local economy.
- Our proposal is limited and seasonal.
- Antisocial behaviour cannot be assumed.

Despite this, it concludes that our application is incompatible with residential amenity. We respectfully submit that this conclusion is

not supported by the evidence, nor consistent with the policies cited.

Conclusion and Request

We kindly ask that the Council revisit our application, taking into account:

- The limited and proportionate nature of our proposed letting period.
- The absence of evidence of amenity harm.
- The strong support from Economic Development and lack of objection from other consultees.
- The fact that our proposal does comply with both **Policy 30 (NPF4)** and **Policy RCA1 (LDP)** when applied proportionately and in context.

This is our home, and we seek to let it only occasionally, responsibly, and in a manner that protects both our family and the wider community. We respectfully request that the refusal be reconsidered, or that appropriate conditions be attached to an approval to address any genuine concerns.

We look forward to your reply.

Yours sincerely,

Maja Tomse