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Dragonlea
Dirleton
North Berwick
EH39 5EP

3rd November 2025

The Clerk to the Local Review Body,
Committee Team,
Communications and Democratic Services,
John Muir House,
Haddington,
East Lothian
EH41 3HA.

Dear Sir or Madam,

**Appeal against Planning Decision App No. 25/00745/P (refusal dated 24th September 2025)
Change of use of flat to short term holiday let**

12D Bush Terrace Musselburgh East Lothian EH21 6DF

APPLICANT: Mr Peter Oliver

AGENT: Dr Sue Oliver, Dragonlea, Dirleton, EH39 5EP, and 12D Bush Terrace, Musselburgh EH21 6DF

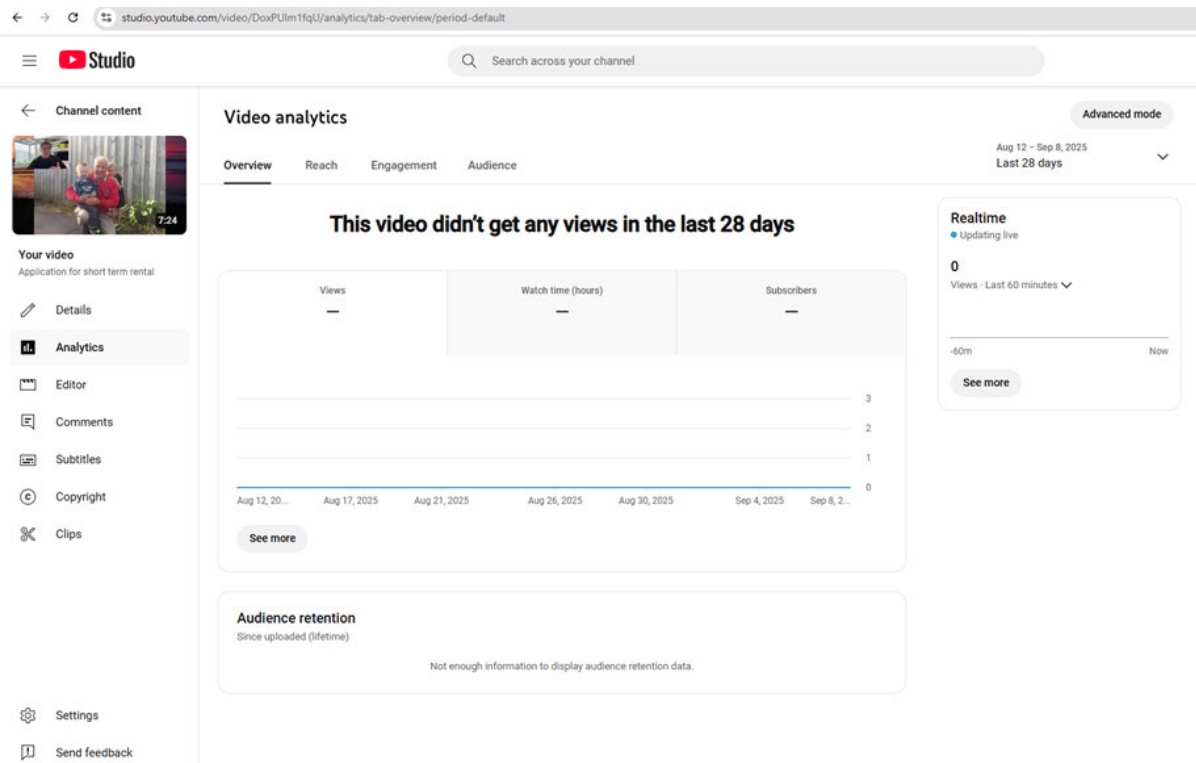
I write to appeal to councillors with regard to my decision notice from East Lothian Council Application No:25/00745/P. Letter Dated 8th September 2025.

I appeal to you on the following grounds.

1. I can establish that all the evidence was not considered or viewed on the original application.
2. The result of the application was pre – determined and not properly considered on merit.
3. Some of the findings and deductions from the rejection were incorrect.

1) The decision notice originally sent was for approval although it later emerged that this had been sent in error. The revised notice contained the following reasoning for the decision:

It is noted in reading the notice of rejection that the reasoning was inconsistent with the information provided in the covering letter. It can be seen that the supporting video which I provided had not been viewed at any time, showing this evidence was not taken into consideration. It is published on an Unlisted YouTube channel that is only accessible to those with the link. As the video showed zero views between submission of the application and the decision notice, it is clear it was not viewed or its evidence taken into consideration. It would appear that the covering letter was not read or taken into consideration either given that the points raised in it were not referenced in the decision notice, and the link to the video was in this covering letter. Please see screen shot below:



2) Both in 2024 and in 2025 we have been sent notices granting permission by accident before it became clear they were sent in error, indicating the application was never given proper consideration based on merit but rather was a pre-determined result on each occasion with decisions cut and pasted from the previous applications.

In 2024 I first received a Grant of Permission letter, but on further reading found it was for a property in Gullane belonging to another gentleman who had a successful application. On reply and asking for my own grant letter I found in fact my own one had been refused.

This year I again received a Grant of Permission letter, only, on further reading, to find a second letter with reasons for the refusal. On querying the application status details were removed from the portal and on further questioning I found out my application had been rejected again.

I appreciate that staff are likely overworked and under resourced to deal with the applications coming in and while I sympathise that that is likely the case, it appears that applications are summarily dealt with and that each individual application is not taken on merit.

Note: On a positive note here, the application process, with the assistance of Neil Millar from the planning department, was much more positive than that experienced 12 months earlier which was greatly appreciated. 12 months earlier I felt that it was distinctively hostile.

3) Some of the findings and deductions were incorrect:

“An unacceptable impact on the local amenity or character of the neighbourhood”
 This is clearly not the case as there have been no objections raised or issues of any

kind during the previous 7.5 years of successful operation as a short term rental before the new rules were brought into place. This is not a change of use but a continuation of the use as it had been since 2017.

Detailed responses to the previous rejection from 2024:

My property at 12D Bush Terrace, Musselburgh, has been operating as a holiday rental for over 7 years without issue. Following the change in regulation of short term rentals we obtained and submitted all the required information.

The initial application decision 20th December 2023:

“The reason for rejection was given as: incompatible with and harmful to the amenity of the occupants of the other flatted properties”

My response:

The residents of the other properties have supported me in this application and throughout the previous 7 years of operation. They have further benefitted from the fact I pay for the stair to be cleaned at my expense once every month. Previously they had to have collect money from all the residents to pay a cleaner and this was time consuming and there always had to be someone to chase for money. I have been paying for a monthly clean of the stair which has been very popular. There have been no harmful or unpleasant issues in the previous 7 years of occupation.

The Council’s Detailed explanation for rejection:

“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 hallway of the residential building. Most users/occupants of the holiday let would have a degree of luggage or other property to take through the communal entrance and hallway 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 property within the residential flatted building. 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”

My response:

The minimum stay at this property is 2 weeks. We discount stays over 1 month at 55% meaning in practice the average length of stay is much longer. Previously the property was occupied by a maximum of 3 people although most commonly it was occupied by 2. Our intention going forward is to reduce the occupancy to 2 people and lock off the second bedroom to store our own items for our own stays. Most of our guests are retired or mature couples and at no time

over the previous 7 years have guests disturbed neighbours. When they do enter and leave there is less disturbance than a pizza delivery man.

The Council's report:

“an additional level of activity not only at the application property but also within the communal entrance and hallway as a result of people regularly accessing both the building and the application property itself to service/clean it and remove waste and recycling material after each guests stay.”

My response:

The maximum number of cleans possible in this property is 2 in a month so the impact of cleaners accessing the property is very low. In addition I pay, at my own expense for the entire stair to be cleaned professionally once every month. This is a benefit to all the residents of the stair. Previously someone had to collect money from all residents which was problematic. For some years there was no regular stair cleaning until I stepped in and paid for it. This is a direct benefit to the residents of the stair.

The Council's report:

“allowing frequently changing guests unfettered access to otherwise secure shared areas changes the actual and perceived level of security for permanent residents”

My response:

This point is factually incorrect. This is not a secure stair and any member of the public can walk in directly. In addition, last year (and once previously) I paid for the stair lighting to be fixed by an electrician. I did this to ensure a safe welcoming environment for guests arriving and staying in the property. Guests do not change very frequently (many stay for over a month) and **all have to register IDs and be vetted prior to being** accepted for the property. We have had no issues in the previous 7 years. In addition on two occasions occupants of other properties have booked for their own guests as they did not have space in their own properties.

I understand the concerns raised by Councillor McIntosh in the 2024 review. I live next to a short term rental myself in Australia. I do believe however that there is a need for short term rental accommodation and that had Councillor McIntosh had more detail of the specific people who stay in our property she may have considered a different decision. I would like to provide that information below:

- Ian: He lives in the south of England but his wife is from Musselburgh. They have stayed 4 times visiting her sister and mother. Her Mother died (last year I believe) but they still come to visit her sister.
- Connie: She has family that live nearby and she visits regularly. She has stayed 3 times during our last year of operation. Her friend used to live in the property many years ago.

- Susan, stayed with her husband for April last year. They wanted to be near their daughter who was expecting their first grandchild. They booked to be near her for that time.
- John was working in the area and stayed for 20 nights in November 23.
- Alan stayed 9 nights in September 23, working in the area.
- Ray – Lives in Queensland Australia but his wife is from Musselburgh. They booked for a 6 week visit to see family. I spoke with Ray this week and he told me how hard it is to find accommodation for their next stay in Musselburgh as all the places they stayed before are no longer available.
- We have had film directors for Amazon who were filming movies in Edinburgh. Each stayed for just under 60 days while filming. It was the same film studio for two consecutive years.
- We have also had several visiting lecturers attending Queen Margaret University.

Most of all, our family also uses the property. We stayed for a month last year and had planned a longer stay in Summer 25 (before consent to lease was denied). We live in Australia and this property is a vital link to allow our children to spend time with their grandparents who can't travel and otherwise would not know them. As they get older, we intend to spend more and more time visiting each summer. We cannot have this property on the residential market as if our parents ever become sick, we need a place to come back to be near them. Having this property available for other guests to use outside of those times makes it possible for us to do this. It also gives couples in similar positions a great place to stay while they are doing the same.

If this appeal as approved:

- My two boys, 5 and 11, get to spend more time with their Grandparents.
- Couples like Ray and his wife and Ian and his wife can regularly return and spend time with their families.
- Neighbours benefit from the stairs being professionally cleaned every month and maintenance like the lights being taken care off.

If it is declined:

- The stair will no longer be professionally cleaned and will likely revert to previous situation.
- People like Ray and his wife, Ian and Connie will no longer be able to stay when visiting family nearby.
- We will not be able to afford to stay for as long or as often as we do and our children will be able to spend less time with their grandparents.
- The property will sit vacant for around 11 months of the year benefitting no one.

I understand and respect the need to regulate and control short term rentals, but I trust the councillors will see that there are only winners here if it is approved and only losers here if it is rejected. I hope you will find yourselves able to accept this appeal.

I include here a copy of the original covering letter, which I included with my most recent application, so that the Review body has the opportunity to read it for themselves:

Thank you.

Yours aye

pp. *Peter Oliver*

(Agent: Dr Sue Oliver)

Please see below a copy of the letter which accompanied my 2025 application:

Dear Sir/Madam,

Thank you for considering this application.

Our property at 12D Bush terrace has operated successfully as a holiday rental and home away from home for our family for over 7 years until the recent change in regulations. Our initial application was rejected and appealed but turned down for different reasons by 2 votes to 1. Unfortunately, we were unable to further appeal so have now, one year on, submitted a fresh application to answer the points raised in the appeal hearing that we were unable to do before, to ask the council to consider those and in light of this information, to reconsider our application.

- I will outline the situation as it had been under holiday rental.
 - The negatives consequences of the previous decision.
 - The further steps we have taken to make the prospect appealing to the councillors.
 - Summary
-
- Finally I will address specific points raised in previous application.

Previous situation as a Holiday rental:

This property was originally my home. It is the one I returned to as an infantry officer in the Royal Scots after my final tour of Iraq and it is where I lived when I met my wife. It is where we now stay with our family when we come back to Scotland and where our young children have made happy memories visiting their Grandparents who live in nearby. Since we emigrated to Australia in 2017 this property has been the place which has allowed our family to connect and has become increasingly important to our family as our parents age and travel becomes more difficult for them.

We have always concentrated on longer stays and the vast majority of our guests stayed for extended stays. The average length of stay during our final summer of operation (2024) was 18 nights. During this period, we operated a 7 night minimum stay. Guests staying for longer periods are living in the area and need amenities such as washing machines and kitchens and hotel accommodation is not suitable. Guests like our last Guest, Ian, who also lives in Australia but whose wife is from Musselburgh, stayed for 6 weeks. He would like to book for next year when he wishes to come to Musselburgh for his 60th birthday but has been unable to find suitable accommodation nearby. Unfortunately, without council approval we cannot host him.

The vast majority of our guests were regulars, most being couples in their 50s-70s visiting extended family in the area or returning home. We have had former owners of the property, who now live in Perth Australia; their childhood friend who grew up nearby was another regular guest. I know from my conversations how hard they find it to find a place to stay now.

Some of the neighbours also used the property if they didn't have spare rooms of their own for guests to stay in. In addition, as a thank you to our neighbours, who have supported us throughout the 7.5 years we operated the property we paid for our cleaners to professionally clean the stair once a month. This arrangement worked well for everyone for many years.

In 7.5 years operating as a holiday home, we had no issues whatsoever. The neighbours supported us, we cleaned the stair for them, we could visit and our children could spend time with their Grandparents. When we were not using the property other families could use it as a place for them to connect. These people spent money in the local community and what we raised from their stays covered the costs of operating the property. We contributed around £2500 a year in tax to the government and the local cleaners had a regular job.

The negative consequences of the previous decision:

We were, as a family, devastated to have our application to continue turned down last year. We had planned for several years to spend 5 months living in the property in 2025 where our children could attend school and they could learn more about where they came from. It was a small window of opportunity to do this before our eldest begins high school. Unfortunately, with the loss of rental income resulting from the council's decision we could no longer afford this trip and had to cancel. Instead, we have reduced the stay to a 1 month visit in August. It is an opportunity lost which has been so very disappointing for both Grandparents and our Children. Frustratingly during this time, we have been forced to keep this beautiful property completely empty. Offering the property to residential tenants is not an option as by doing that we would not have anywhere to stay when we were over and it would cut our vital lifeline to our parents.

Previously my parents have travelled regularly to Australia; however, two years ago my mum suffered blood clots in her lungs and collapsed at Heathrow. My dad was also very sick after his last visit. While my mum has been able to travel again taking special medication, it is much more challenging we are unsure how many more times they can make the journey. My wife's parents are unable to make the journey for health reasons. Having guests stay in the property allows us to afford to visit and keeps our family together. Losing that means we now have two mortgages to cover and as a result have been put under more financial pressure and can only afford to visit occasionally, perhaps every two years.

This year I have had some health issues of my own, I am currently under treatment for a benign tumour and recently had another cut out. While I am expected to make a full recovery, it is an acute reminder that our time with family is not infinite and we need to maximise it where possible.

The property provided a vital lifeline for other families who, like us were geographically separated, and used the property to stay when visiting each other. They have now lost this and are finding it increasingly difficult to find suitable short term accommodation in the area. The people staying all spend money in the local area.

The cleaners have lost the regular work. The stair is no longer professionally cleaned on a regular basis.

Further Steps we have taken:

I understand that there must be regulation for short term rentals. I believe that while the previous rejection of 2 votes to 1 was a very unfortunate mistake on the part of the Planning Committee, especially when looking at some of the properties which did receive permission, I have further looked at what we can do to make the application even more appealing to the council. To that end I have locked off the second bedroom and now the property would only be let to guests as a 1 bedroom sleeping a maximum of two people. In addition we would be happy

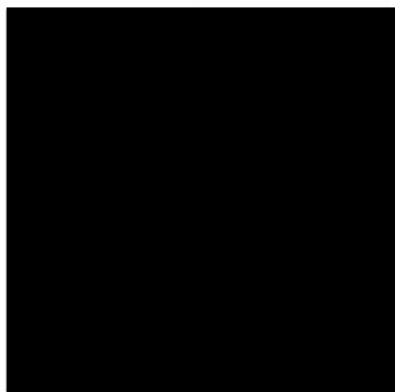
to extend the minimum stay from 7 to 14 nights to further increase the average length of stay which was already 18.5 nights. We only kept it as 7 nights previously as one of our regular guests, a retired couple from Cornwall who had previously lived in Musselburgh, came twice a year and stayed for a week each time. We had previously not wanted to exclude this guest, however we would be willing to make that further change.

Summary:

I fully support the fact that short term rentals do require regulation. In this case we have managed the property very well over 7.5 years in a way that was mutually beneficial to the guests, neighbours, cleaners, local businesses and ourselves. Most important of all it allowed us to spend time with our families and for our children to spend vital time with their Grandparents. The rejection of the application in 2024 has meant the loss of all the above and there have been no winners from that decision. Our family has lost vital time together, been put under financial strain and other families have struggled to re-connect. With this application you have the power to help us bring our family closer together again and allow more happy scenes like the one below at the Ravelston in 2023.



In addition, I have created a short video to support this application which is not published and can only be viewed by those with the link and QR code below:



Detailed responses to the previous rejection from 2024:

My property at 12D Bush Terrace, Musselburgh, has been operating as a holiday rental for over 7 years without issue. Following the change in regulation of short term rentals we obtained and submitted all the required information.

The initial application decision 20th December 2023:

“The reason for rejection was given as: incompatible with and harmful to the amenity of the occupants of the other flatted properties”

My response:

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The Council’s Detailed explanation for rejection:

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The minimum stay at this property is 2 weeks. We discount stays over 1 month at 55% meaning in practice the average length of stay is much longer. Previously the property was occupied by a maximum of 3 people although most commonly it was occupied by 2. Our intention going forward is to reduce the occupancy to 2 people and lock off the second bedroom to store our own items for our own stays. Most of our guests are retired or mature couples and at no time over the previous 7 years have guests disturbed neighbours. When they do enter and leave there is less disturbance than a pizza delivery man.

The Council’s report:

“an additional level of activity not only at the application property but also within the communal entrance and hallway as a result of people regularly accessing both the building and the application property itself to service/clean it and remove waste and recycling material after each guests stay.”

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The appeal Decision notice 25 June 2024 (note the meeting was held on 25th April 2024):

Note: The notice incorrectly states under the decision, "The ELLRB unanimously agreed to dismiss the appeal". This is incorrect and later in the same notice after paragraph 4.6 it correctly states "Accordingly, the ELLRB by majority of 2 to 1 decided to dismiss the appeal".

Detail of councillors' comments:

"The Chair said that the site visit had been useful. There were a number of flats which were access via the stairwell, and, in his view, it was inevitable that there would be conflict between residents and those using the short term let and that this could be intimidating for residents. He did not consider this to be a suitable property for a short term let and he would not be supporting the appeal."

My response:

*Please note I thank all councillors for their comments and I understand that managing applications is a complex and important role. I believe that, had the councillors had additional information, they may have come to a different decision. I note each in turn:

The property has been operating in this manner for 7 years and there have been **no incidents of intimidation**. The vast majority of our guests are retired or near retiring couples who are **all ID checked**. By **fixing the lighting** and **having the stair professionally cleaned** residents directly benefit from the current situation and indeed have been very supportive.

"Councillor Collins was sympathetic to the applicant who had been running their business for seven years with no problems or objections noted. In her view, there would not be as much disturbance to other residents in the stairwell as might be expected, and she queried the current level of letting per year and its likely impact on residential amenity."

I would like to thank Councillor Collins for her assessment which is consistent with our experience over the previous 7 years.

“Councillor McIntosh also had some empathy for the applicant who had been running their business for a number of years. However, she felt it important to consider the issue of amenity as a whole. While conflict might be quite rare, when speaking to people in general who lived next to short term lets, her sense was that they were unsettled by the comings and goings and by not knowing their neighbours. She therefore agreed that there would be an unacceptable loss of amenity and she was minded to support case officer’s original decision.”

I understand the concerns raised by Councillor McIntosh, I live next to a short term rental myself in Australia. I do believe however that there is a need for short term rental accommodation and that had Councillor McIntosh had more detail of the specific people who stay in our property she may have considered a different decision.

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If it is declined:

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I understand and respect the need to regulate and control short term rentals, but I trust the councillors will see that there are only winners here if it is approved and only losers here if it is rejected. I hope you will find yourselves able to accept this appeal.

Thank you.

Yours aye

Peter Oliver

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