

# Planning Committee

2.00pm, Wednesday, 23 February 2022

## Short-term Let Area of Control Designation

|   |   |
|---|---|
| Executive/routine<br>Wards<br>Council Commitments | Executive<br>All<br><a href="#">11</a> and <a href="#">12</a> |
|---|---|

### 1. Recommendations

---

- 1.1 It is recommended that Committee:
  - 1.1.1 Note that the Council has now concluded the statutory consultation on the designation of a Short-term Let control area;
  - 1.1.2 Note the level of response to, and the key findings of, the consultation as summarised in this report and set out in Appendix 1;
  - 1.1.3 Acknowledge that analysis and consideration of feedback from consultation has informed a review of the proposed designation;
  - 1.1.4 Approves the proposal to designate the entire Council area as a Short-term Let Control area;
  - 1.1.5 Agrees to submit the proposal to Scottish Ministers for approval; and
  - 1.1.6 Subject to approval of recommendation 1.1.5, confirms that should Scottish Ministers approval be given, the designation will be publicised and take effect 28 days from the date of publication of the notice.

**Paul Lawrence**

Executive Director of Place

Contact: Iain McFarlane, City Plan programme Manager

E-mail: [iain.mcfarlane@edinburgh.gov.uk](mailto:iain.mcfarlane@edinburgh.gov.uk) | Tel: 0131 529 2419

## Short-term Let Area of Control Designation

### 2. Executive Summary

---

- 2.1 The purpose of this report is to set out responses to the consultation on a proposal to designate the entire Council area as a Short-term Let Area of Control. The area of control is a statutory designation the effect of which will require planning permission for the change of use of dwellings to short-term letting where the property is not a principal home.
- 2.2 The analysis of responses and data indicate that the proposal, as set out in the consultation, meets with the objectives of a control area, provides evidence of the need for the designation and recommends that it be progressed for formal designation.

### 3. Background

---

- 3.1 Section 17 of the Planning (Scotland) Act 2019 introduced powers for local authorities to designate Short-term Let Control Areas. The purpose of control areas is to:
  - 3.1.1 Help manage high concentrations of secondary letting (where it affects the availability of residential housing or the character of a neighbourhood);
  - 3.1.2 Restrict or prevent short-term lets in places or types of building where it is not appropriate; and
  - 3.1.3 Help local authorities ensure that homes are used to best effect in their areas.
- 3.2 Without a control area, in terms of current planning legislation, using a property for short-term lets may constitute a change of use requiring planning permission. Whether planning permission is required will depend on the individual facts of each case. There is currently a lack of clarity for all parties on where planning permission will be required to use a property for short terms lets.
- 3.3 Within a control area, planning permission would always be required for the change of use of an entire dwellinghouse to a short-term let (STL). The automatic requirement for planning permission applies only to letting of a dwelling that is not a principal home, it does not apply to home sharing or home letting.

3.4 [The Town and Country Planning \(Short-term Let Control Areas\) \(Scotland\) Regulations 2021](#), implemented on 1 April 2021, and The Town and Country Planning (Short-term Let Control Areas) (Scotland) Amendment Regulations 2022, which come into force on 1 March 2022, set out the scope and process for designation and [Scottish Government Circular 1/2021](#) sets out guidance on establishing a control area.

3.5 A planning authority may designate all its area, or any parts of their area as one or more control area. In order to designate a control area, the planning authority is required to prepare a Statement of Reasons for designation and consult prior to submission to Scottish Ministers for approval. A designation may be varied or cancelled in the future, subject to due process.

### **Short-term lets in Edinburgh**

3.6 Edinburgh has a high number of STLs. Prior to 2019, there was a steady increase each year in the number of STLs listed on Airbnb. At March 2019, there were 8,739 entire property STLs listed on Airbnb. The Covid-19 pandemic has had an impact on the number of STLs however the number of STLs remain high and at October 2021 there were 4,077 entire property STLs listed on Airbnb.

3.7 There is long standing concern from the Council and residents of the city about the impact of STLs. It has been the subject of a number of reports to Planning Committee over recent years. Council services have worked together to co-ordinate action on STLs utilising existing legislation.

3.8 Dealing with the planning issues which are raised under existing powers is challenging. Currently planning permission may be required for a change of use from a dwelling to use as a short-term let if a material change of use has taken place. Enforcement action is a common recourse.

3.9 When investigating cases, it must be established whether the use of a residential premises for STLs constitute a material change of use. The question of material is one of fact and degree having regard to a number of factors. Evidence gathering can be a difficult and lengthy process involving a number of visits to properties.

### **Draft Proposal**

3.10 A draft proposal to designate the entire Council area as a Short-term Let Control Area was approved for consultation by Planning Committee on [11 August 2021](#). It was supported by a statement of reasons and evidence report.

3.11 Regulation 4 of [The Town and Country Planning \(Short-term Let Control Areas\) \(Scotland\) Regulations 2021](#) sets out the requirement for planning authorities to give notice of any proposal to designate an area as a Short-term Let Control Area. It requires: publishing notice of the proposal in a newspaper circulating in the area and on the Council website; and sending a notice to each Community Council within whose area it is proposed to designate an area as a Short-term Let Control Area.

## 4. Main report

---

### Consultation

- 4.1 The consultation ran for a period of nine weeks, from 2 September to 5 November 2021 (the consultation period required by the regulations was 28 days). In fulfilment of the statutory requirements, a notice was published in the Evening News and Community Councils were notified of the proposal, by e-mail, on 3 September 2021. The statement of reasons, map of the proposed area of designation and background report were made available on the Council website.
- 4.2 The consultation was also available on the Council consultation hub. It sought views on the principle of a control area for Edinburgh and the designation of the entire Council area.
- 4.3 The following activities were used to raise awareness and encourage people to have their say during the consultation:
- Press release on start date;
  - Facebook, Twitter and LinkedIn;
  - Articles on the Planning Blog at start of consultation and towards end;
  - E-mail to Planning Blog mailing list; and
  - Notification to key stakeholders by e-mail.
- 4.4 The proposal received national media attention with articles in many newspapers and radio coverage. Social media statistics demonstrate that the consultation reached over 5,600 people.
- 4.5 Three focus groups took place to explore the questions set out in the on-line consultation. These provided a presentation on the proposal, with the opportunity for questions and discussion in break out groups. One session was held for operators and hosts with attendance from the Association of Scotland's Self Caterers, UKSTAA, Edinburgh Tourism Action Group, hosts and booking platforms. A separate session was attended by community groups and residents. A third session was held for visitors. Despite limited attendance at the visitor session, the discussion provided insight from a visitor perspective and along with the other two sessions is reported in the Report of Consultation at Appendix 1.
- 4.6 A summary of views expressed is given below.

### Consultation Responses

- 4.7 The questionnaire received 3,108 responses. The vast majority of responses were received from individuals (98%), mainly residents of Edinburgh. 51 organisations responded, including 18 community organisations, seven of which were community councils. A list is contained in Appendix 1.
- 4.8 The consultation responses and a response to them is set out below and a detailed response is provided in Appendix 1

## **Focus Groups**

- 4.9 Focus groups explored the questions set out in the on-line consultation. There were mixed views expressed between the different groups with strength of feeling shown both in support of the designation and from those who did not support it. The discussions were generally reflective of the issues raised in the online consultation. There was real concern from community groups and residents who expressed exasperation with the impacts that they felt were caused by STLs and the need for this to be controlled. There was also concern from operators that the proposal did not take account of the benefits of STLs or the negative impacts a control area could have. There was a general view from operators that the control area would effectively be a ban on STLs.

## **Support for the designation**

- 4.10 The majority of all respondents (88%) supported the principle of the designation of a STL control area and for the entire area to be included (85%).
- 4.11 There were different degrees of support from individuals, community groups and other organisations. The other organisations were mostly representatives of the industry, operators and booking platforms. All community groups were in favour of the designation and for the entire area to be included. There was a high level of support from individuals (89%) both for the principle and for the entire area to be included (84%). This contrasts with just over half of other organisations not in support of designation and 65% opposed to the whole area designation.
- 4.12 A small proportion of respondents (1.5%) were unsure about the designation as they were uncertain that it would address issues; that there may be other means of control; unsure of what the effects might be on property rights; impacts on tourism and that impacts of the Covid pandemic were unknown. 3% were unsure about the inclusion of the entire area for a variety of reasons including the administration of the scheme; need for more detail; and appropriateness including more rural areas.

## **Analysis of comments**

- 4.13 A Report of Consultation, including a summary of comments received and a response, is provided in Appendix 1. It sets out a high level response to the comments rather than responding to individual comments. Many of the issues raised were relevant to the policy which would apply to STLs, issues which can be addressed through other regimes, such as licensing or environmental health, rather than the requirement for planning permission which would be established by the control area.

## **Key Themes from comments**

- 4.14 There were some overarching themes:

### **Data**

- 4.15 Concerns were raised about the accuracy of data mainly related to the use of Airbnb data and that the data overrepresented the scale of STLs.

- 4.16 The proposal provides information on the scale of STLs sourced from Airbnb. This platform for STLs has a large share of the market. It provides publicly available data and has been quoted in Scottish Government research. It is acknowledged that this source is not an official register but, in the absence of this, it provides an indication of the number of STLs potentially available.
- 4.17 The data presented related to only entire properties which would be within the scope of the control area. While it is not possible to identify if a property is a person's main residence and they are letting it out during a period of their absence, which would not be within the scope of control, the overall number of STLs, whether for secondary letting, home-letting or home-sharing are relevant to the overall impact.
- 4.18 In response to comments that other sources of data are available but not considered and that data is out of date, the background report has been updated with the latest available Airbnb data and supplemented with information from Visit Scotland and the valuation roll.
- 4.19 While there is no definitive source of data on the number of STLs operating in Edinburgh, the available data demonstrates the scale of short-term letting. Responses to the consultation also indicate that there are perceived to be high numbers of STLs in Edinburgh.

**Lack of Evidence of impact on housing supply.**

- 4.20 Views were expressed that there was no evidence that STLs were responsible for issues of housing supply in Edinburgh, that there were other factors which should be addressed such as empty homes and building affordable housing. There were also views expressed of the difficulties which STLs were felt to be having on the availability of homes for residents.
- 4.21 It is difficult to quantify the actual statistical impact of short-term rentals on the traditional rental market within the city. Evidence is set out in the background report from Council commissioned research which assessed the impact that the short-term let sector was having on rents within Edinburgh's traditional private rented sector and the availability of residential property in the city. This high level analysis suggests a rise in rents potentially attributable to short-term rentals and a drop in the availability within the rental sector.
- 4.22 The Background Report has been supplemented with information from the valuation roll and Visit Scotland Quality Assurance Scheme. At September 2021, there were around 540 self-catering properties registered with the Visit Scotland Quality Assurance Scheme. 1,418 self-catering properties were on the valuation roll as at January 2022. The valuation roll figure would appear at first sight to be an under-representation of the full extent of STL in Edinburgh. If STL properties not on the valuation roll are operating commercially, then a change of use in planning terms may have occurred. These properties would be no longer contributing to the housing supply.
- 4.23 Council Tax records identify the number of second homes registered. In 2021 of the 257,671 properties registered, 1,657 were second homes.

- 4.24 There is a disparity between these figures and the Airbnb data due to the voluntary nature of the Visit Scotland Quality Assurance Scheme and that not all STLs will have registered to pay non-domestic rates.
- 4.25 Edinburgh operates as a single housing market. There are high levels of demand and need for affordable housing which have been identified through an analysis of housing need and demand. Most properties operating as STLs were or are residential dwellings and any residential dwelling not being used for that purpose reduces the availability of housing in Edinburgh.

### **Costs to Council**

- 4.26 Concerns were raised that the requirement would be onerous on the planning authority and that resource implications had not been assessed.
- 4.27 Since 2016 there have been 643 planning enforcement cases raised relating to unauthorised use for short-term letting in Edinburgh. In the absence of Short-term Let Control Area, when investigating cases, it must be established whether the use of a residential premises for short term holiday lets is a material change of use.
- 4.28 The question of materiality is one of fact and degree, having regard to a number of factors such as the character of the property, the frequency of arrivals and departures, the number of people occupying the property, and disturbance to neighbouring residential amenity.
- 4.29 Evidence gathering can be a very difficult process. Case officers must consider each of these factors. This can involve a number of visits to check levels of occupation and to collect corroborative evidence to support any claims of noise and nuisance. This is a resource intensive activity. Designation of the control area will require applications for planning permission for which there is a fee set at national level.
- 4.30 While the current fee does not provide full cost recovery, this needs to be balanced with the amount of resource currently expended on investigating and enforcing unauthorised STLs in dwelling houses with no associated fee. As part of national planning reform, the Scottish Government are considering increased planning fees.
- 4.31 Existing legislation requires planning permission where a material change of use take place. Therefore, existing STLs should already have planning permission if required and only a minority of properties would require a planning application that did not do so before. The increase in applications should therefore not be substantial. It is likely however that there are STLs operating without the required planning permission so some increase in retrospective applications should be expected.
- 4.32 Where a use has been operating for a period of at least ten years, the use is lawful in planning terms. It is likely that there will be a number of STLs who are in this category. A certificate of lawfulness will provide confirmation if permission is required or not and there is a fee for this equivalent to a planning application.

### **Existing systems in place to regulate STLs**

- 4.33 There were views that there is current legislation which provides adequate regulation. Existing regulation is through planning law, anti-social behaviour legislation and environmental protection. Council services have been working together for a number of years to co-ordinate action on STLs by utilising this existing legislation. However, the issues remain and it is clear that the Council lacks specific regulatory powers which allow it to effectively respond to all the issues currently faced by the city.
- 4.34 There are codes of practice in place from industry bodies, however these relate to the operation of the property rather than its existence in a particular location or property and do not address any cumulative impacts which can be considered by planning control.
- 4.35 A licensing scheme, The Civic Government (Scotland) Act 1982 (Licensing of Short-term Lets) Order 2021 has now been approved requiring that, from July 2024, all STLs obtain a licence. The licensing scheme is complimentary to the control area and does not provide any regulation over the number of STLs or allow consideration of planning matters.
- 4.36 There were suggestions for alternative schemes. These related to issues which are outwith the scope of planning. No other regulations control the multiple issues which can be controlled through the planning system.

### **Timing**

- 4.37 Comments were made that the proposal is premature and that the Scottish Government has yet to prepare and consult on the detail of the control area scheme and that there is no detail on the factors that will affect granting/refusing planning permission, or costs for operators. Some respondents thought that there was a need to await establishment of the proposed licensing scheme in 2024 to determine the true scale of STLs. Also, that the impact of the Covid-19 pandemic on the numbers had not been considered or was not known.
- 4.38 The control area regulations came into force on 1 April 2021. Guidance on their establishment was issued by the Scottish Government in June 2021, and this informed the proposal. Planning policies are set out in the Edinburgh Local Development Plan, November 2016 and further guidance in Guidance for Businesses, November 2021, both were referenced in the consultation documentation. The cost of planning applications and certificates of lawfulness are set out in the Council's Scale of Fees.
- 4.39 While an official source of data on the number and location of STLs will be helpful, the designation is not based on areas of high or low concentration and does not depend on numeric accuracy. In addition, the number of STLs is not the only reason for designation. Even a single dwelling being used for this purpose, if it is in the wrong location or circumstances could be problematic.
- 4.40 The Covid-19 pandemic has had a significant impact on the number of STLs that were advertised on the Airbnb platform since March 2020. It is hard to speculate

about the medium and long-term impacts of the pandemic on the STL market, and on the behaviour of investors, landlords and consumers.

- 4.41 A study, Review of Housing Need and Demand in Edinburgh, commissioned by the Council in 2020, considered evidence on housing need and demand in the context of the Covid-19 pandemic. There was some evidence of an immediate shift of STLs to residential private-lets during lock-down, but consultation suggests that the high demand for United Kingdom (UK) staycations means that demand for STLs has been broadly maintained. For the longer term, the market fundamentals for the Edinburgh market are projected to remain strong, with unlikely downward pressure of prices. It concludes that the private rented sector has been in a considerable state of flux but is now rebalancing and transient households are returning to the City. There is currently more flexibility in supply augmented to some extent by previous STLs moving to residential stock but warns that this should not be over-estimated as UK staycations are in high demand.
- 4.42 Licensing of all types of STLs will be required from April 2024. This will require the licensing authority to consider if the use of the premises for short-term letting would constitute a breach of planning control, in which case it may refuse to consider the application. Introducing the control area in advance of this licensing requirement will provide clarity for operators and prospective operators of the need for planning permission and provide a straightforward means of checking compliance with planning requirements by the licensing authority

#### **Retrospective measure and cost to operator**

- 4.43 Views were expressed that designation would introduce a retrospective requirement for planning permission, that existing operators should be exempt from this, and that the additional requirement was onerous and unnecessary. Concerns were expressed about the cost of the requirement for planning permission, and by some that there should be no fee involved. There was a related concern that that proposal does not distinguish between operators of individual properties and larger operators.
- 4.44 The legislation is retrospective in that it requires permission to be sought for dwellings currently being used for STLs. Existing planning legislation allows that where a use can be demonstrated to have been operating for at least 10 years with no enforcement action that the use is lawful in planning terms. STLs currently operating should already have planning permission if required and would therefore be able to continue to operate and meet with the proposed licensing condition for planning permission without any addition planning fees. Only a minority of properties would require a planning application that did not do so before. For many properties, the planning costs are not therefore a direct consequence of the designation but of complying with the existing requirement that where the use is determined to be material, planning permission is required.
- 4.45 The regulations have been set nationally and there is no scope to treat business operators differently. The impacts of designation, on both businesses and individual operators, was considered in a business and regulatory impact assessment,

prepared by the Scottish Government, of the regulations prior to introduction of the legislation.

### **Discriminatory against one type of visitor accommodation**

- 4.46 The proposal was considered by some to discriminate one type of visitor accommodation over another by applying control to STLs but not other types of visitor or student accommodation and that it would favour large businesses at the expense of individuals. There were also views expressed that as STLs are commercial business then the same requirements should apply to them as other visitor accommodation.
- 4.47 The development or change of use to other types of visitor accommodation, with the exception of some bed and breakfasts, currently requires planning permission where development or change of use occur. A requirement for planning permission would bring STLs in line with this requirement.

### **Perceived as a ban on STLs**

- 4.48 There was a view from some respondents that the requirement for planning permission would effectively be a ban on short-term letting and reduce the number of STLs to the city's detriment.
- 4.49 The effect of the control area is to require planning permission. The automatic requirement for planning permission applies only to letting of a dwelling that is not a principal home, it does not apply to home sharing or home letting.
- 4.50 The control area does not set the policy which will be applied to STLs. Current planning policy is set out in the Edinburgh Local Development Plan (LDP) Policy Hou 7 – Inappropriate Uses in Residential Areas. This policy prohibits change of use which would have a materially detrimental effect on the living conditions of nearby residents. Planning applications for secondary letting will be determined against this policy and other material considerations. Current non-statutory guidance, Guidance for Businesses, November 2021 states that planning permission will not normally be granted for flatted properties, where the potential adverse impact on residential amenity is greatest and will generally only be acceptable where there is a private access from the street.
- 4.51 The designation of a Short-term Let Control Area, therefore does not mean a blanket ban on such uses: each case will have to be assessed on its own merits. The planning application process involves notification of neighbours and provides an opportunity for public comments.
- 4.52 Current planning policy allows consideration of the appropriateness of short-term letting within a residential context. Where this is appropriate, it allows for STLs. In 2021 there were 25 applications for planning permission for STLs determined. 15 of these were granted. These are detailed in the Background Report.
- 4.53 A new local development plan is being prepared. The Proposed City Plan 2030 was approved in September 2021. This sets out intended policy for the city and includes a policy which presumes against a loss of housing, including through change of use. Representations to this plan are currently being considered, prior to

it being finalised and subject to examination, and there is potential for policy to be changed prior to any adoption of the plan.

- 4.54 There are currently properties with consent to operate as short-term lets and properties where the use as a short-term let may be demonstrated to have been ongoing for a period of 10 years, thereby establishing the use as lawful. Along with the opportunity to apply for planning permission, this means that there will continue to be short-term lets within Edinburgh providing choice of visitor accommodation.

### **Area of Designation**

- 4.55 Concerns were expressed that designating the entire Council area was not addressing the issue, often seen to be due to bad operators, and there was a need to balance the benefits of STLs with specific geographic areas of concern. Some respondents considered there was a disproportionate impact on areas towards the outskirts of the Council area.
- 4.56 Enforcement over the entire city was a concern and some considered it would be better to limit scope to what is manageable. Concern was also expressed that it may push STLs into adjoining council areas resulting in more travel.
- 4.57 Conversely there was support for the entire area, mostly referenced back to the reasons set out in the statement of reasons, that:
- Dwellings are being used short-term lets throughout the council area.
  - Housing need is city wide.
  - Concerns of Edinburgh residents are city wide.
  - Provides clarity on the need for planning permission anywhere in Edinburgh.
  - It would allow consideration of STLs against planning policies and other material considerations.
  - It would allow the opportunity for the public to comment through the planning application process on STLs across the city.
  - Designating part or parts of the area could result in pushing STLs and their impacts into areas around control areas.
- 4.58 The Background report, at Appendix 3, demonstrates that there are issues across the area. While the concentration of properties in certain areas may bring particular issues relating to housing supply, noise and community cohesion, designating particular areas of control risks would underestimate the impact a single property may have on neighbours and in the longer term risk moving STLs into adjoining areas.
- 4.59 Alternative views were expressed on the parts of the area to which a designation should apply. There were views that areas of concern should be addressed on individual merits and based on facts. Some respondents felt there would be fewer issues if STLs were dispersed beyond the city centre, however, there were also views that predominantly residential areas should be protected by a control area and the city centre, business and tourist areas should not be included.

- 4.60 Some specific suggestions included designating areas outside of one mile of major landmarks as areas of control to steer tourists and STLs toward areas best suited to support them, from a services and infrastructure perspective and that areas of control should be limited to Central Edinburgh postcodes and UNESCO defined areas.
- 4.61 There were some views that the type of property and letting policies were more important than the area of designation. There were specific suggestions that STLs should be banned on mixed stairwells; that detached houses and non-flatted properties should be exempt from control; and that properties with private entrances should be allowed to operate as STLs with no restrictions; and that control should only apply to STLs lets with a duration of less than one month.
- 4.62 Defining specific areas of control in a compact city risks pushing the issue into areas around the boundary. Criteria for the selection of boundaries would be difficult and could change over time. Regulations allow for geographic areas to be designated and do not allow for this to apply only to property types and the regulations apply to all secondary letting regardless of duration of let. Current planning guidance sets out advice on types of properties and these matters could potentially be addressed through Guidance should designation proceed.

### **The Designation**

- 4.63 It is for the planning authority to determine if a control area is required. Some considerations are provided in Circular 1/2021 and example indicators such as multiple key boxes; signs of services struggling; lack of housing; high levels of complaints are suggested. A relevant consideration is whether there have been reasoned requests from community councils, residents and other local groups and planning authorities should have regard to such representations.
- 4.64 The statement of reasons was contained within the Planning Committee report of 11 August 2021 and is attached as Appendix 2. Along with the updated background report, at Appendix 3, this provides evidence which demonstrates the need to designate the entire Council area as a Short-term Let Control Area.

### **Conclusion**

- 4.65 The statutory requirements for designation have been met. The proposed designation meets with the objectives of a control area and the statement of reasons and supporting background report demonstrate the need for the designation.
- 4.66 Issues raised in consultation and updated data do not indicate a need to alter the proposal from that previously considered at Planning Committee on 11 August 2021.
- 4.67 The level of support for the designation and concerns of residents is a relevant consideration set out in circular 1/2021. In combination with the reasons set out in the Statement of Reasons, and supported by the Background Report, designation is justified.

## **5. Next Steps**

---

- 5.1 Should Committee decide to proceed with the designation as set out, Ministerial approval will be required.
- 5.2 Regulations require that a Statement of Reasons is submitted to Scottish Ministers along with a map of the area of designation. A Statement of Reasons is attached at Appendix 2, which would form the submission along with the Background Report.
- 5.3 If the designation is approved by Scottish Ministers, the Council can proceed to formal designation. The designation will be publicised and take effect 28 days from the date of publication of the notice.

## **6. Financial impact**

---

- 6.1 Designation of the control area will require applications for planning permission for which there is a fee set at national level. While the current fee does not provide full cost recovery this needs to be balanced with the amount of resource currently expended on investigating and enforcing unauthorised short-term lets in dwelling houses with no associated fee.

## **7. Stakeholder/Community Impact**

---

- 7.1 A review of stakeholder and community involvement is outlined in section 4 and a report of consultation is provided at Appendix 2.
- 7.2 A summary of an Integrated Impact Assessment was presented to Committee in August 2021. This has been updated as part of the consultation process. It concludes that overall the proposal will support equality, health and well-being and human rights and have positive socio-economic impacts.
- 7.3 There are no direct sustainability impacts arising from this report.

## **8. Background reading/external references**

---

- 8.1 [The Town and Country Planning \(Short-term Let Control Areas\) \(Scotland\) Regulations 2021](#)
- 8.2 [The Civic Government \(Scotland\) Act 1982 \(Licensing of Short-term Lets\) Order 2021](#)
- 8.3 [Planning Circular 1/2021 Establishing a Short-term Let Control Area](#)
- 8.4 [Scottish Government Impact of Short-term Letting on Communities](#)
- 8.5 [Guidance for Businesses, February 2019](#)
- 8.6 [Edinburgh Local Development Plan 2016](#)
- 8.7 [City Plan 2030](#)
- 8.8 [Report to Planning Committee, 11 August 2021, Short-term let Area of Control](#)

- 8.9 [Report to Planning Committee, 2 September 2020, Short-term Letting in Edinburgh](#)
- 8.10 [Report to Corporate Policy and Strategy Committee, 14 May 2019, Short-term Letting in Edinburgh Update](#)
- 8.11 [Report to Corporate Policy and Strategy Committee, 7 August 2018, Short-term letting in Edinburgh](#)

## **9. Appendices**

---

- 9.1 Appendix 1 – Proposal for designation of Short-term Let Control Area for Edinburgh Report of Consultation.
- 9.2 Appendix 2 – Short-term let Control Area for Edinburgh Statement of Reasons.
- 9.3 Appendix 3 – Designation of Short-term Let Control Area for Edinburgh Statement of Reasons Background Report.

## **Appendix 1**

### **Proposal for designation of Short-Term let Control Area for Edinburgh Report of Consultation**

**December 2021**

Planning | Sustainable Development | Place Directorate | The City of Edinburgh  
Council

## Contents

|        |                          | <b>Page</b> |
|--------|--------------------------|-------------|
| Part 1 | Report                   | 1           |
| Part 2 | Full summary             | 6           |
| Part 3 | Focus Group Summary      | 32          |
| Part 4 | Notified organisations   | 41          |
| Part 5 | Respondent Organisations | 42          |

# **PART 1**

## **Report**

### **1. Introduction**

- 1.1 Section 26B of the Town and Country Planning (Scotland) Act 1997 allows planning authorities to designate all or parts of their area as a short-term let control area.
- 1.2 The Town and Country Planning (Short-term Let Control Areas) (Scotland) Regulations 2021 requires that a statement of reasons for designation is prepared and that a period of at least 28 days is provided for comments to be made. Scottish Government Circular 1/2021 states that planning authorities should have regard to representations received.
- 1.3 A draft proposal to designate the entire Council area as a Short-Term Let Control Area was approved by Planning Committee on 11 August 2021.
- 1.4 This document sets out how the proposal was consulted upon and explains how the final proposal has had regard to the points raised in the consultation.

### **2. Consultation**

- 2.1 The consultation ran for a period of 9 weeks from 2 September to 5 November 2021. Three focus groups with hosts/operators/community groups were held during this period and an online survey made available on the Council Consultation hub.

### **3 Publicity**

- 3.1 In fulfilment of the statutory requirements, a notice was published in the Evening News and Community Councils notified of the proposal, by e-mail, on 3 September 2021. The statement of reasons, map of the proposed area of designation and background report were made available on the Council website along with FAQs.
- 3.2 The following activities were carried out to raise awareness and encourage people to have their say during the consultation:
  - Press release issued on start date.
  - Publicity to raise awareness of consultation on Facebook, Twitter and LinkedIn.
  - Articles on the Planning Blog- at start of consultation and towards end.
  - Notification to key stakeholders by e-mail – detailed in Part 4
    - Surrounding local authorities;
    - Councillors;
    - MSPs; and
    - Other organisations including Visit Scotland, ASSC, Airbnb.

## 4 Respondents

- 4.1 3,108 responses were received. 98% of responses were received from individuals. 18 community organisations, including seven community councils responded. Part 5 contains a list of organisations who responded.



Figure 1 Breakdown of responses

## Respondent type



Figure 2 Respondent by type

## 5 Responses

5.1 The survey posed two questions:

**1. Do you support the designation of a Short-term Let Control Area for Edinburgh?**

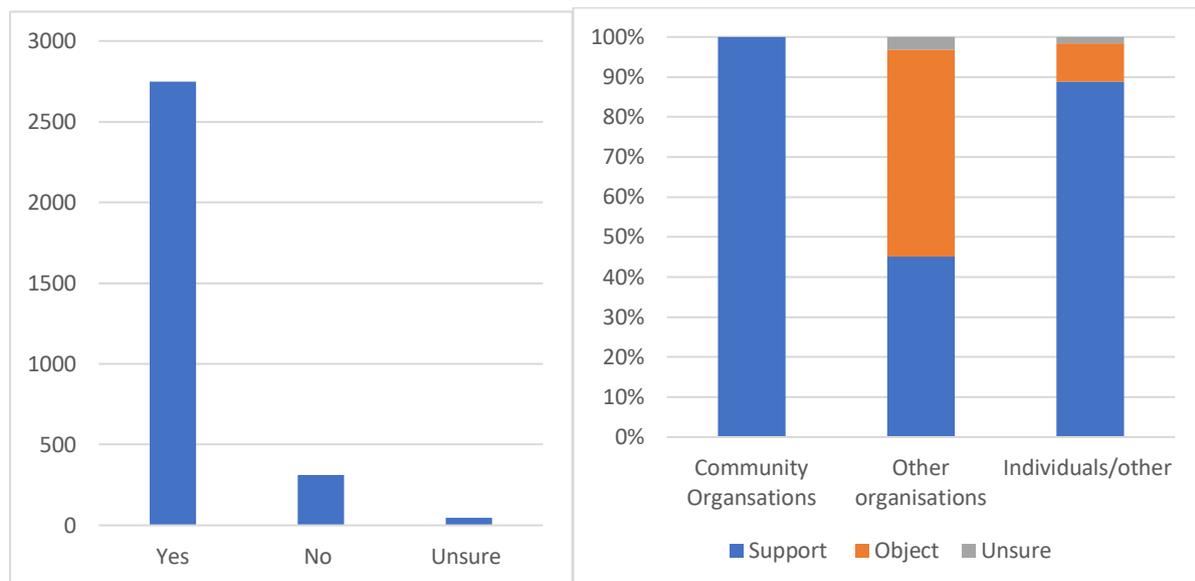
**2. Do you agree with the proposal to designate the entire Council area as a Short-term Let Area of Control?**

5.2 The majority of those responding (88%) supported the designation and for the entire area to be included (85%).

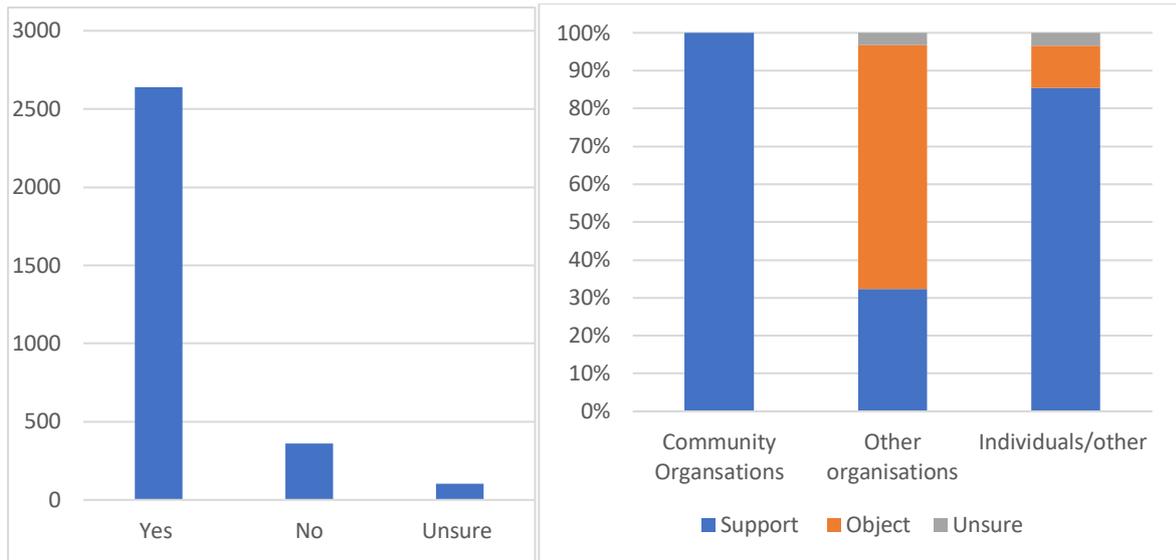
5.3 All community organisations who responded were in favour of the designation. Just over half (52%) of other organisations who responded (list provided at Part 5) did not support a designation. 89% of individuals responding were in support of the designation.

5.4 All community organisations were also in favour of the entire council area being designated. 65% of other organisations opposed the whole area designation.

5.5 1.5% were unsure about a designation but a higher percentage were unsure on the designation of the entire area 3%.



**Figure 3: Do you support the designation of a Short-Term Let Control Area for Edinburgh?**



**Figure 4: Do you agree with the proposal to designate the entire Council area as a Short-Term Let Area of Control?**

## 6 **Summary of comments**

6.1 There were a number of representations expressing similar views both in support and objection to the proposal. A brief overview of representations grouped by theme is set out below. A more detailed summary is provided in Part 2.

### 6.2 **Reasons for support- principle**

Would address:

- Lack of supply of housing
- Loss of resident population
- Impact on area
- Disruption to well-being
- Property maintenance
- Inequality
- Sustainability
- Bring STLs in line with other tourism businesses
- Sufficient alternative accommodation
- More efficient for the planning system
- Not far enough

### 6.3 **Reasons for objecting-principle**

- Unreliable data
- Not the only factor in shortage of housing and would not result in an increase in available housing
- Harmful to economy and tourism
- STL accommodation needed to meet the needs of visitors, and in particular families, professionals and other needing to let on a short term basis
- Discriminates against one type of visitor accommodation
- No distinction between type of operators and would have negative impact on individual operators resulting in loss of income.
- Not the right time as uncertain what impact of Covid pandemic will be and the licensing scheme proposed for STLs has not yet been established.
- Would place a burden on planning authority.
- Unnecessary as other regimes are in place
- Proposal unclear

### 6.4 **Reasons for support-entire area**

- Issue city wide
- Avoids transferring to other areas
- Easier to administer and enforce
- Difficult to define boundary
- Equality across area
- Needed to take account of change over time

## 6.5 **Reasons for objecting – entire area**

- Unreliable data and evidence
- Impact on economy
- Cost to Council
- Impact of visitors no different to residents
- Impact on housing market -extent and causes of housing shortage not justified
- No distinction between operators
- Negative impact on existing operators
- Discriminates as it will impact on individuals rather than businesses and removes property rights
- Excessive to include the whole area and it should be targeted to areas where there are issues but also views that it should be for areas that are currently more residential
- Would effectively be a ban on STLs
- Need for STL accommodation
- Other legislation could provide regulation
- Timing inappropriate due to Brexit, Covid impact on economy and the need to support local business
- Costly for planning authority
- Enforcement would be difficult
- Benefits to communities of good operators not considered.
- Misleading as implications not fully set out

## **PART 2 Full Summary**

### **7 Introduction**

- 7.1 Tables 1-4 below provide a summary of the comments received grouped by theme. A high level response to the comments is provided rather than responding to individual comments.
- 7.2 Many comments received were not related to the designation's requirement to apply for planning permission, but to the impact that may result if planning permission were not to be given and issues relating to licensing.
- 7.3 There were some overarching themes which are addressed in section 8 to 10 below. The tables 1-4 identify where the overarching response addresses the comments made in relation to that theme and provide further responses to the remaining summarised points specific to that theme.

### **8 Overarching themes**

#### **Effect of the control area**

- 8.1 The effect of the control area is to require planning permission. The automatic requirement for planning permission applies only to letting of a dwelling that is not a principle home. It does not apply to home sharing or home letting.
- 8.2 The control area does not set the policy which will be applied to STLs. Current planning policy is set out in the Edinburgh Local Development Plan (LDP) Policy Hou 7 – Inappropriate Uses in Residential Areas. This policy prohibits change of use which would have a materially detrimental effect on the living conditions of nearby residents. Planning applications for secondary letting will be determined against this policy and other material considerations.
- 8.3 The designation of a short-term let control area, therefore does not mean a blanket ban on such uses: each case will have to be assessed on its own merits. The planning application process involves notification of neighbours and provides an opportunity for public comments.
- 8.4 Current planning policy allows consideration of the appropriateness of short-term letting within a residential context. Where this is appropriate it allows for STLs. In 2021 there were 25 applications for planning permission for STLs determined. 15 of these were granted. These are detailed in the Background Report.

### **9 Extent of short term letting in Edinburgh**

- 9.1 The proposal provides information on the scale of STLs sourced from Airbnb. This platform for STLs has a large share of the market. It provides publicly available data and has been quoted in Scottish Government research. It is acknowledged that this source is not an official register but in the absence of this it provides an indication of the number of STLs potentially available.
- 9.2 The data presented relate to only entire properties which would be within the scope of the control area. While it is not possible to identify if a property is a

person's main residence and they are letting it out during a period of their absence, which would not be within the scope of control, the overall number of STLs, whether for secondary letting, home-letting or home-sharing are relevant to the overall impact.

- 9.3 The background report has been updated with the latest available Airbnb data and supplemented with information from Visit Scotland and the valuation roll. The valuation roll provides the number of self-catering properties registered for non-domestic rates. Visit Scotland's data provides the number of self-catering properties registered for their quality assurance scheme. Neither of these sources can provide a comprehensive picture of the scale of STLs as Visit Scotland's Quality Assurance Scheme is voluntary and not all STLs will have registered to pay non-domestic rates.
- 9.4 While there is no definitive source of data on the number of STLs operating in Edinburgh, the available data demonstrates the scale of short-term letting. Responses to the consultation also indicate that there are perceived to be high numbers of STLs in Edinburgh.
- 9.5 Prior to 2019 there was a steady increase each year in the number of STLs listed on Airbnb. At March 2019 there were 8,739 entire property STLs listed on Airbnb. The Covid-19 pandemic has had an impact on the number of STLs that have been advertised on the Airbnb platform since March 2020 however the number of STLs remain high and at October 2021 there were 4,077 entire property STLs listed on Airbnb.

## 10 **Timing of the designation**

- 10.1 The control area regulations came into force on 1 April 2021. Guidance on their establishment was issued by the Scottish Government in June 2021, and this informed the proposal. Planning policies are set out in the Edinburgh Local Development Plan, November 2016 and further guidance in Guidance for Businesses, November 2021, both were referenced in the consultation documentation. The cost of planning applications and certificates of lawfulness are set out in the Council's Scale of Fees.
- 10.2 While an official source of data on the number and location of STLs will be helpful the designation is not based on areas of high or low concentration and does not depend on numeric accuracy. In addition, the number of STLs is not the only reason for designation. Even a single dwelling being used for this purpose, if it is in the wrong location or circumstances could be problematic.
- 10.3 The Covid pandemic has had a significant impact on the number of STLs that were advertised on the Airbnb platform since March 2020. It is not known what the longer term impact will be, however indications of high demand for UK staycations means that pressure for STLs may continue and data indicates that a significant number of dwellings remain in use for STLs. Introducing a control area during this period of slowdown will reduce the initial volume of retrospective and new STL applications requiring assessment.

10.4 Licensing of all types of short-term let will be required from April 2024. This will require the licensing authority to consider if the use of the premises for short-term letting would constitute a breach of planning control, in which case it may refuse to consider the application. Introducing the control area in advance of this licensing requirement will provide clarity for operators and prospective operators of the need for planning permission and provide a straightforward means of checking compliance with planning requirements by the licensing authority.

## 11 Summary Tables

**Table 1**

### **Reasons for support- principle**

| <b>Lack of supply of housing</b>  |
|---|
| <ul style="list-style-type: none"> <li>• Will protect students, and young people, from being exploited by volatile housing markets and demand.</li> <li>• With the reduced number of students looking for accommodation in 2020, a number of landlords turned their properties into short-term lets in order to secure their financial income amidst the uncertainty of the pandemic.</li> <li>• STL control zone would help carry out the original intent of the national rental reforms.</li> <li>• High volume of short-term lets has depleted housing stock available for students and inflated rental prices and has the potential to make Edinburgh a less attractive city to study in.</li> <li>• Important to limit the number of short-term lets in new residential buildings as well as existing dwellings.</li> <li>• May deter the use of short-term lets as an investment opportunity to people with sometimes no connection to Edinburgh.</li> <li>• Impacts on the number of properties available for longer let.</li> <li>• Will return more housing stock from short-term to long-term use and ease pressures on rental prices.</li> <li>• Will reduce the commercial aspect of the value of housing stock, perhaps giving home-buyers more hope of affording property in a cooler market.</li> <li>• Too many homes being built on green belt land rather than tackling the over provision of short term accommodation.</li> <li>• Only once Edinburgh's housing needs have been met should additional housing be used to cater for tourists.</li> <li>• Housing stock is a common good and should generally be used for the benefit of residents.</li> <li>• Housing developments are built for people to live in - the original idea of Airbnb was that hosts would act as traditional B&amp;B hosts.</li> <li>• Even in more peripheral areas there have been growing numbers of short term lets, evident by the key safes mounted next to front doors.</li> <li>• The problem is diluted when the statistics are for the whole council area.</li> </ul> |

|   |
|---|
| <p><b>Loss of resident population</b></p> <ul style="list-style-type: none"> <li>• The World Heritage designation celebrates Edinburgh as a living city - that means a local resident population is important.</li> <li>• Point of attraction of Edinburgh to tourists is the existence of real little communities within the city.</li> <li>• STLs have fragmented communities, driving residents from historic parts of the city.</li> <li>• Balance needs to be adjusted so that a greater degree of control is exercised over short-term lets in the interests of residents.</li> <li>• Lockdown showed that the Old Town has been hollowed out with the flats being mostly holiday lets, viable retail has not survived apart from those serving the tourist trade.</li> <li>• Would allow council to manage areas with high levels of tourism</li> <li>• With fewer residents, there are fewer voters on the electoral register, impacting on local democracy.</li> </ul>   |
| <p><b>Impact on area</b></p> <ul style="list-style-type: none"> <li>• Edinburgh no longer feels like a place people live.</li> <li>• Can feel as if you are in a hotel, rather than a community.</li> <li>• Tourist ghetto with no population stability.</li> <li>• Number of short-term lets has changed the character of some areas, particularly the Old Town whereas Edinburgh should and could be model of sustainable urban living.</li> <li>• Too many people.</li> <li>• Unsightly key locks.</li> <li>• Historically the Old Town was a high-density area with population supporting local shops and businesses and this has been lost to a transient population.</li> <li>• Communities are being lost, local retail shops are increasingly becoming cafes and tourist shops.</li> <li>• Destructive to communities both in tenements and localities.</li> <li>• It could be observed that during the peak of the pandemic lockdown last year almost no people were present on the streets of the Old Town.</li> <li>• Certain parts of Edinburgh can no longer be regarded as residential areas due to the growth of tourism, traffic noise, lack of parking etc .</li> <li>• Communities are being lost, local retail shops are increasingly becoming cafes and tourist shops.</li> </ul> |
| <p><b>Would bring STLs on to same footing as other tourism business</b></p> <ul style="list-style-type: none"> <li>• Current regulations permit very generous use of limited local housing as essentially hotels / businesses, with none of the regulatory requirements, business rate collection, or benefits to the local authority.</li> <li>• Commercial operations and should be subject to planning control.</li> <li>• Very large difference between long-term and short-term renting. Short-term renting is essentially a change of use – properties built as homes - a short-term let is not a home. Hence it should come under some planning control.</li> <li>• Short-term lets are commercial businesses and should be controlled like other businesses.</li> <li>• Good idea in some circumstances when it becomes a business with whole blocks being let out continually and the actual owners does not use it themselves.</li> </ul>   |
| <p><b>Disruption to well being</b></p> <ul style="list-style-type: none"> <li>• Lonely and isolating living in a block where everyone else is a visitor.</li> <li>• Mental health benefits of feeling part of a community and neighbourhoods are better maintained and cleaner, and anti-social behaviour is reduced, where residents are engaged and feel a part of something bigger.</li> <li>• Neighbours provide a valuable support network.</li> <li>• Noise, safety, parking, rubbish.</li> </ul>   |

### **Property Maintenance**

- Mix of long & short-term rental owners leaves a legacy of poor tenement maintenance & repair.
- Effects of the increase in STLs can be seen in deteriorating fabric of tenements with so many absent owners, noise nuisance to neighbours, and decreased security in tenement stairs. City centre seen as less desirable, because of the growing number of STLs,
- Reduced number of owner-occupiers in tenements can result in essential common maintenance and repair work being neglected and postponed thus compromising the conservation of historic environment.

### **Alternatives to STLs**

- Multiple hotel developments in the city and hosts who let a room in their property add to this supply. Regulating the entire property lets should not prevent visitors from coming to the city.
- Tourist population should be naturally regulated by the number of available hotel and B&B spaces.
- Demand should be met via development of the dedicated aparthotel sector rather than the removal of residential properties from the long term rental / home ownership market.
- Better to promote the trend for affordable hotel accommodation to provide safe accommodation.
- Homeowners letting out rooms and entire properties if they reside in the property the majority of the time will allow for an increase in short term lets for the festival periods.
- STLs take business away from established guest houses and hotels with inferior facilities risking reputational damage.
- Places pressure and unfair competition on existing hotel accommodation and similar other businesses, particularly as there is no regulation of short term lets.
- Declining use of office accommodation means that there are other ways to think about catering for visitors' accommodation needs.
- Hotel businesses employ large numbers of people within the city and the uncontrolled growth of the short term let accommodation has affected that employment rate, to the disbenefit of the local economy.

**Planning System**

- Would take a lot of pressure off the planning system, give accountability to neighbours, and place the onus and expense on those profiting from the short-term letting market.
- Allow assessment in terms of safeguarding amenity for residents.
- Allow an open and transparent process.
- Owners should be consulted on what is effectively a change of use from residential and if the property is suitable without detriment to others affected.
- Will ensure that the right mix of accommodation will be provided in the right locations, to the appropriate level of standard for visitors and the local community.
- Would still allow STLs to go ahead for those that want to run them as a business opportunity, under a suitable level of scrutiny and with permission only given once the cumulative effect has been considered. At the same time, the proposed system would still allow residents who may want to take advantage of occasional house swaps or periodic rentals (which have far less impact on the character of the area) to do this.
- Would ensure that the primary purpose (providing housing) is met.
- Welcome controls to ensure that short term lets are only allowed to operate if they are located in suitable properties which do not negatively impact the quality of life, health and wellbeing of residents.
- Should make it possible to limit the number of STLs in any given area or street, and take into consideration the historic and aesthetic qualities of the area; Edinburgh will not benefit from further tourist development which focuses purely on quantity, and control of STLs will be a helpful step towards improving quality for visitors and residents alike.
- Needs to be coupled with resources for handling planning applications.
- Cost must be covered in its entirety by a charge on the applicant. STL's are commercial businesses, they should pay an appropriate fee.
- For better management and action when issues arise.
- Number of STLs applying for planning permission gives rise to a significant concern of intentional avoidance and noncompliance.
- A Pareto principle should apply: 80 - 20. If the resident to non-resident to ratio falls below 80:20 then the tourists start to dominate the area, destroying the culture for both the tourists and the residents.
- Correct that the requirement for planning permission applies only to secondary lets, which are the aspect of short term letting that attracts the most issues.

**Not far enough**

- Proposed measures do not go far enough - good quality, affordable housing is as much a civil right as is access to education services and public healthcare.
- If a STLCA is not introduced, then this will continue to cause disharmony in the city and force residents further away from the city centre.

|  |
|--|
| <p><b>Inequality</b></p> <ul style="list-style-type: none"> <li>• Current lack of control benefits those who are better off.</li> <li>• The affordability is disproportionately unfair on poor or first time buyers.</li> <li>• Unfair that the residents who live in the poorer, more crowded/ communal areas of Edinburgh, suffer the greatest disruption and negative impact.</li> <li>• Could help the poorest residents' access homes and generate more revenue from the taxes paid by residents, and less cost to the council in needed accommodation.</li> <li>• Will provide relief and satisfaction for residents in poorer tenement areas and may increase their perception of being able to have an influence on what happens in their residential area through the planning system.</li> <li>• Current situation is widening inequality.</li> <li>• Second-home ownership alongside the scarcity of affordable housing, heightens inequalities within the city and exclude many residents from the hope of owning a home.</li> <li>• Impact on availability of ground floor (wheelchair accessible) flats.</li> <li>• Housing has become a commodity, and people are getting rich while others cannot find a suitable home to buy and are being priced out resulting in movement out of the city and commuting. They end up living further and further from the city and adding to pollution by their forced commutes.</li> <li>• Appropriate for local authorities to have the power to enforce 'change of use' planning permission on professional operators.</li> </ul> |
| <p><b>Sustainability</b></p> <ul style="list-style-type: none"> <li>• Untenable in terms of environmental sustainability.</li> </ul>   |
| <p><b>Other comments</b></p> <ul style="list-style-type: none"> <li>• In support, but the 10 year exemption should be removed.</li> <li>• Current policy and guidance are confusing and there is uncertainty about how the forthcoming proposals would work in practice.</li> <li>• Has consideration been given to this "grandfather" status changing on change of ownership, i.e. planning permission gained through long-term use lapses on sale to a third party.</li> <li>• 10 year exemption needs careful parameters, evidence and definition if it is to work in the positive way intended.</li> <li>• Causes loss of revenue for government and council through tax evasion (under declaring income) and loss of (differential for) non-domestic rates.</li> <li>• Concerns about the word 'primary' when it comes to the stipulation around "primary or only residence".</li> <li>• Planning approvals should take into consideration the history of each property operating as an accommodation provider. For many this is a main source of income.</li> </ul>  |
| <p><b>Lack of existing regulation</b></p> <ul style="list-style-type: none"> <li>• Would provide a means of mitigating the impact on housing and disruption which is not currently available.</li> </ul>   |

## Table 2

### Reasons for objecting-principle

Table 2.1 Data

| Summary of comments   |
|---|
| <ul style="list-style-type: none"><li>• No empirical data.</li><li>• Proposal is driven by opinion.</li><li>• Evidence of issues is not provided to allow proportionate measures to be put in place.</li><li>• Utilises pre-pandemic figures and unreliable scraped data leading to misleading conclusion about the size and scope of the market.</li><li>• Concerned impact of the coronavirus pandemic has not been given any consideration. No evidence to show that levels will revert to those in 2019.</li><li>• Need to justify rationale for use of Airbnb data which cannot be taken as reliable and 'cross-listing' creates the mistaken perception that there are more properties available for short-term let than there actually are.</li><li>• Omits Visit Scotland data on self-catering accommodation.</li><li>• Data does not acknowledge the diverse range of accommodation on the Airbnb platform</li><li>• Types of STL are not defined, nor how long they have operated should clarify the number that started in the past 10 years.</li><li>• On paper it could appear to be an overconcentration which might not be the reality.</li><li>• Despite the speculation about numbers. The council has its own register of professional self-catering operators these businesses have NDR numbers.</li><li>• Need to know the number of active STL's, no. of second homes, no. of empty private homes, no of empty public sector homes, number of gap sites being given over to hotel and student accommodation development, no. of registered complaints from neighbours.</li><li>• STL enforcement cases are a small proportion of total enforcement cases in Edinburgh.</li><li>• Need to compare enforcement cases in council or affordable housing areas with those operating as STLs to establish the true impact</li></ul> |
| Response  |
| <p>See point 9 and 10 above</p> <p>Council Tax records identify the number of second homes registered. In 2021 of the 257,671 properties registered, 1,657 were second homes.</p> <p>Information on enforcement cases are set out in the Background Report. This shows that in 2020, 19% of all enforcement cases were related to STLS.</p>   |

Table 2.2 Impact on Housing Market

| Summary of comments   |
|---|
| <ul style="list-style-type: none"><li>• Does not provide empirical and robust data to show a link between short-term letting and the housing market in Edinburgh.</li><li>• Housing shortage or antisocial aspects are not simply down to holiday let's.</li><li>• Need to explain relevance of 90 days on which some data is provided.</li><li>• Listings of STLs do not necessarily equate to the number of houses that would be available on the long-term housing market.</li></ul> |

- Data relied upon to demonstrate the impact of short-term lets on housing availability has been misrepresented.
- No data is provided on the effects of house and rent prices.
- Amount of student accommodation contributes to housing shortage.
- Uses holiday lets as a scapegoat - empty 2nd properties from the wealthier residents and non-residents, purchasing of properties as an investment from non UK residents, a lack of affordable housing built by the councils.
- Could have a downward ripple effect in the housing market.
- Housing crisis in the capital must be looked at from a full government and local government perspective with building and providing affordable housing.
- Fails to provide a proper examination of the various housing challenges in Edinburgh.
- Should explore other avenues to tackle housing supply issues and not use STLs as a means to solve housing challenge. Should focus on building more affordable homes and tackling empty properties
- Reason for the shortage of housing is more to do with a lack of funding in social housing
- When housing demand and the level of empty housing is set against the number of self-catering units, it suggests self-catering activity is not of a scale sufficient to affect housing supply issues in Scotland.
- Will not resolve Edinburgh's housing issues and should explore options which will not undermine the city's economic reputation and ongoing recovery.
- Even without STL properties the property prices in Edinburgh City Centre are outwith most ordinary people's budget
- People have not been priced out of the Old Town but choose to live elsewhere because they don't like the environment.
- Many landlords only operate holiday lets during the Edinburgh Festival or other seasons to fill a void.
- If properties are removed from the STL platform they will sit empty and homeowners spare rooms will stay empty.
- Airbnb flats are often hard to sell to primary occupants because they aren't well suited as long term homes.
- No guarantee that the owner will either sell the property or make it available on the long-term rental market; they could use their property as a second home.
- Will reduce the supply of housing for rent and increase prices, as well as lowering the quality.
- Will not necessarily provide the type of rental housing that will meet the needs of all renters, guests who stay for a short time are able to accept some noise and disturbance as a trade-off for a convenient central location.
- If tourists move out, students will move in.
- Edinburgh is an international hub which can only work if there is a flexible housing policy.
- Interference with the market increases homelessness.
- Concentration of STL's will be regulated by market dynamics once an equilibrium is reached between supply and demand.
- Areas of Control designation can be a negotiating point for future developments. New buildings can be exempt from area for 10 years. Low-income units within developments can be encouraged.

#### **Response**

See point 10 above.

There are strategies in place to tackle other issues including empty homes and provision of affordable homes.

The loss of housing to short term-let use results in a city wide problem of reduced housing availability and issues of affordability.

The number of days an entire property is available to let indicates how often the property is used as a permanent residence and whether it can still be considered part of the housing supply. Properties available for more than 90 days in a year may be considered to have been removed from the housing supply. The data has been filtered to identify those entire property lets which would be affected by the control area and identifies those available for 90 days or more. Of the 4,086 entire property listings 2,436 of these were available for more than 90 days.

In 2018 the Council commissioned Rettie & Co to conduct research (Analysis of the Impact of the Edinburgh Short Term Rental Market – 16 July 2018) which assessed the impact that the short-term let sector was having on rents within Edinburgh’s traditional private rented sector and the availability of residential property in the city. It estimated that there had been a loss of around 10% of private rented homes to short-term lets in recent years. The rapid growth in short term lets has had an impact on both supply and rent levels. Between 2014 and 2017 the city saw 2,700 more properties per year listed as available on Airbnb, while private rented sector stock fell 560 per annum.

STLs impact on affordability of property for residential rent. Research indicated a displacement of demand, with rents rising significantly above average (between 20-27% over the period 2014-17) in areas bordering a high concentration of short term lets. Private rents had increased by more than 30% over the previous five years. Research indicates rising rents occurred in those areas bordering a high concentration of Airbnb, suggesting a displacement of demand. In those areas bordering the city centre, rents increased around 20-27% over the period 2014-2017.

It is recognised that STLs are not the sole cause of a shortage of housing. There are strategies in place to tackle other issues including empty homes.

The most likely effect of control would be to return properties to their residential use.

**Table 2.3 Impact on Economy and tourism**

| Summary of comments   |
|---|
| <ul style="list-style-type: none"> <li>• Ignores the economic contribution estimated as providing a £70m annual boost to the city.</li> <li>• Less prosperous areas could benefit from the economic boost that comes with short-term lets which could help with regeneration.</li> <li>• Would limit tourist spending to hotel locations in city centre contributing to the dereliction of non-central neighbourhoods.</li> <li>• Having the possibility for visitors to spend time outside the city centre will mean that certain non-central areas of Edinburgh will be revitalised, that business will thrive again, that people will buy locally, from what is close to their flats, as short-term rentals often come with the host's recommendations of local shops and eateries</li> <li>• Short-term let enables fair market competition and reducing the cost of staying in Edinburgh and helps local businesses.</li> <li>• Introducing barriers discourages utilisation of empty units in the city and reduce tax receipts for the government.</li> <li>• The short-term property rental market is simply 'market forces' at work. Where there is 'market failure' there is a logical evidential basis for state intervention.</li> <li>• Should be market driven.</li> <li>• Planning controls to constrain economical viable opportunities does not work. There is a need for a mechanism where Edinburgh STL operators are collaborating with the council.</li> <li>• Inward thinking and discourages non-Scottish investment.</li> <li>• Investors will look for other cities to invest.</li> </ul> |

- Favours purpose built accommodation by international investors, which shall see revenue from tourism being distributed outside of Edinburgh/Scotland and the UK rather than supporting Edinburgh's wider community.
- Will curtail the lively hoods of many businesses.
- Provides business for local companies- cleaning, laundry, management, maintenance etc.
- Will then impact on other jobs in the hospitality sector.
- Wider knock-on effect which this is causing, is the reduction in the number of visitors who would only come to Edinburgh if there's a suitable offering of self-catering accommodation, and those families for whom booking a number of hotels rooms is just not practical or something they'd even consider.
- Does not acknowledge that STLs add to the diversity of tourist accommodation that a modern, vibrant and competitive tourist economy requires.
- Covid lockdown demonstrated the impact on local businesses, along with the many hospitality and tourist venues, are hit with reduced numbers of visitors.
- Contributes to the tourism industry in Edinburgh and benefits many local shops, cafes, bars and restaurants.
- Guests in STL shop locally, unlike hotels who buy from large companies, and increase the cash turnover of small independent stores. Small out of the way stores become noticed by tourists accommodated in more back water locations around the city.
- Edinburgh and its appeal for business and visitors would be diminished if there is reduced self-catering offering.
- Restricting short term lets might damage the festival and tourism economy.
- Will reduce the number of visitors who would only come to Edinburgh if there's a suitable offering of self-catering accommodation, and families for whom booking a number of hotels rooms is not practical.
- Visitors income will be lost to other parts of the UK.
- Dependent on STL for accommodating the volume of tourists. Without STLs there will be an acute shortage leading to exorbitant accommodation prices and in turn loss of tourism and economic contribution to Edinburgh's and Scotland's income from tourism.
- Will restrict availability of self-catering accommodation and push prices up
- Hotel prices will increase due to reduced supply, and tourists will stay less number of nights and spend less, and quality of hotels will decrease.
- Retaining STLs alongside the provision of new homes in central sites and a far smaller number of new hotels is necessary for Edinburgh's lively tourist scene and the integrity of its heritage assets whilst meeting the accommodation aspirations of residents.
- The way people chose to travel is changing need to offer solutions that the tourist want as well as the locals. Should evolve with the moving market and find a better solution than a blanket ban.
- Holiday lets are mostly in tourist and business areas, so permitting the tourists and business travellers to stay there is logical.
- Depends on the level of control as a blanket ban will disadvantage the tourist industry particularly families who wish to visit Edinburgh.
- Need to promote the provision of more hotel rooms.
- It is also important to consider the interplay between different policies, namely on the Council's wider objectives around tourism.
- Entire city designation will impact on tourism capacity.
- Longer-term threat to Edinburgh's reputation as a visitor destination and potential site of major events.

**Response**

See point 8 and 10 above

The contribution of STLs is acknowledged in the background report and the potential impacts on the economy and protected groups have been considered within the IIA process. The requirement for planning permission would be unlikely to have a negative impact.

There are currently properties with consent to operate as short-term lets and properties where the use as a short-term let can be demonstrated to have been ongoing for a period of 10 years, thereby establishing the use as lawful. Along with the opportunity to apply for planning permission this means that there will continue to be short-term lets within Edinburgh providing choice of visitor accommodation

**Table 2.4 Discriminates against one type of visitor accommodation**

| <b>Summary of comments</b>   |
|--|
| <ul style="list-style-type: none"> <li>• Protectionism for the hotel industry by banning small business to help profits of big businesses.</li> <li>• Purely a punitive measure against STL landlords allowing CEC to avoid a general tourist tax</li> <li>• Should consider all types of visitor accommodation including use of student residences as holiday accommodation.</li> <li>• Conflict of interest as Council has a vested interest in hotel development.</li> <li>• Council operates short term lets so unfair if individuals cannot.</li> <li>• Anti-competitive as the hotel and aparthotel sector will benefit.</li> <li>• Unfair that owners of a single property in the city, whether or not it is a second home, should be treated in the same way as owners of multiple properties conducting a commercial short term letting business.</li> <li>• Everyone should have an equal right to opportunity in the city and have a choice of how to use their property.</li> <li>• Applying for planning permission will be a disproportionate burden and cause significant financial hardship.</li> <li>• Unclear whether the likely breach of EU competition law has been considered and whether this is affected by retained EU law or whether it presents an unfriendly face to EU relations in the future.</li> <li>• Will impact on individuals not professional investors and will increase monopoly power of hotels chains and those with big portfolios of short-term lets who can pay for planning permission.</li> <li>• Will leave a gap for big business to buy up city.</li> <li>• Discriminates against one form of tourist accommodation. Should not favour one type of accommodation over another.</li> <li>• Anomaly with guest houses and B&amp;Bs, where visitor movements are similar, as many were previously residential properties within tenemental properties</li> <li>• Would have a disproportionate impact of suburban short term let owners.</li> <li>• No differentiation between legitimate small businesses, such as self-catering, and casual amateur hosts, who utilise online marketing platforms but are not subject to the same levels of existing regulation as professionals.</li> <li>• Would impact on flexibility for operators to be able to return to their property.</li> <li>• Not financially viable to convert to long-term rental.</li> </ul> |
| <b>Response</b>  |
| <p>See point 8 above</p> <p>The control area does not prevent individuals from using their properties for secondary letting. Secondary letting is a commercial activity and in the same way that a change of use would be required for any other commercial use of a residential property the control area would require that this was</p>   |

sought for secondary letting. It does not in itself prevent the use of an individual's property for commercial purposes.

Other forms of visitor accommodation are subject to planning regulation and where development or change of use occur these require planning permission. The Control Area ensures that like purpose built visitor accommodation, secondary letting requires planning permission helping ensure that the right types of visitor accommodation can be provided in the right places.

Planning permission will be required for change of use to secondary letting regardless of the owner/operator, including the Council. Decisions on planning applications will be made in accordance with the development plan unless there are material considerations indicating otherwise. The planning application process is defined in legislation and guidance and is subject to due process.

The control area only determines the need for planning permission and cannot control one type of operators. The requirements of the control area would be equal across the Council area.

**Table 2.5 Need for STLs**

| <b>Summary of comments</b>  |
|---|
| <ul style="list-style-type: none"><li>• Need for professionals etc. who want to have their own flat for a few weeks. There is no other system in place that offers that: long-term leases are not relevant to these people, whilst hotels are too expensive and seldom offer amenities like a kitchen, a living room etc.</li><li>• Vital for students looking temporary accommodation, visiting researchers to Uni's, etc.</li><li>• On the outskirts there isn't lots of choice hotel wise for visiting parents and short term lets allow visitors.</li><li>• People are transient and require mobility to do their work (which moves around - not like in the past).</li><li>• Will make it more complicated for people to access a STL, especially for people who need to let immediately and for a shorter period.</li><li>• Hotels and B&amp;Bs only have so much capacity and cannot cope with pre-Covid tourist demand.</li><li>• Student accommodation is not an appropriate quality of accommodation for visitors to an important cultural capital.</li><li>• Would be insufficient capacity in other visitor accommodation to house visitors during key events in the city's cultural calendar.</li><li>• Do not agree that the provision of hotels and hostels in Edinburgh is adequate for all visitor types.</li><li>• Disapprove of potentially being penalised for providing help in a gap in the travel accommodation market</li><li>• STLs add to the diverse range of accommodation that a modern, vibrant and competitive tourist economy requires and responds to consumer trends towards more authentic local experiences.</li><li>• Purpose built accommodation does not provide economical lodging for families.</li><li>• Visitors stay in self-catering accommodation for a number of reasons and STLs cannot be easily replaced or catered for through large hotel groups or student accommodation.</li><li>• STLs fill a gap in the rental market for purposes such as providing accommodation while improving own home.</li><li>• Benefit to families and multi-generational visitors by having a stair-free property with free parking in an area outside of the congested city centre.</li><li>• There is not the density of hotels in some areas to support the loss of STLs.</li><li>• Need to be able to accommodate in an emergency</li><li>• Hotels do not provide the accommodation needed for families.</li></ul> |

- Offer a different experience from staying in a hotel or a guest house and adds to the variety of accommodation visitors can choose from.
- Any future major global event would be impossible to host in Edinburgh due to the limited visitor capacity, diminishing Edinburgh as a global city.
- Need is demonstrated by demand.
- Needed to provide a choice of affordable, flexible accommodation.
- Building new hotels is a resource intensive solution to scaling up accommodation supply
- and we believe that destinations should be exploring ways to use existing resources more effectively and supporting the sharing economy.
- Way people chose to travel is changing. Need to offer solutions that tourist want as well as residents with balance between hotel and STLs
- Need to assess bed capacity, in the right types of accommodation, in the right parts of the city to be able to attract and accommodate visitors
- Property let to students during term time should be able to be used for short-term letting during pressure points such as the Edinburgh Festivals. To require planning permission would not be proportionate.

#### **Response**

See point 8 above

The control area is not a ban on secondary letting. It enables a planning assessment to be made on whether planning permission should be granted to an STL its specific circumstances. Where planning permission is granted for an STL, the STL will then be able to let as the operator sees fit.

Purpose built tourist accommodation in the form of hotels, hostels, apart hotels, guest houses and bed and breakfasts is readily available throughout the city. Along with student halls, which provide visitor accommodation at key times of the year, this accommodation meets the vast majority of tourism needs while balancing impacts on neighbourhoods.

There are currently properties with consent to operate as short-term lets and properties where the use as a short-term let can be demonstrated to have been ongoing for a period of 10 years, thereby establishing the use as lawful. Along with the opportunity to apply for planning permission this means that there will continue to be short-term lets within Edinburgh providing choice of visitor accommodation

**Table 2.6 Impact on operators**

#### **Summary of comments**

- Should be trying to control large companies with multiple let's
- Should not punish all STLs for the behaviours of a small minority.
- Policy will favour the wealthy and penalise those that are simply trying to get some additional income.
- Over-simplistic and fails to distinguish the "party flat" situation from responsibly-managed holiday lets and mid-term rentals e.g. to visiting professionals.
- More targeted approach is required and an allowance of 1 additional property per person would allow those who need the security of keeping their own property, without requiring change of use or long term lets.
- Negative impact on professional operators who have benefited local communities and the economy.
- Should be supporting small businesses for a sustainable recovery from Covid-19.

- Would only prevent many householders from taking part in this lifeline of an industry.
- People should have the right to use their property as they desire.
- Intrusion on privacy.
- If planning permission is refused will impact people’s livelihoods or the value of the property and this will be borne by individuals.
- Will entail a negative impact for operators, potential visitors and the local economy that tourism supports.
- Converting to long term rental is not financially viable and will restrict ability to move back at short notice
- People are depending on the income from lets as a business or retirement plan.
- Burden disproportionate and if planning permission is refused will cause financial hardship.
- Will create a “first mover” advantage if there is a limit on the number of STLs in an area.
- No assurances are being provided to professional, registered self-catering businesses that they will be allowed to continue to trade.
- Having to apply for planning permission and possible rejection is unfair.
- Those already with existing second properties should be granted permission.
- To apply SLC as blanket legislation and particularly to apply it retrospectively is undemocratic.
- Costs to operators not clear
- Should be clear guidance on what an approved short term let would have to pay in terms of council tax, business rates or other charges.
- STL operators actively take onboard common activities such as stair cleaning, common repairs and council related issues for the benefit of all residents and tenement residents support the STL operators’ involvement.
- Many STL properties provide services for visitors, in a well accepted way and well integrated within local communities.

**Response**

See point 8 above

The control area only determines the need for planning permission and cannot control one type of owner or operator. It does not prevent individuals from using their properties for secondary letting. Secondary letting is a commercial activity and in the same way that planning permission for a change of use would be required for any other commercial use of a residential property the control area would require that this was sought for secondary letting. It does not in itself prevent the use of an individual’s property for commercial purposes.

The regulations have been set nationally and there is no scope to treat business operators differently. The impacts of designation, on both businesses and individual operators, was considered in a business and regulatory impact assessment, prepared by the Scottish Government, of the regulations prior to introduction of the legislation. The potential impacts on the economy and protected groups have been considered within the IIA process.

The Planning Act requires that where a material change of use has occurred that planning permission should be sought regardless of any control area designation. Currently, in the majority of cases the use of a dwelling for second letting would constitute a change of use requiring planning permission. The procedure to establish if the use is not material and therefore the use for secondary letting is lawful would be to apply for a certificate of lawfulness. The fee for this and planning permission are the same and set out in the Council’s Scale of Fees.

Decisions on planning applications will be made in accordance with the development plan unless there are material considerations indicating otherwise. The planning application process is defined in legislation and guidance and is subject to due process.

The legislation is retrospective in that it requires permission to be sought for dwellings currently being used for STL. Existing planning legislation allows that where a use can be demonstrated to have been operating for at least 10 years with no enforcement action that the use is lawful in planning terms. STLs currently operating should already have planning permission if required and would therefore be able to continue to operate and meet with the proposed licensing condition for planning permission without any additional planning fees. Only a minority of properties would require a planning application that did not do so before. For many properties, the planning costs are not therefore a direct consequence of the designation but of complying with the existing requirement that where the use is determined to be material planning permission is required.

The policy which would be applied is set out in the LDP. This is subject to a separate statutory process and impacts of policy applicable to planning applications for the use of a dwelling for secondary letting are considered as part of that process.

**Table 2.7 Does not differentiate between impacts of residents and visitors.**

| <b>Summary of comments</b>   |
|--|
| <ul style="list-style-type: none"> <li>• No proof of disproportionate impact from STLs compared with any other type of residence (e.g. affordable housing areas).</li> <li>• There are more problems of anti-social behaviour from permanent residents than from tourists. Short stay occupation involves people living in the property, just for shorter periods. However, that does not necessarily mean the nature/impacts of the occupation are different.</li> <li>• Students can cause far more issues than visitors.</li> <li>• Nuisance comes from long term lets and students as well and more difficult to manage</li> <li>• Do not agree that STLs produce more waste, noise and keep anti-social hours and cause disruption.</li> <li>• Should publish data showing disruption to local communities and to neighbours</li> </ul> |
| <b>Response</b>  |
| <p>The background report provides information from Scottish Government Research which identifies that entire property STLs let full-time in common stairs often results in daily disruption and stress caused by constant 'visitor use', rather than residential use – noise, disturbance, buzzers, door knocking, littering, anti-social behaviour, the loss of a sense of community and security where the majority in both the close, and within the wider local community, were constantly changing strangers.</p> <p>Since 2016 there have been 643 planning enforcement cases raised relating to unauthorised use for short-term letting in Edinburgh. Data has been provided on the number of enforcement cases in Edinburgh in the Background Report.</p>  |

**Table 2.8 Not correct time**

| <b>Summary of comments</b>  |
|---|
| <ul style="list-style-type: none"><li>• Premature, given that Scottish Government has yet to prepare and consult on the detail of the Control Area scheme.</li><li>• There is no detail yet on the factors that will affect granting/refusing planning permission, or costs.</li><li>• Not required as many people who previously made their properties available for short-term lets have withdrawn their properties as an effect of Covid</li><li>• Should be supporting small businesses and encouraging them following the impacts of Covid pandemic.</li><li>• Should introduce the ASSC registration scheme before making any decisions to assess if there is a genuine issue in Edinburgh or not.</li><li>• Not the time to increase workload for very little benefit.</li><li>• Community is under extreme financial pressure.</li><li>• Effect of Brexit not known.</li></ul>  |
| <b>Response</b>   |
| <p>See point 9 and 10 above.</p> <p>The control area regulations came into force on 1 April 2021. Guidance on their establishment was issued by the Scottish Government in June 2021, and this informed the proposal. Planning policies are set out in the Edinburgh Local Development Plan, November 2016 and further guidance in Guidance for Businesses, November 2021, both were referenced in the consultation documentation. The cost of planning applications and certificates of lawfulness are set out in the Council’s Scale of Fees.</p> <p>While an official source of data on the number and location of STLs will be helpful the designation is not based on areas of high or low concentration and does not depend on numeric accuracy. In addition, the number of STLs is not the only reason for designation. Even a single dwelling being used for this purpose, if it is in the wrong location or circumstances could be problematic. The requirement for planning permission would allow the circumstances at the time to be taken into account.</p> <p>The Covid pandemic has had a significant impact on the number of STLs that were advertised on the Airbnb platform since March 2020. It is not known what the longer term impact will be, however indications of high demand for UK staycations means that pressure for STLs may continue and data indicates that a significant number of dwellings remain in use for STLs. Introducing a control area during this period of slowdown will reduce the initial volume of retrospective and new STL applications requiring assessment.</p> <p>Legislation, The Civic Government (Scotland) Act 1982 (Licensing of Short-term Lets) Order 2021, approved by Parliament on 19 January 2022 requires that from July 2024 all short-term lets obtain a license. This will require the licensing authority to consider if the use of the premises for short-term letting would constitute a breach of planning control, in which case it may refuse to consider the application. Introducing the control area in advance of this licensing requirement will provide clarity for operators and prospective operators of the need for planning permission and provide a straightforward means of checking compliance with planning requirements by the licensing authority</p> <p>Once implemented the need for the Control Area can be monitored and where necessary it can be varied or cancelled in the future</p> |

**Table 2.9 Burden on Council and Costs**

| <b>Summary of comments</b>   |
|--|
| <ul style="list-style-type: none"> <li>• Additional burdens being placed on planning teams to manage the requirements of the Control Area.</li> <li>• Any expansion of council responsibility will only further reduce your ability- already limited - to administer council duties.</li> <li>• The proposals will pose significant resourcing implications for City of Edinburgh Council which have not been properly assessed.</li> <li>• No consideration of capacity to process the influx of planning applications created compared to a more limited Control Area focused on areas where control can be justified.</li> <li>• Dependent on efficiency of scheme as there will be a very large number of applications which could become counterproductive.</li> <li>• How will it be policed?</li> <li>• Administrative headache of regulating short term lets, all for a short blip of the desired economic impact. Should create long term changes in market conditions by going further upstream to property developers and hotel building permits.</li> <li>• Need to set out how much the Control Area policy will cost local taxpayers.</li> <li>• Should be no fee to register as a short-term let, because this cannot be allowed to turn into a revenue raising exercise for the council.</li> <li>• Cost and benefits not quantified.</li> <li>• Will increase administrative cost for the council with reduced taxed receipts.</li> <li>• Cost of enforcing will be excessive and not in proportion for the benefit gained.</li> <li>• Waste of public money when there is not an issue.</li> </ul>                                       |
| <b>Response</b>  |
| <p>Designation of the control area will require applications for planning permission or Certificates of Lawfulness. There is an associated fee. While the fee does not provide full cost recovery this needs to be balanced with the amount of resource currently expended on investigating and enforcing short -term lets in dwelling houses with no associated fee.</p> <p>Taxation is out with the scope of the control area and planning legislation.</p> <p>Designation of the control area will require applications for planning permission for which there is a fee set at national level. While at present the fee does not provide full cost recovery this needs to be balanced with the amount of resource currently expended on investigating and enforcing unauthorised short -term lets in dwelling houses with no associated fee. As part of national planning reform, the Scottish Government are considering increased planning fees.</p> <p>Existing legislation requires planning permission where a material change of use take place. Therefore, existing STLs should already have planning permission if required and only a minority of properties would require a planning application that did not do so before. The increase in applications should therefore not be substantial. Where a use has been operating for a period of at least ten years the use is lawful in planning terms. It is likely that there will be a number of STLs who are in this category. A certificate of lawfulness will provide confirmation if permission is required or not and there is a fee for this equivalent to a planning application.</p> |

**Table 2.10 Other regimes**

| <b>Summary of comments</b>  |
|---|
| <ul style="list-style-type: none"><li>• Introduces more bureaucracy.</li><li>• Should be registered and conform to safety standards but not areas and determining how/where they operate.</li><li>• Preference for the number of STLs to be controlled, with a proper registration scheme that ensures standards are kept high.</li><li>• Should look at other schemes first such as the 90 night cap on holiday let's that's has been introduced in London.</li><li>• Should introduce the ASSC registration scheme before making any decisions to assess if there is a genuine issue in Edinburgh or not.</li><li>• There are alternative measures that could be used.</li><li>• For small operators who already abide by existing regulations and have previously registered as self-catering units with the Council, this additional requirement is onerous and unnecessary.</li><li>• Instead of requiring advance approval which is expensive and time consuming, you should instead just require a notification that a property is being used for short term let</li><li>• Should regulate the property developers.</li><li>• Should address the issues if it is party flats in Old Town, then create more significant penalties for both hosts and guests that target the actual problem. This would be the least risky regulatory action for the highest reward to actual residents.</li><li>• Controls could be similar to those controls on houses of multiple occupancy.</li><li>• As an alternative could have a dedicated team to deal with issues.</li><li>• Problem would probably largely disappear without further regulation if operators paid business rates and didn't receive small business relief.</li><li>• Introduction of a city tourist tax to subsidise the infrastructural changes needed would be a great thing</li><li>• Could work if it was a simple process of applying for a licence and it was taken into account the number of years the property has been operating.</li><li>• Agree in principal but better to have annual licence fee and be administered by the landlord register with different fees for different circumstances.</li><li>• Present laws in place provide adequate regulation. Need to demonstrate existing legislation is not fit for purpose.</li><li>• Do not oppose but worry that the council has seized on this idea of a need for new powers, rather than trying to fix the underlying issues using powers that already exist.</li><li>• Should use licensing powers proposed by the Scottish Government which allow for full cost recovery.</li><li>• Issue of over provision could be easily solved using a register or licencing scheme using the councils existing register as the basis of fact.</li><li>• Policies can be decided by self-regulation.</li><li>• Misuse of regulatory powers</li><li>• Planning control is abusing its powers to close holiday lets.</li><li>• Change of use is not an appropriate method of control. Will create a barrier for properties to be returned to long term rental or ownership. Housing market needs flexibility which can only come from consistency of regulation across all types of tenure in order to respond to accommodation shortages and demand.</li><li>• Change of use creates an additional complication for mortgages and insurance policies - this will result in properties lying empty while owners go through multiple administrative processes.</li><li>• Suggested planning controls are too harsh.</li><li>• Should take a balanced and consistent approach between tax and short-term rental regulations.</li></ul> |

- The licensing regime has the benefit of allowing the Council to recover its full costs whereas the planning regime does not. Question the immediate need for Control Area regulations before the licensing regime is in place.
- Registration process should be rolled out to allow enough time for proper data to be collected.
- Logical to introduce the proposed registration scheme before making any decisions about planning control zones as more information on where the problems are, and the type of letting activity will be available.

**Response**

See point 8 above

Existing regulation of STLs is through planning law, anti-social behaviour legislation and environmental protection. Council services have been working together in Edinburgh for a number of years to co-ordinate action on STLs utilising this existing legislation. However, the issues remain and it is clear that the Council lacks specific regulatory powers which allow it to effectively respond to all the issues currently faced by the city.

Where STLs are operating for more than 140 days they are liable for business rates. This provides a data source of those businesses that are paying the applicable rate, however, does not allow consideration of planning issues or provide any assessment of impacts.

Current planning controls for dwellings used as HMOS and STLs are the same-where there is considered to be a material change of use planning permission is required.

There are codes of practice in place, from industry bodies, however these relate to the operation of the property rather than its existence in a particular location or property and any cumulative impacts which can be considered by planning control.

A licensing scheme for STLs has been approved requiring that, from April 2024, all STLs obtain a licence. The licensing scheme is complimentary to the control area and does not provide any regulation over the number of STLs or allow consideration of planning matters.

There were suggestions for alternative schemes. These related to issues which are outwith the scope of planning. No other regulations control the multiple issues which can be controlled through the planning system.

The objective of a control area is to help manage high concentrations of secondary letting, restrict STLs in inappropriate places or buildings and ensure homes are used to best effect. Other regimes in place or proposed do not meet with these objectives.

**Table 2.11 Perceived as ban on short-term letting**

**Summary of comments**

- Fails to provide assurance to operators in Edinburgh that the city-wide Control Area would not amount to a de-facto ban on short-term lets.
- Effectively a ban on short-term letting in Edinburgh.
- Document summaries omit position on a blanket ban on tenemental properties.
- Some legislation is required but blanket rules unfairly penalise those with registered well managed properties.

|  |
|--|
| <ul style="list-style-type: none"> <li>• Should not target tenements and treat operators fairly and consistently.</li> <li>• A ban due to the type of property you own is unreasonable and a disproportionate restriction on property rights that could be challenged for incompatibility with the European Convention on Human Rights.</li> <li>• Experience in other countries show that any system that requires planning permission is inefficient and, essentially, constitutes a de facto ban on short-term rental activity in a given area.</li> <li>• Should be no presumption against permission, each case should be looked at on its own merits.</li> <li>• Planning permission should be granted where there have been no complaints by residents.</li> <li>• Positive impact on the local area should be considered in all applications.</li> <li>• Should be allowances for a percentage of a stair to be a STL.</li> <li>• Must be a difference between the types of lets and every case should be looked at separately.</li> <li>• Properties with private entrances should be allowed to be Airbnb with no restrictions e.g. Mews Houses or Basement flats.</li> <li>• Second homes should be treated differently.</li> </ul> |
| <b>Response</b>  |
| See point 8 above  |

**Table 2.12 Clarity of proposal**

|   |
|---|
| <b>Summary of comments</b>  |
| <ul style="list-style-type: none"> <li>• Criteria is unclear, there is no time limit on what is short term and what is not.</li> <li>• Guidance doesn't discriminate between Airbnb style let's of a few nights and longer term lets where people reside / work.</li> <li>• The introduction of a different designation makes it more complicated for residents.</li> <li>• A move to close down short term holiday lets by the back door</li> <li>• Will lead to the vast majority of flats not being granted permission to let out on a short-term basis.</li> <li>• Detached houses and non-flatted properties should be exempted.</li> <li>• There should be no limit on the number of days per year that someone can rent out their primary residence if they are not living in it.</li> <li>• Suggest that any changes only apply to short term lets with a duration of less than one month.</li> </ul> |
| <b>Response</b>   |
| <p>The definition of a short-term let is set out in regulations (regulation 2 of the Control Area Regulations). It applies where accommodation is provided for one or more nights. The control area distinguishes between the type of lets and does not apply to residential tenancies.</p> <p>The consultation on the designation of a control area for Edinburgh set out the planning policy which applies to STLs and potential future change to this.</p> <p>There is currently a requirement for planning permission to be sought for STLs where a material change of use is considered to have taken place. The control area would clarify the need for planning permission.</p> <p>Issues of short term lets are not confined to flatted properties and planning control would allow consideration of individual circumstances.</p>  |

**Table 3**

**Reasons for support-entire area**

|  |
|--|
| <b>Issue is city wide</b>  |
| <ul style="list-style-type: none"> <li>• National problem and should be treated accordingly.</li> </ul>  |
| <ul style="list-style-type: none"> <li>• City-wide pressure in every ward as described in statement of reasons.</li> </ul>   |
| <ul style="list-style-type: none"> <li>• Change cannot happen unless it is introduced unilaterally around the entire council area.</li> </ul>  |
| <ul style="list-style-type: none"> <li>• Market will not improve if the entire council area isn't included and will just make previously affordable, or starter home neighbourhoods unaffordable.</li> </ul>   |
| <ul style="list-style-type: none"> <li>• Short term lets area already a feature of more outlying communities and social housing communities so the control area needs to be comprehensive, otherwise the problem will just migrate to those areas outwith the control zone.</li> </ul>   |
| <ul style="list-style-type: none"> <li>• The issue affects the whole city either directly or indirectly. Residents being pushed out of central areas due to housing supply issues (related to short-term lets) has knock on supply/demand issues for surrounding areas, even if those areas do not have a concentration of short term lets themselves</li> </ul> |
| <ul style="list-style-type: none"> <li>• Need to take a city wide view to properly balance housing need versus tourism.</li> </ul>   |
| <ul style="list-style-type: none"> <li>• City and residents have some input into the direction the city is taking--some power over the kind of place they want it to be.</li> </ul>  |
| <ul style="list-style-type: none"> <li>• To designate part of the Council area would essentially create two cities as it would silo tourists and residents. Residents never getting to be in the "fun" parts of the city, the tourists never being able to access the "authentic" parts.</li> </ul>  |
| <ul style="list-style-type: none"> <li>• To avoid distortion of the market</li> </ul>  |
| <ul style="list-style-type: none"> <li>• Potentially disagree with the need for this in the western area of the council, beyond the bypass, variations in the rules across the council will potentially lead to confusion and the fact that cases will be decided individually means lets in this area will be possible.</li> </ul>                              |
| <ul style="list-style-type: none"> <li>• See the introduction of STL Control areas as necessary in our area due to the nature of the housing stock which is mostly tenements. Tenements are communal spaces and local residents need to be consulted on what direct neighbours are doing with shared property.</li> </ul>  |
| <ul style="list-style-type: none"> <li>• Do not feel one area has more reason to be residential than another.</li> </ul>   |
| <b>Avoids transferring issue to other areas.</b>   |
| <ul style="list-style-type: none"> <li>• Designating smaller areas will just move the problem elsewhere, a Lothian wide policy would be best.</li> </ul>   |
| <ul style="list-style-type: none"> <li>• If only part of the city that was designated, then the other areas would soon find that they too would be hit with increased numbers of short term lets</li> </ul>  |
| <ul style="list-style-type: none"> <li>• May be fairer to include the whole area.</li> </ul>   |
| <ul style="list-style-type: none"> <li>• Public transport is good in Edinburgh, so limiting the area of control just pushes the problem around rather than solving it</li> </ul>   |
| <ul style="list-style-type: none"> <li>• Edinburgh isn't big enough to justify considering separate areas</li> </ul>   |
| <ul style="list-style-type: none"> <li>• City boundary is inclusive and reflective. Edinburgh is one city and the area of control should reflect that.</li> </ul>  |
| <ul style="list-style-type: none"> <li>• Edinburgh is a cohesive city and all areas have the right to the same regulations and protection. Not being city wide could see some areas becoming STL ghettos.</li> </ul>   |
| <ul style="list-style-type: none"> <li>• Right that it includes low density suburbs where larger houses provide larger family housing rather than for large group short term let visitors.</li> </ul>  |
| <ul style="list-style-type: none"> <li>• There's no point in pushing the problem outside the core "tourist hot spots", no one benefits from that. So if there is to be a control area it should cover a wide area.</li> </ul>  |
| <b>Easier to administer and enforce</b>  |
| <ul style="list-style-type: none"> <li>• A broad designated area is easier to manage.</li> </ul>   |

|  |
|--|
| <ul style="list-style-type: none"> <li>• Cheaper administration</li> </ul>   |
| <ul style="list-style-type: none"> <li>• Consistency of regulation is vital for efficiency, administration and parity across the city area.</li> </ul>   |
| <ul style="list-style-type: none"> <li>• Easier to enforce and communicate.</li> </ul>   |
| <ul style="list-style-type: none"> <li>• Partial designation could be confusing and easy to legitimately not realise you were the right or wrong side.</li> </ul>  |
| <ul style="list-style-type: none"> <li>• Areas change so it makes sense to cover the entire area and individual parameters set for each area to be reviewed annually to deal with any issues that are beginning to be seen in that area.</li> </ul>  |
| <ul style="list-style-type: none"> <li>• Would be very difficult to set boundaries otherwise.</li> </ul>   |
| <ul style="list-style-type: none"> <li>• Avoids complicated discussions to agree on boundaries.</li> </ul>   |
| <ul style="list-style-type: none"> <li>• Clearer and simpler, rather than trying to determine a boundary with perhaps poor / incomplete data.</li> </ul>   |
| <ul style="list-style-type: none"> <li>• Need to cover the whole area, otherwise how would you decide which areas are covered and which are not? How would you make sure it's fair?</li> </ul>   |
| <b>Equality across area</b>  |
| <ul style="list-style-type: none"> <li>• All communities within the council area are important.</li> </ul>   |
| <ul style="list-style-type: none"> <li>• All areas of the city should be treated via the same process and policy.</li> </ul>   |
| <ul style="list-style-type: none"> <li>• Fair for all</li> </ul>   |
| <ul style="list-style-type: none"> <li>• Makes sense to have a uniform policy across the whole city, otherwise unintended consequences – that may have a greater impact on the most vulnerable – may arise.</li> </ul>   |
| <ul style="list-style-type: none"> <li>• Partial restrictions could benefit more prosperous while less well-off areas would be left with less protection exacerbating gentrification.</li> </ul>   |
| <ul style="list-style-type: none"> <li>• Being too selective in where is and is not controlled, will create inequalities all around the council area.</li> </ul>   |
| <b>Needed to take account of change over time</b>  |
| <ul style="list-style-type: none"> <li>• Variations in nature &amp; scale of the problem in different localities, which will change over time. This should be assessed on a case-by-case basis as part of the planning application process.</li> </ul>   |
| <ul style="list-style-type: none"> <li>• The future growth of Airbnb is difficult to predict, and housing needs of individual wards should also be considered within the wider city context.</li> </ul>  |
| <ul style="list-style-type: none"> <li>• The council must have the flexibility to manage the numbers of short term lets across a wide area - so that the system can be flexible and react to future circumstances. If only some areas are controlled, then the problem will move the nearest uncontrolled area. City wide is the best way to look at the problem.</li> </ul> |
| <b>Other points</b>  |
| <ul style="list-style-type: none"> <li>• It is recognised that tourism is needed and striking the right balance should be at the core of any strategy.</li> </ul>  |
| <ul style="list-style-type: none"> <li>• Removes accommodation from students. Staying in Short-Term Lets, hotels and hostels for a long period of time will have a much higher cost than that of a rented property, adding financial stress and uncertainty to the issues being faced by students:</li> </ul>  |
| <ul style="list-style-type: none"> <li>• It is recognised that tourism is needed and striking the right balance should be at the core of any strategy.</li> </ul>  |
| <ul style="list-style-type: none"> <li>• STL applications should be separately identified and direct neighbours of properties informed alongside community councils.</li> </ul>  |

**Table 4**

**Reasons for Objection to Entire Area**

| Summary of comments   |
|---|
| <b>Entire Area</b>  |
| <ul style="list-style-type: none"><li>• Designation is for part or parts of council. Cannot be the entire area.</li><li>• Need to find balance.</li><li>• Disproportionate to include whole area.</li><li>• Huge area and many areas have different issues. Not a one size fits all situation.</li><li>• Imposing a control area across the entire city is not attempting to manage distribution of short-term lets within the area.</li><li>• Edinburgh is a complex city with a mixed use that fuels it vibrant residential and commercial popularity and seasonal demands that cannot be accounted for by a blanket control area.</li><li>• Whole of Edinburgh will be wiped off anyone's list looking to buy a property when circumstances mean they possibly can't live in it.</li><li>• Focus of a Control area should be where the biggest problem is.</li><li>• Only require control in certain areas where there is likely to be a very large number of lets adversely affecting the area. There is no reason to do this in residential areas where it is much more likely that there are a low percentage of short term lets.</li><li>• Disproportionate as STLs scarce beyond the city centre and city centre perceived issues are not duplicated towards the outskirts.</li><li>• Only an issue in some areas and unintended consequences as a city wide ban may outweigh good consequences.</li><li>• Areas of significant concern should be considered on individual merits with data and facts.</li><li>• Moderate STL usage creates local commercial demand for amenities that benefit residents but that residents alone could not sustain.</li><li>• May push the issue into the neighbouring Council areas</li><li>• Will remove the vast majority of STLs, rather than address the worst operators and ensuring more moderate numbers in the most overused areas of the city where locals can no longer live affordably or comfortably.</li><li>• City wide control could not be meaningfully enforced, defeating the object: better to limit scope to what is manageable.</li><li>• Short term lets are required to be close to the where people need to be for work, business or pleasure. If you move the transient working people out of the local council area then it adds additional problem of transport, affects local businesses and services and simply moves the problem to the next council area.</li><li>• Allowing short term lets in the less densely populated areas may work and provide somewhere for visitors to stay within a reasonable distance of the city centre. However, concerned at how this may inflate the property markets in these areas.</li><li>• Should be zones within the Area of Control and for each zone, an assessment made of accommodation with the control area regulating properties in short supply.</li><li>• Should be decided by residents for their area.</li><li>• Not sure whether the whole council are needs to be controlled in this way, but it may be easier to manage and more straightforward.</li><li>• Concerned that additional paperwork may be being asked for areas where there is no problem.</li><li>• Resources should be focused on limiting STLs in the city centre more.</li><li>• Best to designate a priority area that the council can be managed effectively.</li><li>• Is there a need to place possible restrictions on some areas / vs easier to manage across the full Council.</li></ul> |

- Will push the issue onto nearby areas such as Musselburgh and it have a disproportionate impact of suburban short term let owners.
- No evidence that short-term letting of properties does have a widespread impact across every city ward.
- More useful to identify key areas where there is most community detriment.
- Too large, and it needs to be phased over some years - or it will be managed poorly.
- Should consider a more flexible approach reducing the scope of the area and allowing Edinburgh residents to host on an occasional basis.
- Proposals lack a firm, reliable and robust evidence base to justify the entire local authority area being captured by a Control Area.

#### **Suggested Areas**

### **City centre control free**

- Narrower area could be a useful tool in achieving city's development objectives. Designating areas outside of 1 mile of major landmarks as areas of control would steer tourists and STLS toward areas best suited to support them, from a services and infrastructure perspective. Outside areas of control, where areas are more chiefly residential and community impact is more of a concern, the Area of Control enforcement can act of a dampener - reducing fluctuations in housing stock and all other concerns. And areas of Control designation can be a negotiating point for future developments.
- Some areas should be protected where house prices are lower but where house prices are high where it is desirable for tourists and less so for residents should be more freely available.
- Protect areas where the balance is overwhelmingly residential and leaving the central zone control free
- Should be permitted in tourist and business areas

### **City Centre Control Area**

- Areas of Edinburgh with a low demand for short-term lets need not be included. May be fewer issues if STLS were dispersed beyond the city centre.
- Should be limited to only the old and new town UNESCO defined areas.
- Central Edinburgh post codes only
- Wide interpretation of city centre required to include more than the New Town and Old Town.
- The real constraints are areas that are within a 20-30 minute walk radius from the city centre.
- May be justification in the City Centre and Leith Walk,
- Support in city centre, unsure if needed outside that area
- Need control within the city itself but less convinced of the need for controls in rural West Edinburgh.
- Support controls on the area inside the bypass.

### **Other suggestions**

- Policies for letting are far more significant factors to control than the area to which they are applied.
- The area should be smaller and more specific to areas or building types.
- Issue would be largely resolved if STLS were banned on any mixed use stairwell. STLS manageable if the whole stair is used for the same purpose and the block is professionally managed.
- Could be based on areas where there are high levels of short-term lets
- Percentage of short-term lets in the area.

### **Response**

Designation of the entire area provides a clear position across the city for owners, operators, residents and the Council that planning permission is required to use a residential property for secondary letting. This makes planning enforcement simpler and avoids the current situation whereby resources are expended on establishing if consent is required with no associated fee.

Issues are not only related to the existence of high numbers of STLS within an area. Many issues are common to places where although there may be a small number of STLS there may be negative impacts and, in some cases, more detrimental than in an area where there may be high concentrations.

While the concentration of properties in certain areas may bring particular issues relating to housing supply, noise and community cohesion designating particular areas of control risks would underestimate the impact a single property may have on neighbours and in the longer term risk moving STLS into adjoining areas.

The proposal is proportionate to the level of concern and the widespread nature of STLs in Edinburgh and the compact nature of the city. Designating the whole area allows each case to be considered on an individual basis with regard to the particular circumstances and allows participation in the planning process for all of Edinburgh.

Legislation allows for the designation of the entire area or part or parts of the area. Defining specific areas of control in a compact city risks pushing the issue into areas around the boundary. Neighbouring planning authorities have powers to designate a control area should they wish.

Criteria for the selection of boundaries would be difficult and could change over time.

Regulations allow for geographic areas to be designated. They do not allow for this to apply only to specific property types within these areas and the regulations apply to all secondary letting regardless of duration of let. Current planning guidance sets out advice on types of properties and these matters could potentially be addressed through future planning policy and/or guidance should designation proceed.

## **PART 3**

### **Short-term Let Control Area Focus Group Summary**

#### **I/ Community Groups, 1 November 2021**

A session was held for one hour 30 minutes on Teams

- Two breakout groups with facilitators
- Presentation on the proposal
- Discussion in Groups and plenary session

#### **Participants**

##### **City of Edinburgh Council Planning Service**

David Givan

Lindsay Robertson

Naomi Sandilands

Lynne McMenemy

Lesley Porteous

Alex Laidler

Erin Gallacher

#### **Community Representatives**

Cockburn Association

Cramond and Barton Community Council

Leith Community Council

Grassmarket Resident's Association

Old Town Association

Tollcross Community Council

Portobello Amenity Society

Place Edinburgh

New Town and Broughton Community Council

Southside Community Council

West End Community Council

## **Themes**

### **Support for the proposal.**

- Should be encouraging city centre living as sustainable and reducing carbon. This is clear argument for control.

### **Information**

- Difficult to obtain information on what the situation is on short term lets in Portobello.
- Need to be smarter on data.
- Need effective guidance on what is a commercial operation.

### **Geography**

- Propose the identification of Designated Areas in the city where 'short term let' uses could be allowed well away from other residents (e.g. undeveloped swathes of land at Granton and Muirhouse.)
- Agree strongly that the policy should cover the entire city.

### **Property Types**

- Not just an issue for tenements with a shared front door. It is also problematic for main door properties as these often have front gardens which are less likely to be maintained if rented out on short term lets.
- Absentee landlords can be problematic to maintenance and repair.

### **Equality**

There are two issues relating to equality: - poverty and disabled people.

1. Poverty. Short term lets are pushing people out of residential properties because they cannot afford the prices asked, thus widening the poverty gap.
2. Disabled. Accessible housing is in very short supply and needs to be maximised. Short-term lets are not just a problem for residents sharing a main door. Where there is a direct single access to a property can also be a problem as this is more suited to accessible housing.

### **Link with other regulation**

- Significant problem in the city. Need to consider how proposal fits with other regulatory changes for property owners in the city (tightening up of legislation on common repairs schemes)

### **Enforcement**

- Enforcement critical.
- Who will enforce the policy and does CEC have the resources?
- People may try to use loophole by claiming they are letting out a room when they are actually letting out entire properties. CEC need to think of ways of stopping this happening.

- There is a lack of knowledge how to report an alleged breach of control relating to short term lets.
- There is also a security issue where someone has owned a key to a property and knows where you as a complainer lives.
- Is there a need for control area if there is enforcement?

### **Existing STLs**

- Concerned that owners operating short term lets since before 2014 would not need to apply for planning permission as this would be regarded as established use. Understands this is an issue for Scottish Government and wants them to do something about it.

### **Communication**

- When a decision has been made on short term lets it would be good to communicate this to the general population. Important that all residents are aware of what is happening and when.

### **Outcome of planning applications**

- Concerned that short term lets used to be refused by CEC and rejected on appeal. However latterly they are being allowed on appeal by DPEA.

### **Impact on character of areas**

- Example of Cramond village providing a microcosm of what is happening across the city. There are 20 residential properties.
  - 7 -Short term lets
  - 2 privately owned
  - 2 long term lets
  - 1 about to be sold.
  - 2 -Council tenancies. Is particularly concerned that when the existing tenancies conclude CEC will sell to highest bidder and they will become short term lets. CEC must lead by example.
  - Only 6 properties in the village are currently owner occupied. Concerned that the trend is for increasing short-term lets and the character of the area is destroyed.
- In areas such as Fountainbridge where there is a high transient population small shops have gone.
- Impacts on sustainability of communities.
- Emphasis on how short-term lets impact on micro community of tenement and disruption of unknown people.
- Has been a rapid change in some areas.
- Can be isolating when there are few permanent residents around.
- People need neighbours.
- Not knowing your neighbours is the opposite of what tenements are about.

### **Impact on and cost of services**

- May be scope for introducing a higher level of taxation for people who own properties but don't live in them.
- Despite the number of short-term lets in the city increasing there hasn't been an increase in money coming into the city to be spent on improved services.
- Cost of planning application should cover costs of process.

## **II/ Organisations and Hosts, 14 October 2021**

A session was held for one hour 30 minutes via Teams online meeting

- Two breakout groups with facilitators
- Presentation on the proposal
- Discussion in Groups and plenary session

### **Participants**

#### **City of Edinburgh Council Planning Service**

David Givan

Lindsay Robertson

Naomi Sandilands

Lynne McMenemy

Keith Miller

Alex Laidler

Erin Gallacher

### **Organisations and Hosts**

Visit Scotland

Association of Scotland's Self Caterers

VRBO

UKSTAA

ALTIDO

Edinburgh Tourism Action Group

Sykes Cottages

8 Hosts

### **Themes**

#### **Data**

- Statement of reasons does not justify the case for a control area.
- Data/evidence is not there to show the adverse impacts that are being claimed.
- CEC doesn't have data on how long STLs are being let out for over the course of a year.
- Data out of date as it does not take account properties which may have ceased and returned to housing as a result of the pandemic. Should await concrete data before deciding to have planning policies on over saturation.

- Data would best be obtained by the licensing scheme. Should await this.
- Evidence on low level of anti-social behaviour complaints has been ignored.
- No empirical evidence of anti-social behaviour. Do students not cause far more disruption to residents?
- Blanket approach being taken seems like the easy approach rather than more specific actions as this would have required nuanced analysis which hasn't been collated.
- Scottish Government will need evidence to justify change. Possible class action brought based on case being as it stands. Highland Council are introducing registration scheme first to be able to get data and then see what should be done after data gathered.
- Proposal is not data led. Data is either patchy and anecdotal on number of operators and properties involved.
- Should consider international experience.
- Intervention should be as targeted as possible. Some areas have a very low amount of STLs, so not much justification.

### **Effect on housing availability**

- Will punish families needing mid-term interim accommodation.
- City centre lacks amenities for living and so is not so good for family long term living.
- Lots of homes that will be caught by this are second homes which are at least actively used however if they can't be used as STLs then they will lie empty as second homes since many of the owners won't sell them but will want to keep them. These properties would be unused for long periods of time which would benefit no one. Presently being able to use flat as STL helps owners ease burden of second home whilst also helping provide tourism accommodation.
- 20,000/30,000 shortage of homes however there are only 7,000 STLs so really STLs are a scapegoat for a much bigger problem for housing shortage. Return of STLs to dwellings would not automatically help with social housing problem.
- Will displace some occupiers into housing sector that will further demand on existing supply. (i.e. housing *demand* will increase but *supply* will not increase by the same amount since many will remain as largely unused second homes)

## **Importance to the economy**

- Doesn't take into account the benefits to Edinburgh's tourist led economy.
- Sends message Edinburgh is closed for this type of business, when it is important for the economy.
- Takes money from small local businesses and gives it to large international hotel operators, not always in the UK
- Will be taking away supply and reducing tourism spend.
- STLs have a role in helping the economy post pandemic
- Able to entice people to spend in the local community.
- Hosts are an asset and ambassadors for the city
- Many of the STL owners are local and are on hand to help clients.
- No consideration to the positive benefits to the city from STLs.
  - STLs offer experience of true Edinburgh neighbourhood that often hotels and student accommodation don't provide.
  - Business is not just tourists, it is also conference, business and local people.

## **Impacts on hosts and other businesses**

- STL provides landlords with more certainty in terms of income stream through advance booking than through short-term tenancies where tenants only have to give 28 days' notice.
- STLs provide a livelihood for people. Impact is on small and individual business with one unit where it might be their only source of income. Could have huge impact on individual families where the STL business is the main income stream. Effectively making people unemployed.
- Strong feeling that there will be a significant impact on livelihoods of STL businesses that are often local and family based but still employ many individuals.
- Businesses are local and legitimate but are punished far more than bigger business with no commitment to Edinburgh. STLs give income to local businesses and families and instead would give it to international businesses. In turn this takes money out of the local, circular economy.
- Businesses being adversely affected are often women led which means this action will disproportionately affects women led businesses.
- Effect on commercial sectors e.g. Universities and visiting academics has not been considered. The return of STLs to long term rents would be hugely adverse since many of those visiting academics and others cannot move into longer term rentals due to excessive deposits (6 months etc) and not being able to get rental agents to respond to them quickly enough to get them into accommodation as quickly as needed.

## **Capacity of visitor accommodation**

- Will mean Edinburgh will have no/few STLs removing choice for users.
- STLs good for Edinburgh's flexible festival led tourist season. Hotels would be less able to accommodate this.
- Is there sufficient hotel capacity?
- Need to meet demand or tourists will go elsewhere

- Hotels are already experiencing record bookings, not enough space for them to take up the resulting slack.
- Clearly evidence shows STL are serving a real need and demand since they are clearly desirable to visitors and often booked up.

### **Behaviour**

- General view seems to be all operators are bad. Assumed everyone is letting out multibed flats for large groups however many are not like this. Some are small one beds just for couples. Disappointing that CEC and others do not appreciate smaller STL businesses are often more considerate.
- Much easier to control behaviour of STL visitors compared to longer term tenants.
- Often STL owners actually do more maintaining of shared assets such as stairs and gardens compared to other neighbouring dwellings (given desire to give visitors a good experience and attract future visits).

### **Other means of regulation**

- Registration would be better. This could then show what policy actions should be on more precise and proportionate basis.
- Planning and licensing schemes are going to be very significant and do not appear to have thought about combined impact of those schemes.

### **Other comments**

- Lack of trust that control will be operated fairly by Council.
- Consider this a defacto/ blanket ban. Does the Council actually intend to grant any permissions? Feels like Council wants to stop STLs.
- HMO licensing scheme is an example of system where there is not a presumption of guilt prior to removing license but instead complaints are investigated on a case by case basis to see if individually licenses should be revoked.

### **III/ Visitors, 29 October 2021**

- A session was held for one hour 15 minutes on Teams
- Presentation on the proposal
- Discussion in Group

#### **Participants**

Lindsay Robertson, City of Edinburgh Council Planning Service

Alex Laidler, City of Edinburgh Council Planning Service

Erin Gallagher, City of Edinburgh Council Planning Service

Leone Gordon, residential landlord

Suzanne McIntosh, planning consultant

Carla Van de Puttelaar, visitor

#### **Key Points**

- Different people experience STLs in different ways. Older people may for example feel more affected by different people coming and going from the building.
- STLs are many people's livelihoods.
- Not all STL hosts are bad, there is distinction to be made.
- No different to having large numbers of students in an area/building.
- Can bring benefits in terms of new or better services
- STLs can be lucrative and limiting them would impact on economy.
- Safety is a concern
- Shared access is a concern
- Answer to meeting housing need is not to take STLs away.
- Scale of housing need such that returning STLs would have little impact.
- Not a land use issue- should be left to licensing.
- Planning already under extreme pressure – why add to this?
- Could control in same way as for off licenses and look at number in the area.
- People are moving out of Edinburgh due to the ability to work from home and are selling up.
- Would not be able to cope for special events if there were no STLs e.g. Festival, COP26
- Offer a unique experience for visitors – not all STLs have the look of a commercial property and offer a more homely/real experience.
- Provide good option for families.
- In current pandemic people prefer to stay in a self-contained unit.
- Hosts can add a personal touch and develop business relationships with guests and assist them.
- Offer good option for people who visit Edinburgh for short periods on a regular basis. They feel like it is a home from home.

- Can provide a base for people which hotels cannot. Can invite people to the property.
- Many student flats are let out in summer – could remove ability to do this.

## **PART 4**

### **Organisations Directly notified by e-mail**

Airbnb  
Association of Scotland's Self Caterers  
Association of Serviced Apartment Providers  
Chamber of Commerce  
Chartered Institute of Housing Scotland  
Citizens Advice Edinburgh  
Cockburn Association  
Culture Edinburgh  
Duddingston Village Conservation Society  
EARN  
Edinburgh Festival Fringe Society  
Edinburgh Hotels Association  
Edinburgh Old Town Association  
Edinburgh Tenants Federation  
Edinburgh Uni Students Association  
Edinburgh University  
ETAG  
EWH  
Festivals Edinburgh  
Grassmarket Resident Association  
Historic Building Trust  
Historic Environment Scotland  
Living Streets  
Old Town Residents association  
PLACE  
Portobello Amenity Society  
RICS  
RTPI  
Scottish Association of Landlords  
Scottish Bed and Breakfast Association  
Scottish Chambers of Commerce  
Scottish Civic Trust  
Scottish Enterprise  
Scottish Federation of Small Businesses  
Scottish Property Federation  
SFHA  
The Architectural Heritage Society of Scotland  
The Scottish Tourism Alliance  
UK Hospitality  
UK Short term accommodation association (STAA)  
Visit Scotland

## **PART 5**

### **Respondent Organisations**

#### **Community Organisations**

The following respondents identified themselves as community groups.

BQPA  
Cramond and Barnton CC  
Cyrenians  
Drummond Civic Association  
Edinburgh Tenants Federation  
Edinburgh University Students' Association  
Gorgie Dalry Community Council  
Grange/Prestonfield Community Council  
Grassmarket Community Project  
Grassmarket Residents Association  
Leith Harbour and Newhaven Community Council  
Leith Links Community Council  
New Town & Broughton Community Council  
PLACE  
Southside Community Council  
The Cockburn Association  
Tollcross Community Council

#### **Other organisations**

Airbnb  
Amazing Apartments Limited  
Association of Scotland's Self-Caterers  
Destination Edinburgh Limited  
Destiny Scotland  
Destiny Scotland Ltd  
Dickins Edinburgh Ltd  
Edinburgh World Heritage  
Edlets.com  
European News at MeWe dot com  
Grid Iron Theatre Company  
Harpers Concierge Services Limited  
Homeless Network Scotland  
LinnMac Property Ltd  
Manse Estates Ltd  
McNeil Trust Limited  
Mr Laidlaw  
Pass the Keys Ltd  
Property shapers ltd

Reserve Travel Ltd  
Rettie & Co.  
Rettie Short Lets Ltd  
Splendid Hospitality Group Ltd  
The Adore Group  
The Bonham Hotel Edinburgh  
The Edinburgh Apartment  
The Royal Scots Club  
University of Edinburgh  
VMF Properties LTD

# **Short-term let Control Area for Edinburgh**

## **Statement of Reasons**

**City of Edinburgh Council**

**February 2022**

# Contents

|    |   |   |
|----|---|---|
| 1. | Introduction                              | 1 |
| 2. | Background                                | 1 |
| 3. | Short-term Let Control Area for Edinburgh | 2 |
| 4. | Reasons for designation                   | 3 |
| 5. | Area of Designation – Map                 | 8 |

## **Introduction**

- 1.1 This statement and accompanying map are provided in accordance with regulation 8 (2) of the Town and Country Planning (Short-term Let Control Areas) (Scotland) Regulations 2021 (the 2021 STL Regulations) and the Town and Country Planning (Short-term Let Control Areas) (Scotland) Amendment Regulations 2022. It is supported by a Background Report which provides the evidence base for the reasons stated below and a Report of Consultation.

## **Background**

- 2.1 Section 26B of The Town and Country Planning (Scotland) Act 1997 (the 1997 Act) gives powers to planning authorities to designate all or parts of its area as a Short-term Let Control Area. Within a short-term let control area, the use of a dwellinghouse for the purpose of providing short-term lets is deemed to involve a material change of use requiring planning permission.
- 2.2 Section 26B (3) of the 1997 Act excludes:
- Private residential tenancies under section 1 of the Private Housing (Tenancies) Scotland Act 2016; and
  - Tenancies of a dwellinghouse or part of it where all or part of the dwellinghouse is the only principal home of the landlord or occupier.
- 2.3 In terms of Regulation 2 of the 2021 STL Regulations a short-term let is provided where all of the following criteria are met:
- a) Sleeping accommodation is provided to one or more persons for one or more nights for commercial consideration,
  - b) No person to whom sleeping accommodation is provided is an immediate family member of the person by whom the accommodation is being provided,
  - c) The accommodation is not provided for the principal purpose of facilitating the provision of work or services to the person by whom the accommodation is being provided or to another member of that person's household,
  - d) The accommodation is not provided by an employer to an employee in terms of a contract of employment or for the better performance of the employee's duties, and

- e) The accommodation is not excluded accommodation set out in paragraph 1 of the Schedule to the 2021 Short-Term Let (STL) Regulations:
- (i) a hotel;
  - (ii) a boarding house;
  - (iii) a guest house;
  - (iv) a hostel;
  - (v) residential accommodation where care is provided to people in need;
  - (vi) a hospital or nursing home;
  - (vii) a residential school, college or training centre;
  - (viii) secure residential accommodation;
  - (ix) a refuge;
  - (x) student accommodation;
  - (xi) an aparthotel.

2.4 The 2021 STL Regulations sets out the process for designation and Scottish Government Circular 1/2021 sets out guidance on the implementation of the legislation.

### **Short-term Let Control Area for Edinburgh**

3.1 The entire administrative area of the City of Edinburgh Council (the Council) is proposed as a STL control area to meet the following objectives:

- To manage the number and location of short-term lettings operating in dwellings to help address availability of residential housing and impacts on the character of neighbourhoods; and
- To prevent short-term lets in places and buildings where it is not appropriate; and
- To ensure that homes are used to best effect.

3.2 The proposed designation responds to longstanding concern about the number and impact of short-term letting in Edinburgh. Issues and concerns have been raised at the Council's Planning Committee and various other Committees over the past few years.

- 3.3 Another relevant consideration is whether there have been reasoned requests from community councils, residents' associations and other local groups. Planning authorities should have regard to such representation.
- 3.4 A draft proposal to designate the entire Council area as a Short-term Let Area of Control was considered by the Council's Planning Committee on 11 August 2021 and approved for consultation. The supporting Background Report indicates multiple impacts of short-term letting across the area. This identified:
- Significant number of STLs
  - Issues for residents/communities
  - Impacts on housing supply
  - Impacts on neighbours and individual buildings
- 3.5 Consultation was carried out in accordance with regulation 4 of the 2021 STL Regulations. The Consultation remained open for a period of 9 weeks and the following information was made available free of charge on the Council's website and City Chambers:
- Statement of reasons
  - Map of proposed area of designation
- 3.6 The draft proposal received national media attention. Over 3,000 responses were received. A report of consultation is provided at Appendix 1.
- 3.7 Responses received, indicate strong support for designation. The majority of all respondents (88%) supported the principle of the designation of a STL control area and for the entire area to be included (85%). 51 organisations responded, including 18 community organisations, 7 of which were community councils. All community groups were in favour of the designation and for the entire area to be included. As set out in Circular 1/2021 this is a relevant consideration.

## Reasons for designation

### ***4.1 To help manage high concentrations of secondary letting which affects the availability of residential housing and the character of neighbourhoods***

- Edinburgh has a high number of short-term lets. Prior to 2019 there was a steady increase each year in the number of STLs listed on Airbnb. At March 2019 there were 8,739 entire property STLs listed on Airbnb. The Covid-19 pandemic has had an impact on the number of STLs that have been advertised on the Airbnb platform since March 2020 however the number of STLs remain high and at October 2021 there were 4,077 entire property STLs listed on Airbnb. It is not known what the longer term impact of this will be for the number of STLs in Edinburgh however indications are that while there may have been a shift of short-term lets to residential private-lets during lock-down, that the high demand for UK staycations means that pressure for STLs may continue. A study commissioned by CEC in 2020 considered evidence on housing need and demand in the context of the Covid-19 pandemic. This found that the impact of Covid-19 has seen a current surge in the housing market through pent-up demand and that there are indications of some of this demand leaving the city centre urban core, and even moving out of Edinburgh altogether to seek more affordable space. There was some evidence of an immediate shift of short-term lets to residential private-lets during lock-down, but consultation suggests that the high demand for UK staycations means that demand for City Centre STLs has been broadly maintained.
- In many areas the concentration of STLs compared with dwellings is high. Prior to the Covid-19 pandemic around 11% of dwellings in Edinburgh, and 18% of dwellings in the city centre ward were listed as STLs.
- It is not only concentration which causes issues. The loss of housing to short term-let use results in a city wide problem of reduced housing availability and issues of affordability. It is difficult to track how much housing has been transferred to short-term letting. In 2018 the Council commissioned Rettie & Co to conduct research (Analysis of the Impact of the Edinburgh Short Term Rental Market – 16 July 2018) which assessed the impact that the short-term let sector was having on rents within Edinburgh's traditional private rented sector and the availability of residential property in the city. It estimated that there had been a loss of around 10% of private rented homes to short-term lets in recent years. The

rapid growth in short term lets has had an impact on both supply and rent levels. Between 2014 and 2017 the city saw 2,700 more properties per year listed as available on Airbnb, while private rented sector stock fell 560 per annum.

- STLs impact on affordability of property for residential rent. Research indicated a displacement of demand, with rents rising significantly above average (between 20-27% over the period 2014-17) in areas bordering a high concentration of short term lets. Private rents had increased by more than 30% over the previous five years. Research indicates rising rents occurred in those areas bordering a high concentration of Airbnb, suggesting a displacement of demand. In those areas bordering the city centre, rents increased around 20-27% over the period 2014-2017.
- There is concern from residents of the city about the impact of STLs on communities and neighbourhoods. Research carried out on behalf of the Scottish Government - Research into the impact of short-term lets on communities across Scotland, 2019 assessed the impact of short-term lets in Scotland, with a focus on communities, particularly on neighbourhoods and housing. Negative congestion effects from STLs were identified in Edinburgh. They were also seen to be changing the nature of the communities in terms of traffic congestion, people congestion, litter, waste, noise, lack of amenities for locals including local shops, and higher demand for and impact on local public services.
- Responses to the consultation on the draft proposal for designation identified many negative impacts on individuals and communities from the presence of short-term lets. This included reduction in availability of residential accommodation; loss of resident population leading to fragmentation of communities; disruption to well-being and isolation caused by lack of resident neighbours to provide a support network; and impact on surrounding area.
- Key safe boxes are commonly used to provide access to STL visitors. The presence of multiple key boxes on some buildings in Edinburgh can create an impression that an area is for visitors rather than residents. The key safe boxes can be unsightly and detrimental to the many conservation areas, listed buildings and the World Heritage status of Edinburgh.

#### **4.2 To restrict short-term lets in places or types of building where it is not appropriate**

- Short-term let properties can have significant adverse impacts on quality of life and well-being of neighbouring residents. There is noise and disruption, often at anti-social hours as short-term let occupiers come and go from properties and from their occupation of them. This problem is particularly acute in Edinburgh's traditional tenements, but also other types of high density properties with shared space and common stairs/closes. A single short-term let property in a tenement stair can have a disruptive effect.
- The transfer of noise into neighbouring properties is an issue, especially in tenement flats but can also lead to complaints from residents in detached or semi-detached accommodation. Through data collected from the Council's complaints system, it is clear that short-term lets can cause difficulties in nearly every type of property.
- It is appropriate to create a STL control area across the city requiring planning permission for STLs to ensure that they are only allowed in appropriate locations and circumstances.

#### **4.3 To help ensure that homes are used to best effect.**

- The level of need and demand for housing in Edinburgh is high. The latest Housing Need and Demand Assessment (HNDA2) states that there is demand for at least 38,000 to 46,000 additional homes in Edinburgh over ten years, over 60% of these need to be affordable. The increased number of short-term lets reduces the supply of available homes.
- Properties being utilised for STLs are generally in accessible areas and supported by services. There is a need to ensure that such locations can be maximised for their potential to provide residential properties to meet the needs of Edinburgh. Existing housing units are best placed and designed to provide for residential use and most suited to meeting the needs of residents.
- Purpose built visitor accommodation in the form of hotels, hostels, apart hotels, guest houses and bed and breakfasts is readily available throughout the city. Along with student halls, which provide visitor accommodation at key times of the year, this accommodation is better suited to meeting the vast majority of tourism needs in Edinburgh while balancing its impacts on neighbourhoods.

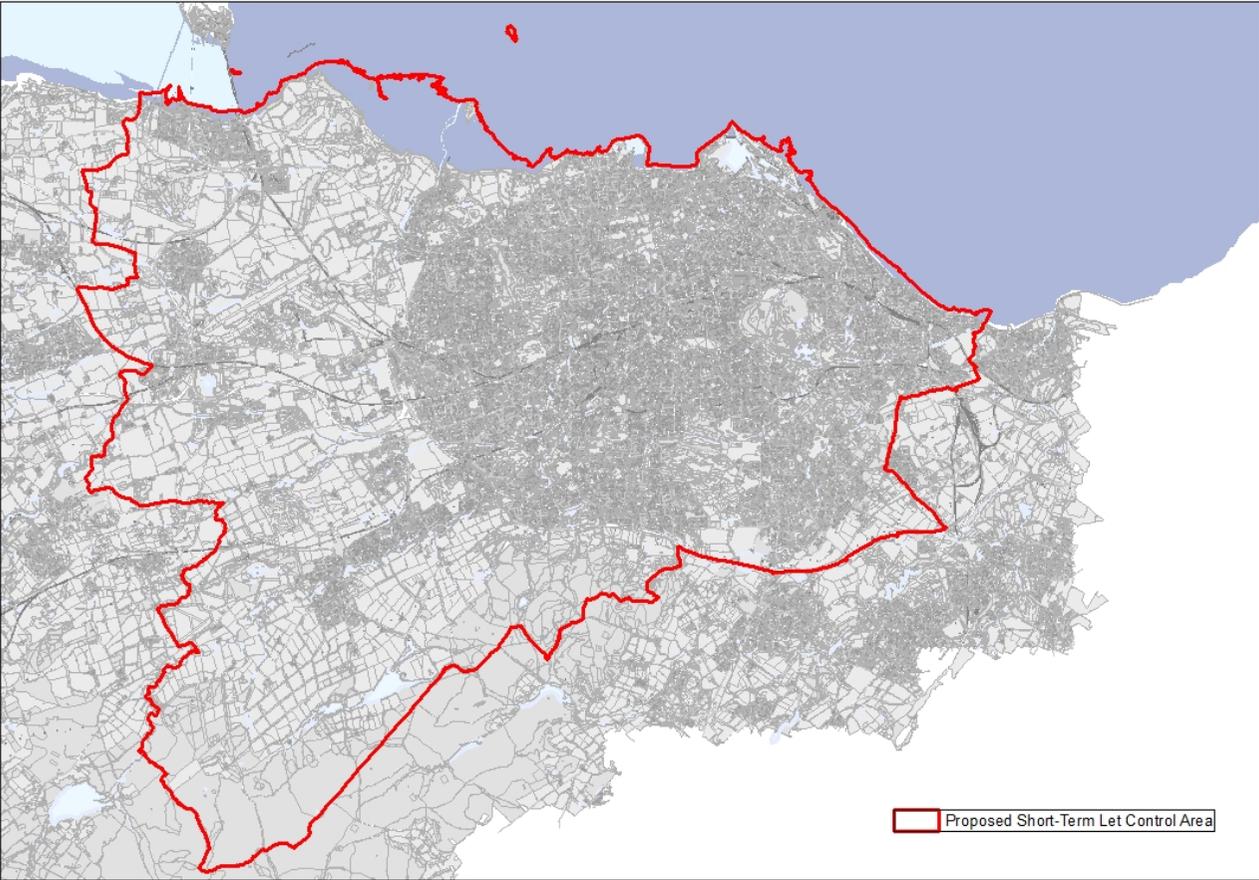
**4.4 It is proposed that the designation covers the entire Council Area for the following reasons:**

- Housing need is city wide and the Council area operates as a single housing market.
- Concerns of Edinburgh residents on STLs are city wide.
- Dwellings are being used short-term lets throughout the council area. There is a concentration within the City Centre and Leith wards, however two thirds of the total number of STLs are distributed across the rest of the Council area, with STLs being evident in all Council wards.
- Designating part or parts of the area could result in pushing STLs and their impacts into areas around control areas.
- Designating all of the council area allows planning control over all changes of use to STLs across the Council's geographic area.

A City wide Control Area would:

- Provide clarity on the need for planning permission for the change of use of an entire dwelling house to an STL within Edinburgh.
- Allow consideration of STLs against planning policies and other material considerations.
- Allow the opportunity for the public to comment through the planning application process on STLs across the city.

**Area of designation**



© Crown Copyright and database right 2021. All rights reserved. Ordnance Survey Licence number 100023420.

# **Designation of Short-Term Let Control Area for Edinburgh**

## **Statement of Reasons Background Report**

# City of Edinburgh Council

February 2022

## Contents

|   |    |
|---|----|
| 1. Purpose                              | 1  |
| 2. Short-term letting in Edinburgh      | 1  |
| 3. Existing Controls                    | 12 |
| 4. The Housing Market                   | 16 |
| 5. Impacts on communities and residents | 22 |
| 6. Visitor Accommodation                | 25 |

Appendix 1 – Appeals

## 1. Purpose

---

- 1.1 This report provides background information to support the Statement of Reasons for designation of a Short-Term Let Control Area for Edinburgh, February 2022.

## 2. Short-term letting in Edinburgh

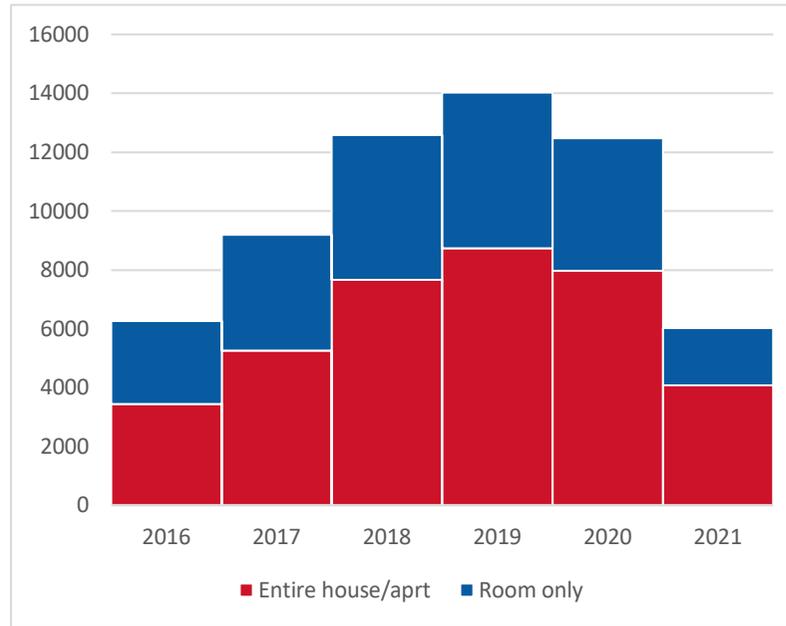
---

- 2.1 Edinburgh has a history of short term lets (STLs) due to its popularity as a tourist destination and the presence of the festivals. Properties are advertised through a variety of letting agencies, private advertisements, websites and word of mouth. Consequently, information on their extent is difficult to gather however, the rise to prominence of Airbnb, a booking platform, and the public availability of its data provides an indication of the current situation in Edinburgh. Combined qualitative and quantitative research undertaken on behalf of the Scottish Government<sup>1</sup> suggests that Airbnb comprises a very substantial part of the STL market. However, whilst a significant market player, it is not the only platform of its type and figures may be a conservative estimate of the total number of short-term lets operating within the city. It is acknowledged that this source is not an official register and provides a snapshot in time as listings can be fluid as properties are removed and added.
- 2.2 The data presented shows both entire dwellings which would be within the scope of the control area, and room only which is not. While it is not possible to identify if a property is a person's main residence and they are letting it out during a period of their absence, which would not be within the scope of control, the overall number of STLs, whether for secondary letting, home-letting or home-sharing are relevant to the overall impact.
- 2.3 At October 2021 there were 5,288 listings on Airbnb. A 'listing' refers to a single web address which advertises accommodation for visitors. Data has been filtered to exclude hotels, hostels, B&Bs, guesthouses, boats, serviced apartments. 77% (4,077) were entire properties.

---

<sup>1</sup> [Research into the impact of short-term lets on communities across Scotland](#), Scottish Government October 2019

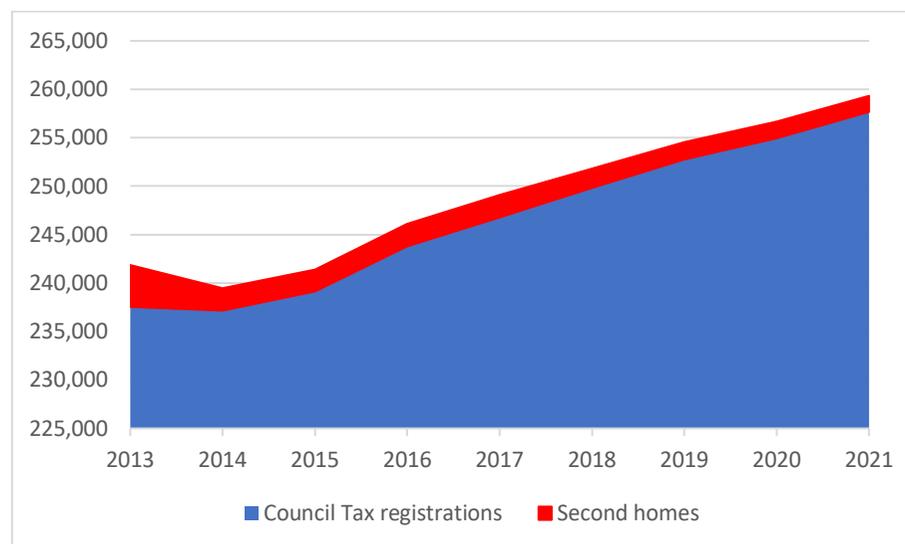
**Figure 1- Number of STLs listed on Airbnb within Edinburgh March 2016- March 2021**



Source: Inside Airbnb

- 2.4 Alternative sources of data are provided by Visit Scotland and the Scottish Assessors. The Scottish Assessors valuation roll provides the number of self-catering properties registered for non-domestic rates. Visit Scotland's data provides the number of self-catering properties registered for their quality assurance scheme. At September 2021 there were around 540 self-catering properties registered with the Visit Scotland Quality Assurance Scheme. 1,376<sup>2</sup> self-catering properties were on the valuation roll January 2022. The valuation roll figure would appear at first sight to be an under-representation of the full extent of STLs in Edinburgh. If STL properties not on the valuation roll are operating commercially, then a change of use in planning terms may have occurred. These properties would be no longer contributing to the housing supply.
- 2.5 There is a disparity between these figures and the Airbnb data due to the voluntary nature of the Visit Scotland Quality Assurance Scheme and that not all STLs will have registered to pay non-domestic rates.
- 2.6 Council Tax records identify the number of second homes registered. In 2021 of the 257,671 properties registered, 1,657 were second homes.

**Figure 2- Second homes 2013-2021**

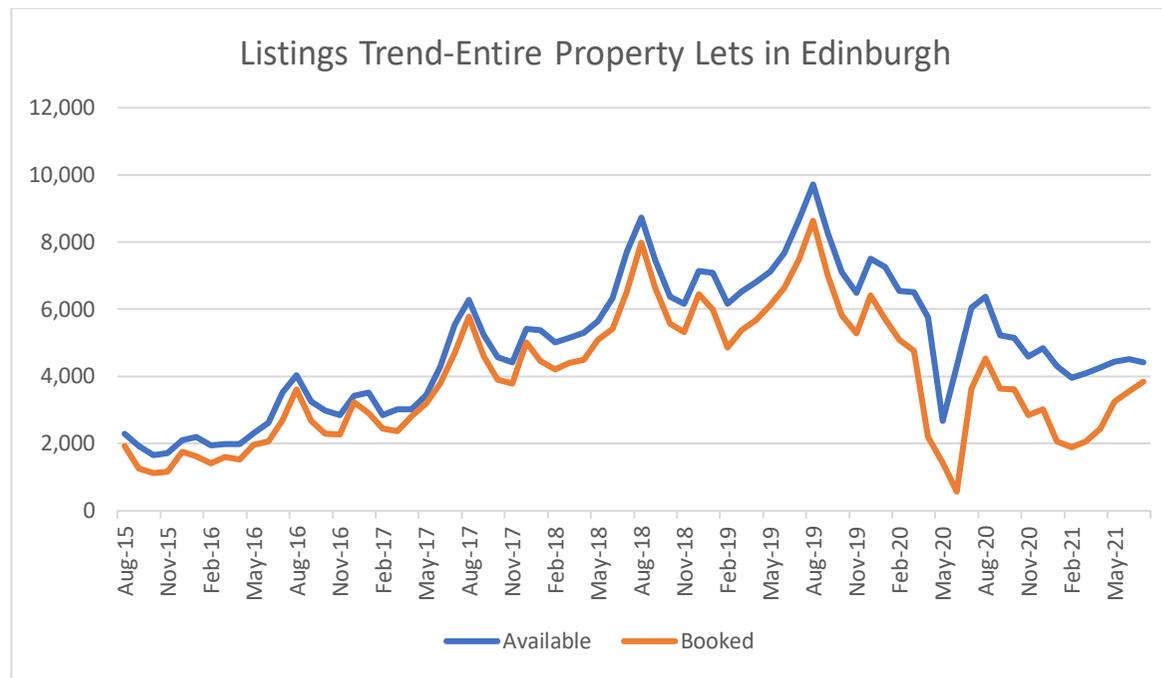


Source: Council Tax Register

<sup>2</sup> [Search – Scottish Assessors \(saa.gov.uk\)](https://www.saa.gov.uk)

- 2.7 The Covid-19 pandemic has had a significant impact on the number of STLs that were advertised on the Airbnb platform since March 2020. It is not known what the longer term impact of this will be for the number of STLs in Edinburgh however indications are that while there may have been a shift of short-term lets to residential private-lets during lock-down, that the high demand for UK staycations means that pressure for STLs may continue.
- 2.8 AIRDNA data shows trends in the numbers of listings of entire properties available and the number booked within that month. Data from the last 12 months, shown at Figure 3 shows a general steadiness throughout most of the year with a peak for both entire properties and room only in August.

**Figure 3 – Airbnb Listings in Edinburgh.**



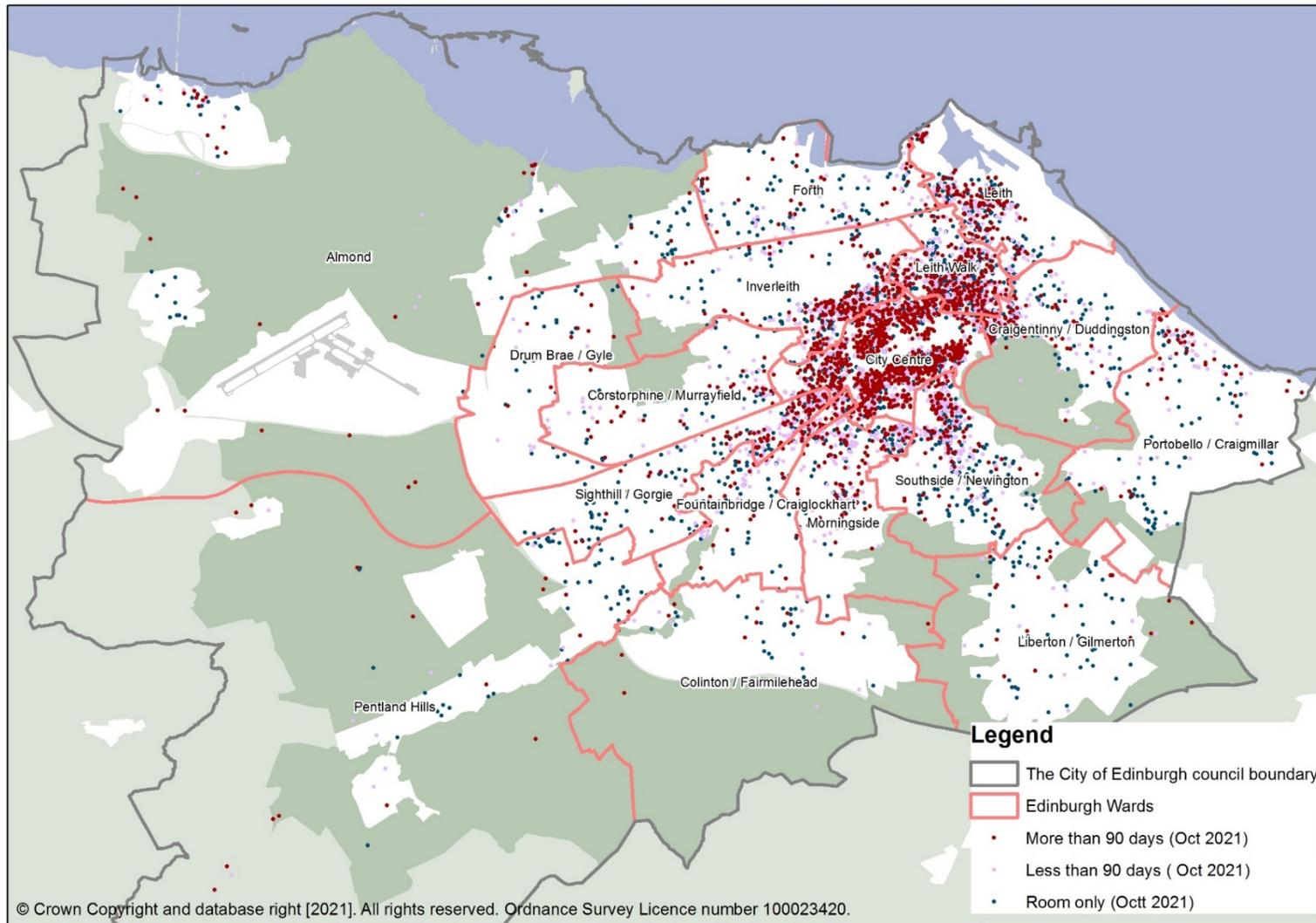
Source: AirDNA

- 2.9 This shows that the number of listings is fluid. Compared with 2018/2019 the total number of entire property lets has reduced in 2021. Since the beginning of 2021 there has been a general increase. There is a gap between the number of properties listed and the number that actually get booked out. This could be an indication that there are more entire property lets than there is demand for.
- 2.10 While there is no definitive source of data on the number of STLs operating in Edinburgh, the available data demonstrates the scale of short-term letting. Responses to the consultation also indicate that there are perceived to be high numbers of STLs in Edinburgh.

#### **Variation across the city**

- 2.11 There is a concentration of STLs within the City Centre and Leith wards, however they are evident in all wards of the city with two thirds of the total number of STLs distributed across the remaining Council area, as indicated in Map 1 and Figure 4 below.

**Map 1: Distribution of Airbnb registrations October 2021.**



2.12 The number of STLs in all wards of the city including, those more rural locations such as Forth and Almond.

**Figure 4: Airbnb registrations by ward October 2021**

|                              | <i>Entire Property</i> | <i>Entire Property More than 90 days</i> | <i>Entire Property less than 90 days</i> | <i>Room only</i> | <i>All (Entire property and room only)</i> |
|------------------------------|------------------------|--|--|------------------|--|
| <b>Total</b>                 | <b>4,077</b>           | <b>1,234</b>                             | <b>1,164</b>                             | <b>1,211</b>     | <b>5,288</b>                               |
| City Centre                  | 1,579                  | 496                                      | 368                                      | 220              | 1,799                                      |
| Leith Walk                   | 522                    | 157                                      | 161                                      | 222              | 744  |
| Inverleith                   | 311                    | 103                                      | 85                                       | 91               | 402  |
| Southside/Newington          | 299                    | 76                                       | 115                                      | 98               | 397  |
| Leith                        | 236                    | 70                                       | 75                                       | 90               | 326  |
| Sighthill/ Gorgie            | 201                    | 62                                       | 68                                       | 80               | 281  |
| Morningside                  | 203                    | 58                                       | 72                                       | 71               | 274  |
| Craigtinny/Duddingston       | 183                    | 44                                       | 67                                       | 76               | 259  |
| Fountainbridge/Craiglockhart | 158                    | 41                                       | 48                                       | 52               | 210  |
| Forth                        | 80                     | 20                                       | 23                                       | 56               | 136  |
| Portobello/Craigmillar       | 86                     | 25                                       | 23                                       | 27               | 113  |
| Corstorphine/Murrayfield     | 65                     | 24                                       | 27                                       | 22               | 87   |
| Almond                       | 56                     | 19                                       | 9  | 19               | 75   |
| Pentland Hills               | 28                     | 11                                       | 6  | 31               | 59   |
| Liberton/Gilmerton           | 29                     | 12                                       | 6  | 23               | 52   |
| Drum Brae/Gyle               | 20                     | 7  | 6  | 19               | 39   |
| Colinton/Fairmilehead        | 21                     | 9  | 5  | 14               | 35   |
| <b>Total</b>                 | <b>4077</b>            | <b>1234</b>                              | <b>1164</b>                              | <b>1211</b>      | <b>5288</b>                                |

Source: Inside Airbnb

## Penetration rates

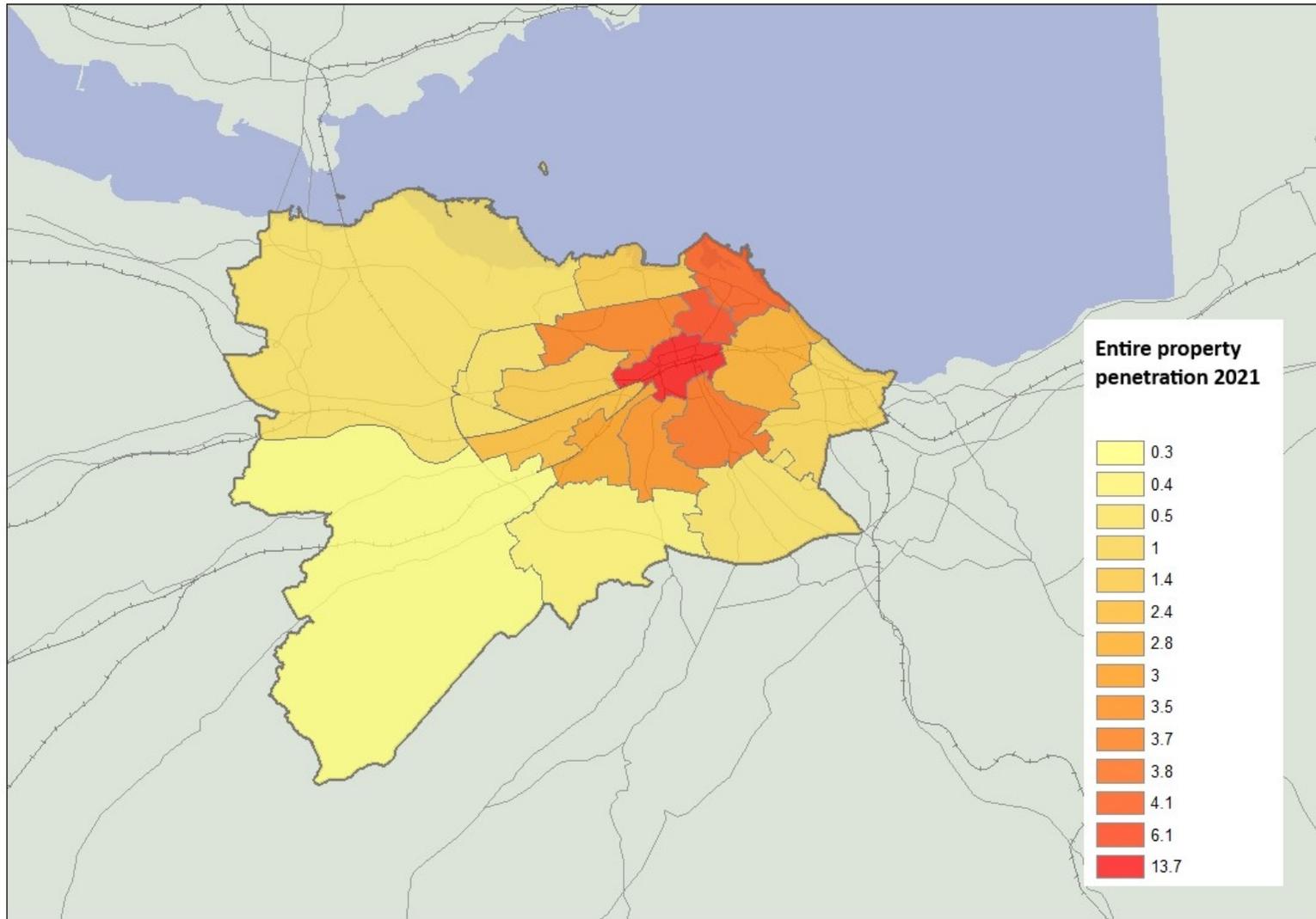
- 2.13 The concentration of STLs compared with dwellings varies across the city. The city centre has the highest rate at 18.5% in 2020 for both room only and entire property STLs, followed by Leith Walk which had a rate of 10%. The penetration rate of entire property STLs to dwellings was also highest in these wards.

*Figure 5: % STLs to dwellings 2020/2021*

| Ward                         | Penetration Rate all STLs % |            | Penetration Rate Entire Homes % |          |
|------------------------------|-----------------------------|------------|---------------------------------|----------|
|                              | 2020                        | 2021       | 2020                            | 2021     |
| City Centre                  | 18.5                        | 10.3       | 13.7                            | 8.8      |
| Leith                        | 7.0                         | 5.3        | 4.1                             | 4.4      |
| Southside/Newington          | 7.3                         | 2.9        | 3.8                             | 1.8      |
| Inverleith                   | 6.1                         | 2.7        | 3.7                             | 1.9      |
| Leith Walk                   | 10.0                        | 2.7        | 6.1                             | 1.2      |
| Morningside                  | 6.6                         | 2.3        | 3.5                             | 1.5      |
| Craigtinny/Duddingston       | 4.9                         | 2.0        | 2.8                             | 1.3      |
| Sighthill/Gorgie             | 4.5                         | 1.7        | 2.4                             | 1.1      |
| Fountainbridge/Craiglockhart | 5.0                         | 1.7        | 3.0                             | 1.2      |
| Forth                        | 3.3                         | 1.3        | 1.4                             | 0.5      |
| Corstorphine/Murrayfield     | 3.0                         | 1.1        | 1.4                             | 0.6      |
| Portobello/Craigmillar       | 2.5                         | 1.0        | 1.0                             | 0.5      |
| Almond                       | 1.6                         | 0.7        | 0.5                             | 0.3      |
| Liberton/Gilmerton           | 1.8                         | 0.7        | 0.5                             | 0.2      |
| Pentland Hills               | 1.3                         | 0.6        | 0.3                             | 0.2      |
| Drum Brae/Gyle               | 1.4                         | 0.6        | 0.5                             | 0.2      |
| Colinton/Fairmilehead        | 1.3                         | 0.5        | 0.4                             | 0.2      |
| <b>TOTAL</b>                 | <b>11.6</b>                 | <b>2.4</b> | <b>8.1</b>                      | <b>2</b> |

\*Based on NRS dwelling estimates 2019

**Map 2- Percentage of all (room only and entire property) Airbnb registrations to dwellings 2021**

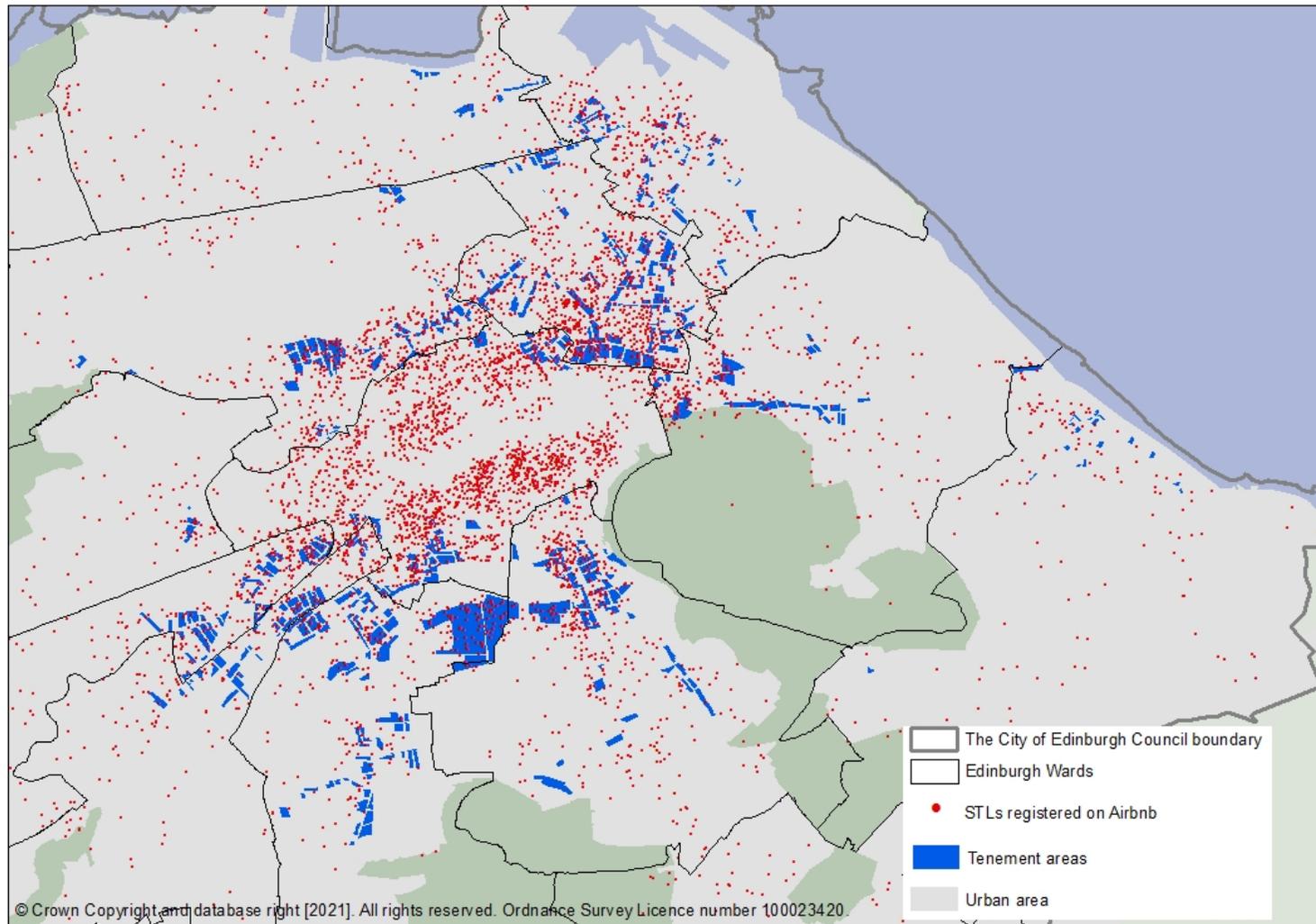


© Crown Copyright and database right 2021. All rights reserved. Ordnance Survey Licence number 100023420.

### **Property types**

- 2.14 The majority of STLs in Edinburgh are within tenement properties, concentrated in areas of the city which already have high demand for housing. Regular use of any tenement flat as a short term let is generally inconsistent with tenement living, and often leads to anti-social behaviour and undue nuisance to other residents. This generates a high number of complaints.
- 2.15 The issue is not restricted to this type of accommodation. Residents have experienced persistent difficulties as a result of anti-social behaviour in properties which have a shared or common space. The transfer of noise into neighbouring properties is another well-known problem, especially in tenement flats but can also lead to complaints from residents in detached or semi-detached accommodation.
- 2.16 An analysis of urban area types across the city provides an indication of the areas with a predominance of tenement properties. Map 3 shows the location of these property types and STLs listed on Airbnb at October 2021.

**Map 3-Tenement Areas and STLs registered on Airbnb October 2021**



*Source: Inside Airbnb*

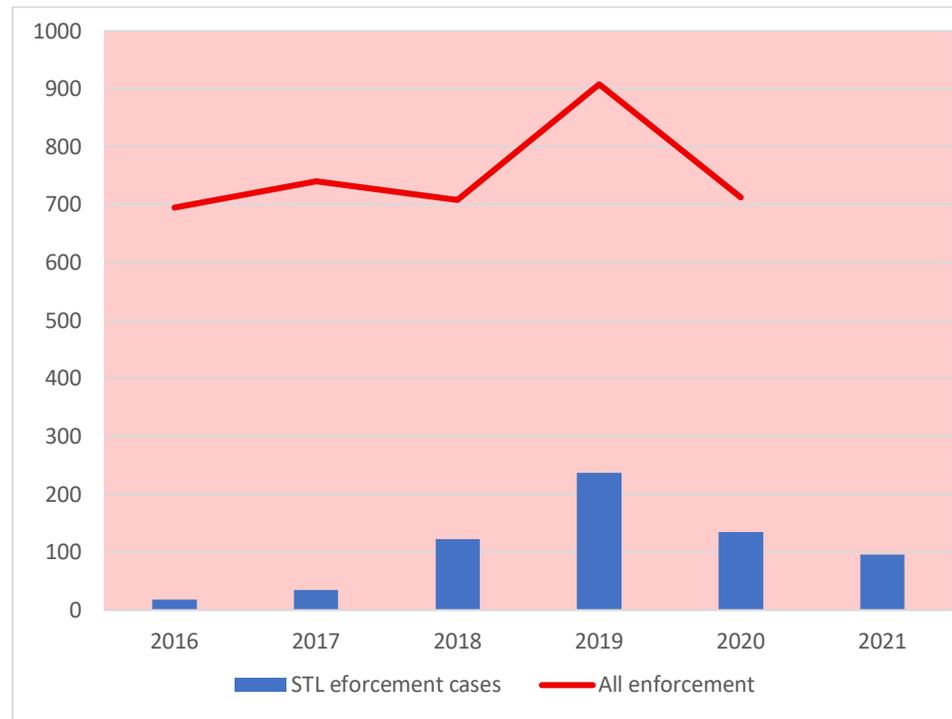
2.17 The size of properties utilised as STLs varies from studios to the extremes of 9 bedrooms. Of the 3,533 entire property STLs registered on Airbnb at April 2020, 683 were 3 or more bedrooms, a further 1,484 were 2 bedrooms and 1,365 were 1 bedroom or studios.

### **3. Existing Controls**

---

- 3.1 Existing management of short-term letting is through planning law, anti-social behaviour legislation and environmental protection. There are also codes of practice in place, from industry bodies, however these relate to the operation of the property rather than its existence in a particular location or property and any cumulative impacts which can be considered by planning control.
- 3.2 Council services have been working together in Edinburgh for a number of years to co-ordinate action on STLs utilising the existing legislation.
- 3.3 Since 2016 there have been 643 planning enforcement cases raised relating to unauthorised use for short-term letting in Edinburgh. This is a resource intensive activity. Figure 6 shows this in the context of all planning enforcement cases raised.

**Figure 6 Enforcement cases by year 2016-2021**

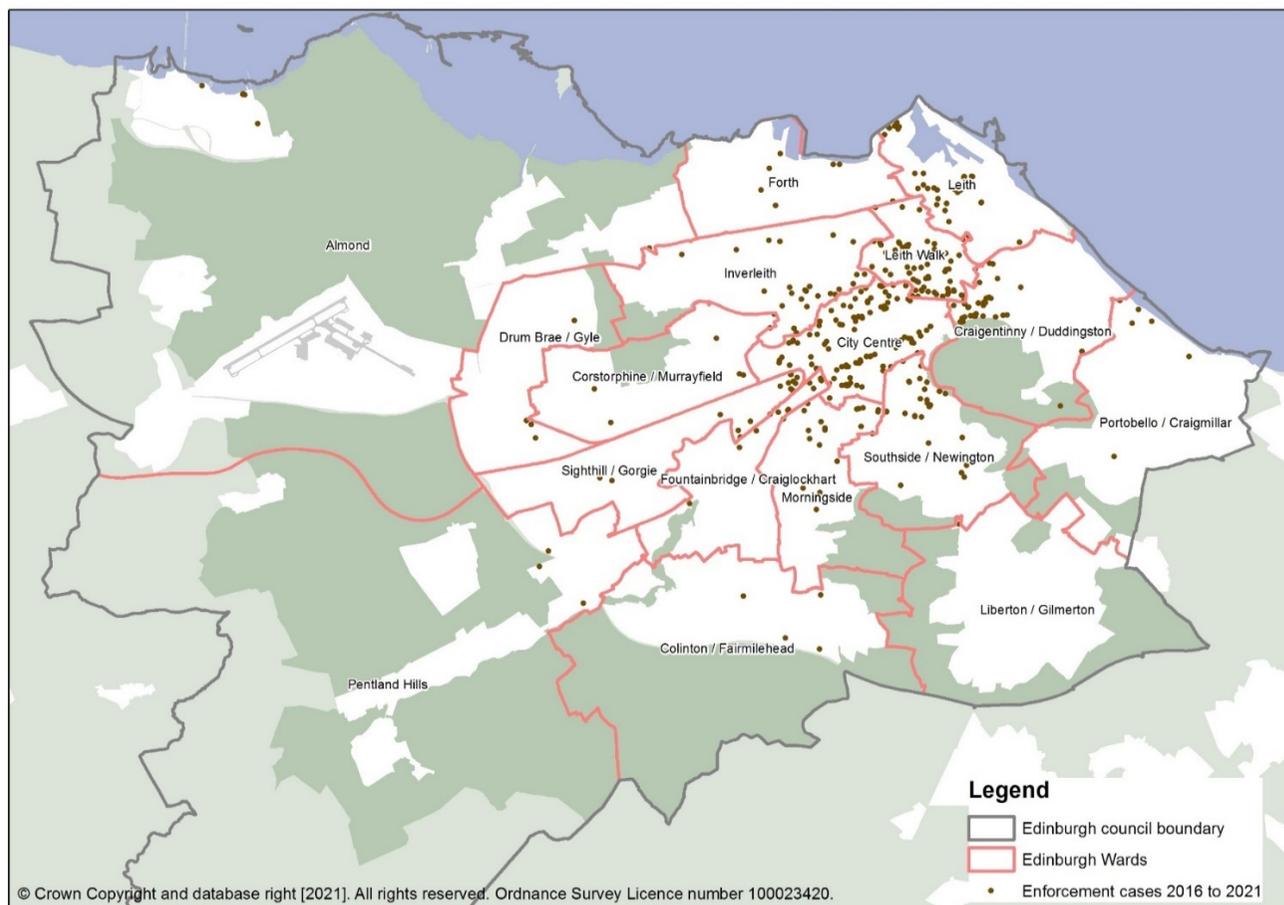


Source:CEC

3.4 In the absence of Short Term Let Control Area, when investigating cases, it must be established whether the use of a residential premises for short term holiday lets is a material change of use. The question of materiality is one of fact and degree having regard to a number of factors such as the character of the property, the frequency of arrivals and departures, the number of people occupying the property, disturbance to neighbouring residential amenity. Evidence gathering can be a very difficult process. Case officers must consider each of these factors. This can involve a number of visits to check levels of occupation and to collect corroborative evidence to support any claims of noise and nuisance. This is a resource intensive activity.

3.5 Enforcement cases are evident across the area. Map 4 below identifies the location of enforcement cases which have been raised relating to unauthorised use for short-term letting since 2016. This shows a concentration in the city centre where there are high levels of short-term lets identified in the available data. Figure 7 shows that there have been cases raised in all wards of the city.

**Map 4-Location of enforcement cases raised in period 2016-2021**



Source: Inside Airbnb

**Figure 7- Planning Enforcement Cases by Ward**

| <b>Ward</b>                  | <b>No of enforcement cases raised<br/>2016-2021</b> | <b>%</b> |
|------------------------------|---|----------|
| City Centre                  | 158   | 30       |
| Leith Walk                   | 85  | 17       |
| Leith                        | 52  | 10       |
| Craigtinny/Duddingston       | 50  | 10       |
| Southside/Newington          | 38  | 7        |
| Inverleith                   | 31  | 6        |
| Morningside                  | 23  | 5        |
| Fountainbridge/Craiglockhart | 19  | 4        |
| Sighthill/Gorgie             | 18  | 3        |
| Corstorphine/Murrayfield     | 11  | 2        |
| Forth                        | 8   | 2        |
| Almond                       | 7   | 1        |
| Portobello/Craigmillar       | 7   | 1        |
| Drum Brae/Gyle               | 4   | 1        |
| Colinton/Fairmilehead        | 4   | 1        |
| Pentland Hills               | 3   | 1        |
| Liberton/Gilmerton           | 1   | 0        |
| <b>TOTAL</b>                 | <b>519</b>  |          |

*Source: CEC*

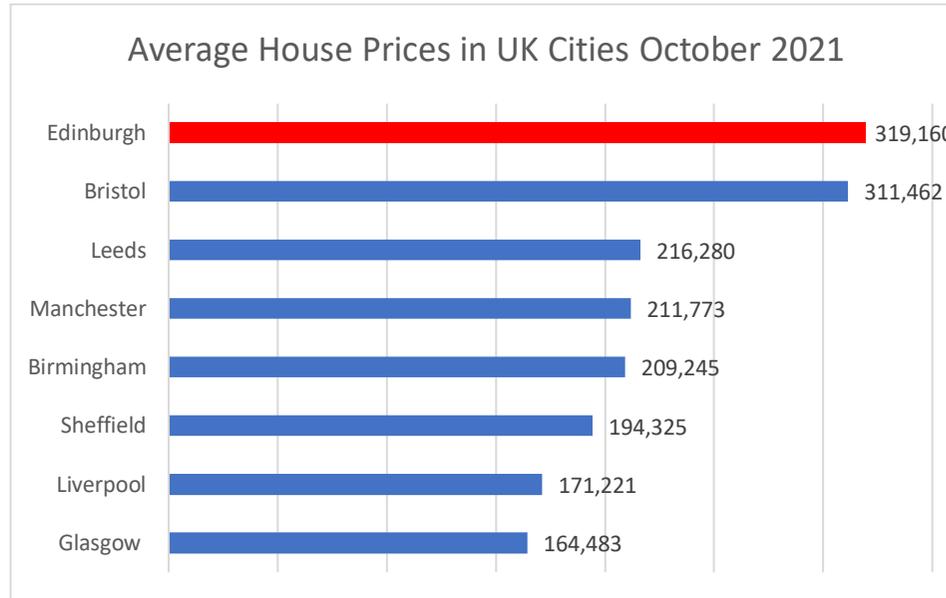
- 3.6 Despite the proactive approach to managing short-term letting it is clear that the Council lacks specific regulatory powers which allow it to effectively respond to all the issues currently faced by the city.
- 3.7 In January 2022 the Scottish Parliament approved a licensing scheme for STLs requiring that, from April 2024, all STLs obtain a licence. This will address safety concerns. The licensing scheme is complimentary to the control area and does not provide any regulation over the number of STLs or allow consideration of planning matters. The objective of a control area is to help manage high concentrations of secondary letting, restrict STLs in inappropriate places or buildings and ensure homes are used to best effect. No other regulations control the multiple issues which can be controlled through the planning system. Implementing a control area at the earliest opportunity will allow for applications to be made in advance of the licensing scheme.

#### **4. The Housing Market**

---

- 4.1 Edinburgh operates as a single housing market. There are high levels of demand and need for affordable housing which have been identified through an analysis of housing need and demand. Most properties operating as STLs were or are residential dwellings and any residential dwelling not being used for that purpose reduces the availability of housing in Edinburgh.
- 4.2 As set out in Figure 8 below at October 2021, the average house price in the UK was £268,349 and £181,391 in Scotland. The average property price in Edinburgh was £319,160, higher than most other major UK cities outside London.

**Figure 8 - Average House Price in UK Cities**



Source: UK House Price Index, National Statistics

- 4.3 The average house price is around six times the average gross annual earnings in the city, making it the least affordable city in Scotland to buy a home. The lockdown restrictions effectively saw the sales market frozen over the usually active Spring market in 2020, but a sharp increase was observed as restrictions eased and number of sales in Edinburgh jumped to levels well above Summer 2019.
- 4.4 The average advertised monthly private rent in Edinburgh in the last quarter of calendar year 2020 was £1,085, with the second highest rent recorded in Glasgow at £848 and a Scottish average at £826 (source: Citylets).

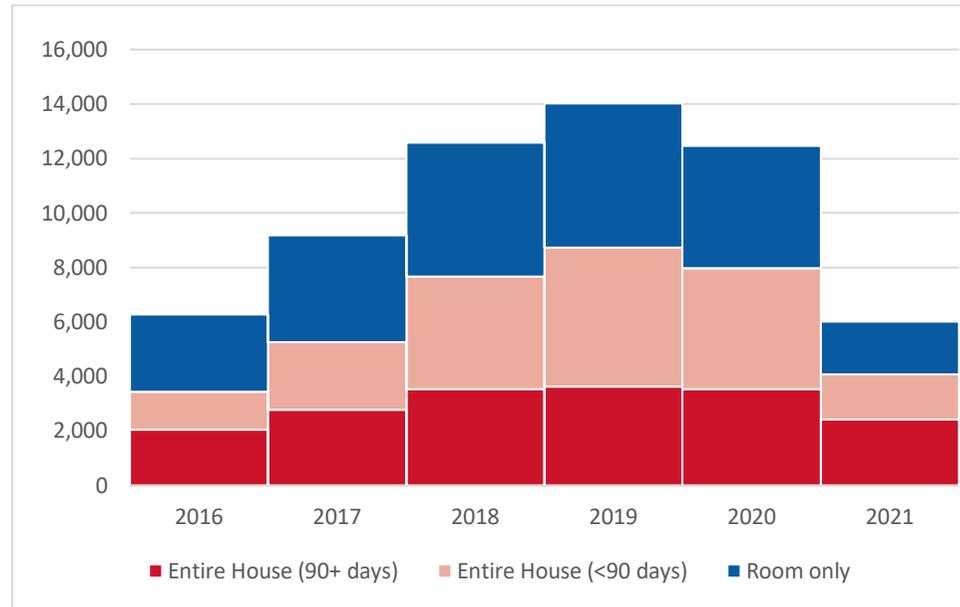
### **Need for housing**

- 4.5 A housing need and demand assessment (HNDA) for Edinburgh and South East Scotland was prepared in 2015. The HNDA estimates the future number of additional housing units to meet existing and future housing need and demand in a housing market area. Edinburgh administrative area operates as a single sub housing market area, with a functional housing market area that extends to include all the SESplan local authority areas. It states that there is demand for at least 38,000 to 46,000 new homes in Edinburgh over ten years, over 60% of these need to be affordable. A review of this was undertaken on behalf of the Council in September 2020. The Edinburgh Local Development Plan, November 2016 sets a target base upon this need and identifies housing sites to provide for this. It is recognised that along with building new homes there is a need to retain existing homes.
- 4.6 A new local development plan, City Plan 2030, is being prepared. Consultation on the main issues for this review was carried out in early 2020. 88% of those responding supported the introduction of a policy on the loss of homes to other uses. The Proposed City Plan 2030 was approved in September 2021 and carries forward this intention with the inclusion of a policy to protect existing dwellings from being lost to other uses, including short-term lets. A period for representations on the Proposed Plan concluded in December 2021. Representations are currently being considered and it is likely that there will be an examination on behalf of Scottish Ministers, and potential for change in the plan contents, prior to any adoption of the plan.

### **Impacts on supply and affordability**

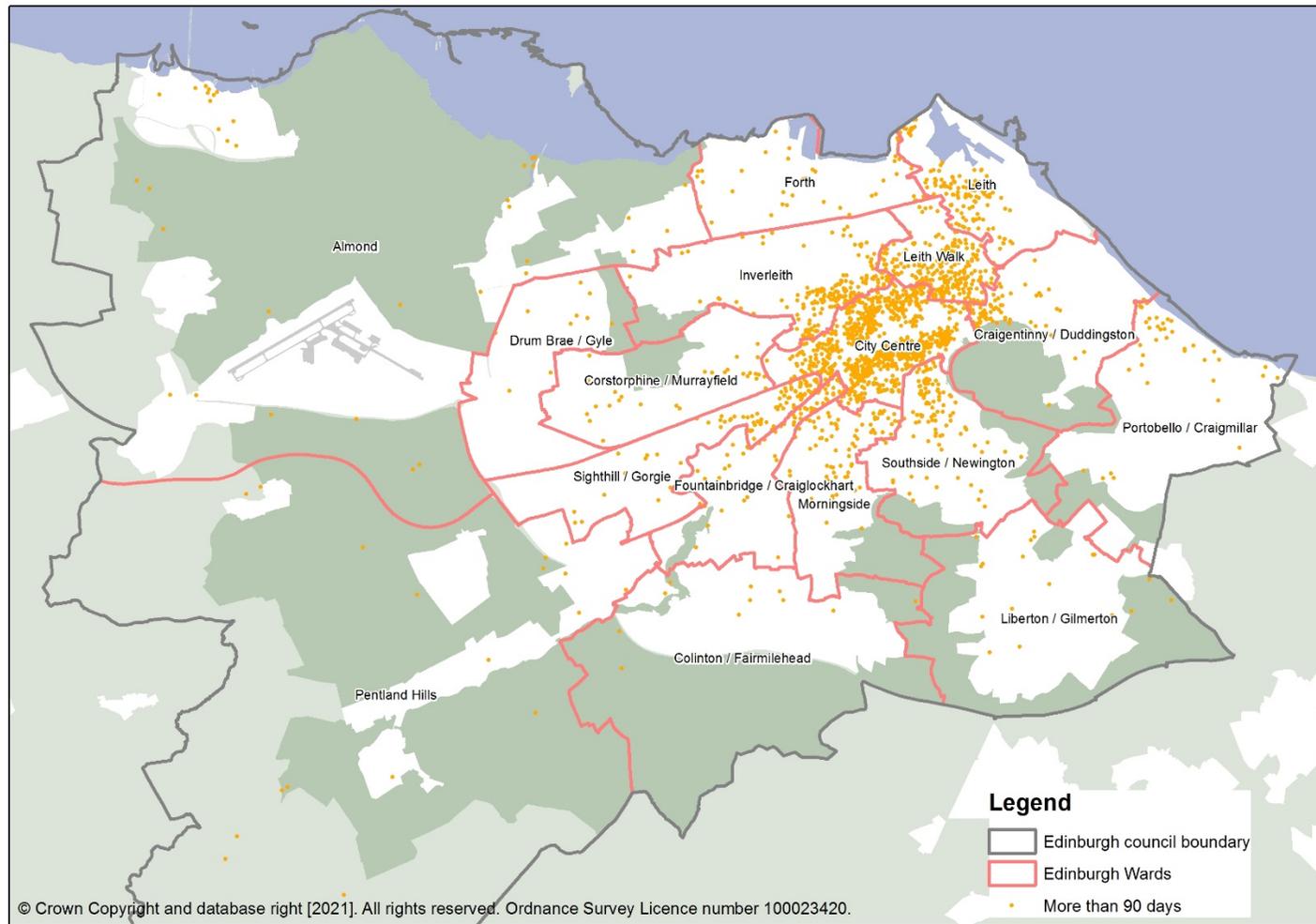
- 4.7 The number of days an entire property is available to let indicates how often the property is used as a permanent residence and whether it can still be considered part of the housing supply. Properties available for more than 90 days in a year may be considered to have been removed from the housing supply. The data has been filtered to identify those entire property lets which would be affected by the control area and identifies those available for 90 days or more. As set out in Figure 9 below, of the 4,077 entire property listings in 2021, 2,436 of these were available for more than 90 days. Map 5 shows the distribution.

**Figure 9- Number of STLs registered on Airbnb within Edinburgh (number of days) 2016-2021**



Source: Inside Airbnb

**Map 5: Distribution of STLs available for more than 90 days.**



- 4.8 It is very difficult to track how much housing has been transferred to short-term letting. Data set out in Section 1 indicates significant numbers of STLs. Typically, STLs have previously been dwellings. Properties removed from the long-term rental market for use as short-term lets impacts on the housing supply. Other things being equal, this decreases the supply of housing units in the long-term private rental market and put upward pressure on long-term rents and this is most likely to happen in cities such as Edinburgh which has high demand and low supply.
- 4.9 In 2018 the Council commissioned Rettie & Co to conduct research (Analysis of the Impact of the Edinburgh Short Term Rental Market – 16 July 2018) which assessed the impact that the short-term let sector was having on rents within Edinburgh's traditional private rented sector and the availability of residential property in the city. It estimated that there had been a loss of around 10% of private rented homes to short-term lets in recent years. The loss was most prevalent in the city centre and north Edinburgh. The rapid growth in short term lets was said to have had an impact on both supply and rent levels. Between 2014 and 2017 the city saw 2,700 more properties per year listed as available on Airbnb, while private rented sector stock fell 560 per annum.
- 4.10 The research also indicates a displacement of demand from STLs, with rents rising significantly above average (between 20-27% over the period 2014-17) in areas bordering a high concentration of short term lets. Private rents have increased by more than 30% over the last five years. Research indicates rising rents occurring in those areas bordering a high concentration of Airbnb, suggesting a displacement of demand. In those areas bordering the city centre, rents increased around 20-27% over the period 2014-2017

### **Impact of Pandemic**

- 4.11 The Covid-19 pandemic has had a significant impact on the number of STLs that were advertised on the Airbnb platform since March 2020 (section 1). It is hard to speculate about the medium and long-term impacts of the pandemic on the STL market, and on the behaviour of investors, landlords and consumers. A study -Review of Housing Need and Demand in Edinburgh commissioned by CEC in 2020 considered evidence on housing need and demand in the context of the Covid-19 pandemic. This found that the impact of Covid-19 has seen a current surge in the housing market through pent-up demand and that there are indications of some of this demand leaving the city centre urban core, and even moving out of Edinburgh altogether to seek more affordable space. There was some evidence of an immediate shift of short-term lets to residential private-lets during lock-down, but consultation suggests that the high demand for UK staycations means that demand for City Centre STLs has been broadly maintained. For the long term, the market fundamentals for the Edinburgh market are projected to remain strong, with unlikely downward pressure of prices. It concludes that the private rented sector has been in

a considerable state of flux but is now rebalancing and transient households are returning to the City. There is currently more flexibility in supply augmented to some extent by previous STLs moving to residential stock but warns that this should not be over-estimated as UK staycations are in high demand.

### **Appropriate use of dwelling**

- 4.12 Properties being utilised for STLs are generally in accessible areas and supported by services. There is a need to ensure that such locations can be maximised for their potential to provide residential properties to meet the needs of Edinburgh. Existing housing units are best placed and designed to provide for residential use and most suited to meeting the needs of residents.

## **5. Impacts on communities and residents**

---

- 5.1 STLs can provide local economic benefits and provide the potential for increased household income for hosts and local employment. They provide additional accommodation during important times of the year, e.g. the summer festivals. The control area only affects short-term lets where the property is not the only or principal home of the host. Home letting of people's own homes will not be impacted by the control area.
- 5.2 The impact of short-term lets on Edinburgh is a significant concern. regarding short term lets are wide ranging and continue to be received by the Council. The complaints cover several broad types and include:
- Impact on available housing supply within the city
  - Erosion of sense of community in areas with dense concentrations of short term lets;
  - Noise and antisocial behaviour created by guests using short term lets. The number of enforcement complaints recorded each year for the last 6 years are provided in table 10 below.

**Figure 10- Enforcement complaints related to STL use**

| Year | No. of cases |
|------|--------------|
| 2016 | 21           |
| 2017 | 32           |
| 2018 | 117          |
| 2019 | 229          |
| 2020 | 134          |
| 2021 | 104          |

- 5.3 Analysis of some cases received indicates that most complaints received relate to low level disturbance, which nonetheless can have a serious impact on residential amenity. For example, visitors who use flats will often arrive and depart at anti-social hours and in the process of doing so will disturb neighbouring properties when moving through communal areas. Many hosts allow two night minimum stays and there have been several cases where one night stays have been permitted by the host. In these circumstances, the likelihood of disturbance, with guests changing over on a more regular basis, also has a tangible impact on residential amenity. The negative impact of short-term lets on residential amenity have been well documented in a number of appeal decisions which have been handed down by Scottish Ministers. A list of recent appeal decisions is included at Appendix 1.
- 5.4 Research carried out on behalf of the Scottish Government -Research into the impact of short-term lets on communities across Scotland, 2019 assessed the impact of short-term lets in Scotland, with a focus on communities, particularly on neighbourhoods and housing. It considered 5 case studies including Edinburgh.
- 5.5 A key impact identified was the reduced availability of residential housing with the negative impact on affordability, sustaining communities and the negative impact on the wider local economy and local public services. There were indications from the survey and recurring themes coming through the qualitative research across all areas, from all types of participants except for some hosts, that properties were moving from long-term private lets and owner-occupation into STLs. This was voiced as

a major area of concern in Edinburgh. In Edinburgh the rise in STLs was associated with the fall in resident population and school rolls, with fears about the long term sustainability of the community.

- 5.6 A further impact identified was disturbance of residents, quality of life and well-being which was evident in Edinburgh in particular. This related particularly to tenements but also other types of high density properties with shared space and common stairs/closes. Concentrations of entire property STLs let full-time in common stairs often results in daily disruption and stress caused by constant 'visitor use', rather than residential use – noise, disturbance, buzzers, door knocking, littering, anti-social behaviour, the loss of a sense of community and security where the majority in both the close, and within the wider local community, were constantly changing strangers.
- 5.7 Negative congestion effects from STLs were identified in Edinburgh where the level of tourism was the greatest amongst the five case study areas. They were also seen to be changing the nature of the communities. This was associated with traffic congestion, people congestion, litter, waste, noise, lack of amenities for locals including local shops, and higher demand for and impact on local public services.
- 5.8 Responses received to the consultation on the control area designation, which took place from September to November 2021, indicate strong support for designation. 3,108 responses were received. 51 organisations responded, including 18 community organisations, 7 of which were community councils. A Report of Consultation provides a summary of all responses received. A significant majority of all respondents (88%) supported both the principle of the designation of a STL control area and for the entire area to be included (85%). The responses identified many negative impacts on individuals and communities from the presence of short-term lets. These included reduction in availability of residential accommodation; loss of resident population leading to fragmentation of communities; disruption to well-being and isolation caused by lack of resident neighbours to provide a support network; and impact on surrounding area.
- 5.9 The requirement for planning permission would allow the Council to make decisions in accordance with the Development Plan, unless material considerations indicated otherwise. The planning application process involves notification of neighbours and provides an opportunity for public comments. Current planning policy allows consideration of the appropriateness of short-term letting within a residential context.

## 6. Visitor Accommodation in Edinburgh

---

- 6.1 There is considerable supply of serviced accommodation in Edinburgh, along with student halls which provide visitor accommodation at key times of the year. A study carried out on behalf of the Council, Edinburgh Visitor Accommodation Sector Commercial Needs Study, January 2019, Ryden identified almost 16,000 rooms within 422 properties. The breakdown by type is provided in Figure 11 below.

*Figure 11- Structure of the Edinburgh Visitor Accommodation Market – January 2019*

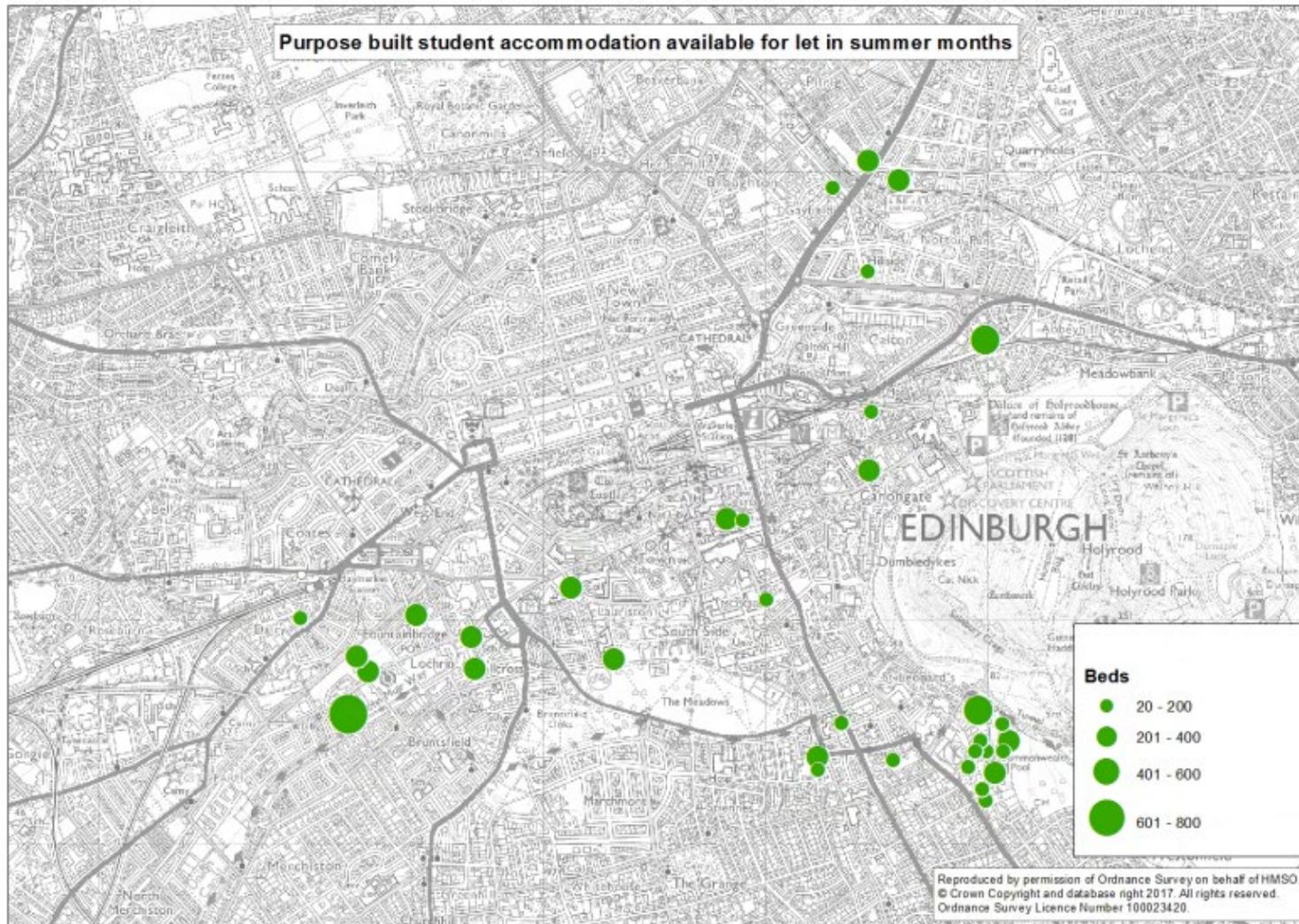
| Type                | No. of properties | No. of bedrooms/units |
|---------------------|-------------------|-----------------------|
| Hotels              | 167               | 13,180                |
| Serviced Apartments | 40                | 1,488                 |
| Hostels             | 15                | 457 (2,327)           |
| Guest houses        | 200               | 1,300                 |
| <b>Total</b>        | <b>422</b>        | <b>15,968</b>         |

*Source: AM:PM/VisitScotland Extracted from Edinburgh Visitor Accommodation Sector Commercial Needs Study, Ryden, January 2019*

- 6.2 These other forms of commercial visitor accommodation are subject to planning regulation and where development or change of use occur these require planning permission. A requirement for planning permission would bring STLs in line with this requirement.
- 6.3 The study identified that supply growth over the last 10-15 years has been primarily driven by the hotel sector (although there have been a number of new serviced apartments which have opened in the last three years), with a 3.3% annual average growth in hotel bedroom supply (net, including closures). In particular, there has been significant growth in budget hotel stock in the city which has made up 78% of all new hotel bedrooms opened between 2012 and 2018.

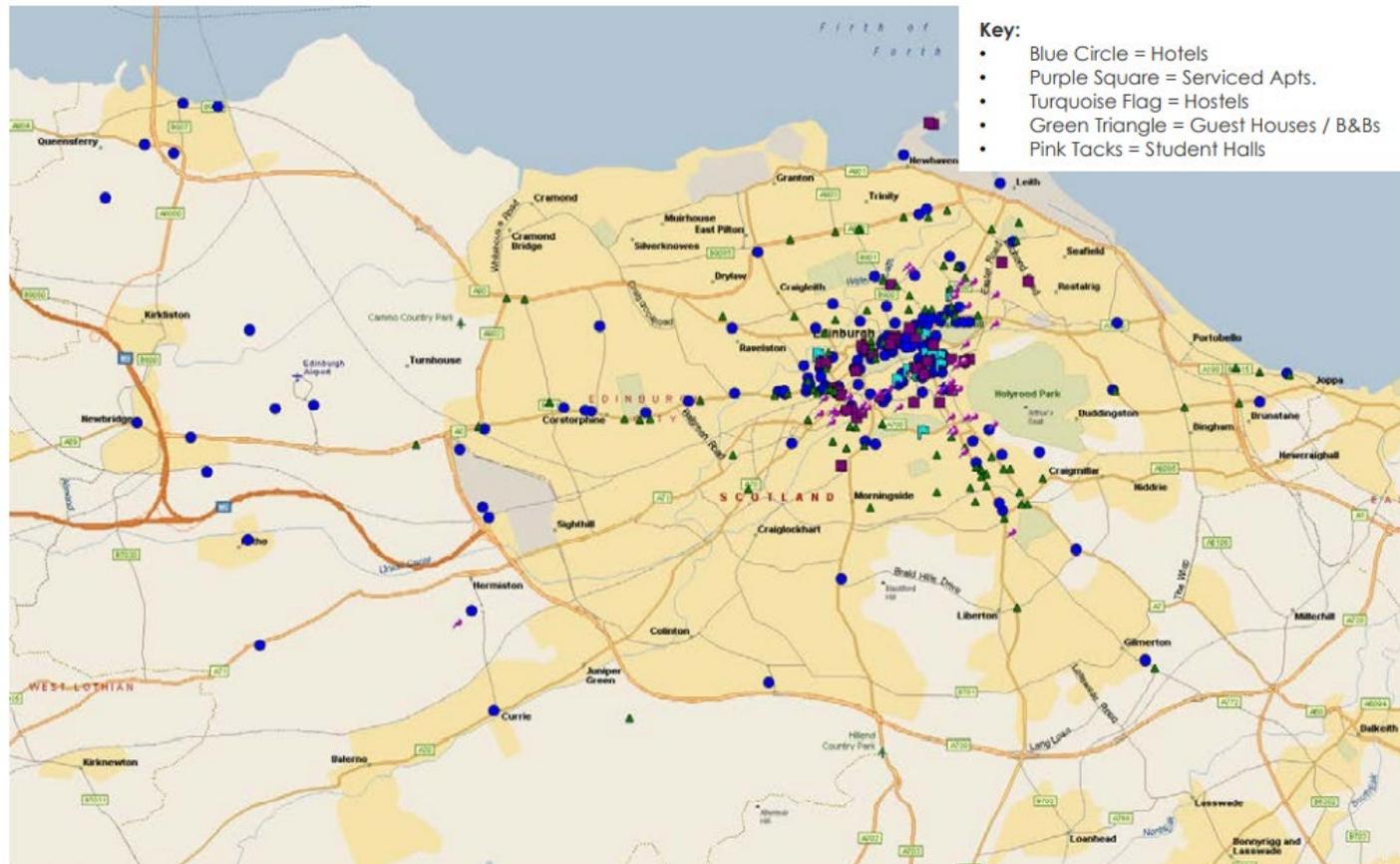
- 6.4 Serviced apartments (which includes apart-hotels) are defined as properties offering a hotel-like room but typically with larger than average or multiple bedrooms, including additional working and kitchen amenities (AM:PM Hotels Database). 40 serviced apartments were identified within Edinburgh providing 1,488 units.
- 6.5 There have been a number of recent serviced apartment openings in the last two years, reflecting the growth in the apart-hotel concept, appealing to shorter stay visits, including:
- The Edinburgh Grand (2018, 50 bedrooms);
  - Mode Apart-hotel (2018, 82 bedrooms);
  - Eden Locke (2017, 72 bedrooms);
- 6.6 The study identified seven pipeline serviced apartment schemes in Edinburgh at 2019, representing an increase of 520 bedrooms. VisitScotland lists over 394 self-catering properties (although there is some cross-over with serviced apartments) and four holiday / touring parks.
- 6.7 Out with term time student accommodation can provide short-term accommodation suited to visitors. There were 37 student halls identified by the study in Edinburgh, 35 of which are available to rent during summer (nine are exclusively let during the festivals in August). These provide self-catering managed accommodation within purpose built units and the location of these are shown in Map 6. The use of these student residences in summer equates to 35 buildings and provides a combined number of 8,479 beds.

Map 6 - Student accommodation available for rent in summer



6.8 Map 7 below shows the distribution of visitor accommodation in Edinburgh. Visitor accommodation is concentrated in the city centre, with a considerable spread across the city.

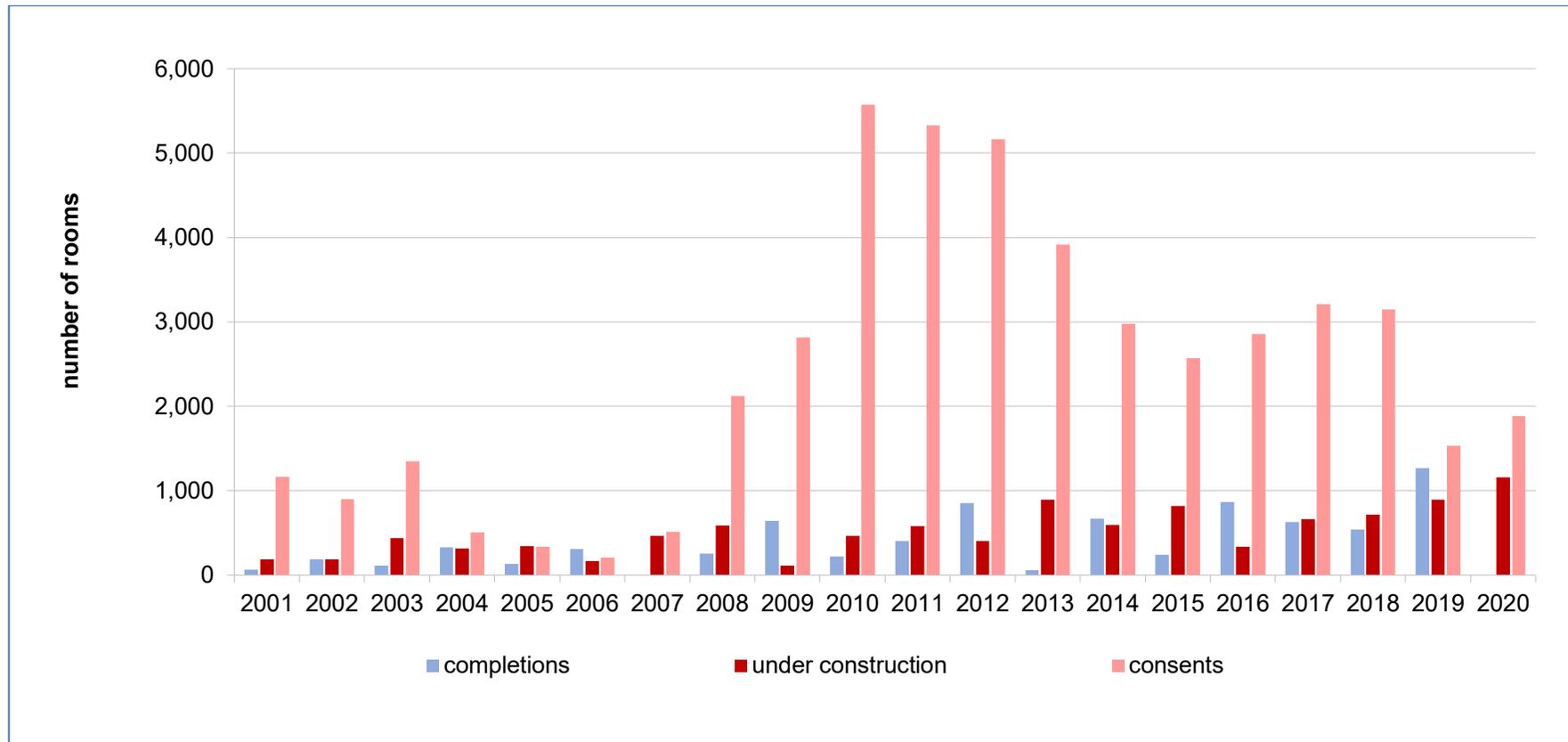
**Map 7-Distribution of Visitor Accommodation Supply in Edinburgh 2019**



Source: GVA / Microsoft MapPoint. Extracted from Edinburgh Visitor Accommodation Sector Commercial Needs Study, January 2019, Ryden

- 6.9 The study reported that future demand prospects for the visitor accommodation sector to 2030 appear positive due to a number of key factors, including several large regeneration projects (e.g. Edinburgh St James), the forecast growth of passenger numbers at Edinburgh Airport (projected to double by 2030) and the continuing strength of the city's business, conference and tourism sectors. This is matched by strong demand from brands, operators and developers in the visitor accommodation sector for new and / or additional supply in Edinburgh. A survey carried out as part of the study, with some of the leaders in the sector, highlighted overwhelming interest in such opportunities.
- 6.10 The Edinburgh Local Development Plan, November 2016 supports hotel development in the city centre, Edinburgh Airport, Royal Highland Centre and the International Business Gateway and other locations within the urban area with good public transport access to the city centre. The Proposed City Plan 2030 supports new hotel provision in local, town, commercial centres and other locations with good public transport access throughout Edinburgh.
- 6.11 Since 2012, 24 hotels have opened in Edinburgh, adding 3,139 bedrooms to the market; a 23.8% increase in supply. Figure 12 below shows the status of hotel developments since 2001.

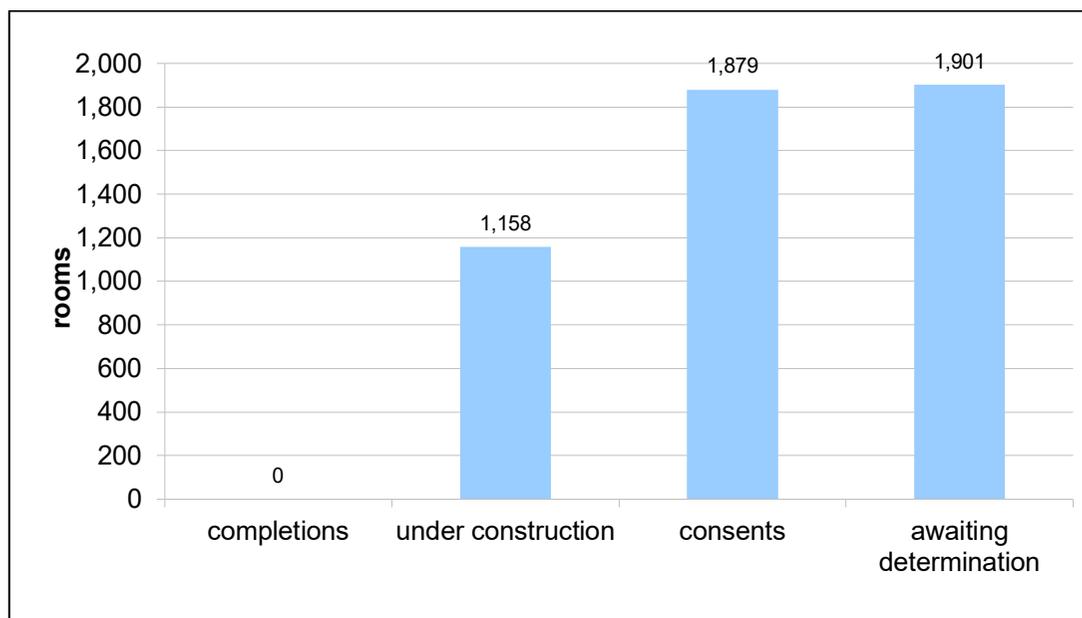
**Figure 12- Hotel Development 2001-2020**



Source: Hotel Development Schedule 2020, CEC

6.12 Hotel stock is expected to continue to increase. There were 4,938 bedrooms identified in the planning pipeline (under construction, with consent or awaiting determination) at 2020. As shown in Figure 13 below, 1,158 rooms were under construction in 2020 and consent had been granted for another 1,879. Of these, 1,259 were new build, 471 were change of use and 149 were extensions. There were also 1,901 rooms still awaiting determination.

**Figure 13- Hotel developments in Edinburgh 2020**



Source: Hotel Development Schedule 2020, CEC

6.13 The effect of the control area is to require planning permission to use an entire dwelling that is not a principle home for a short-term let. It does not apply to home sharing or home letting. Current planning policy is set out in the Edinburgh Local Development Plan (LDP) Policy Hou 7 – Inappropriate Uses in Residential Areas. This policy prohibits change of use which would have a materially detrimental effect on the living conditions of nearby residents. Planning applications for secondary letting will be determined against this policy and other material considerations. Current non-statutory guidance, Guidance

for Businesses, November 2021 states that planning permission will not normally be granted for flatted properties, where the potential adverse impact on residential amenity is greatest and will generally only be acceptable where there is a private access from the street.

- 6.14 The designation of a short-term let control area, therefore does not mean a blanket ban on such uses: each case will have to be assessed on its own merits.
- 6.15 Current planning policy allows consideration of the appropriateness of short-term letting within a residential context. Where this is appropriate it allows for STLs. In 2021 there were 25 applications for planning permission for STLs determined. 15 of these were granted. These are detailed in Figure 14 below.

**Figure 14-Short-term let applications 2021**

| <b>Application Number</b> | <b>Address</b>               | <b>Decision</b> | <b>No. of objections</b> |
|---------------------------|------------------------------|-----------------|--------------------------|
| 21/04512/FUL              | 1B Fingal Place              | Refuse          | 4                        |
| 21/04825/FUL              | 19 Kings Stable Lane         | Grant           | 1                        |
| 21/04319/FUL              | 30 Castle street             | Grant           | 0                        |
| 21/03890/FUL              | 13 Dewar Place Lane          | Grant           | 0                        |
| 21/04098/FUL              | 555 Gorgie Road              | Grant           | 1                        |
| 21/03508/FUL              | 7A Jamaica Street South Lane | Refuse          | 1                        |
| 21/02664/FUL              | Drylaw House                 | Grant           | 4                        |
| 21/03226/FUL              | 3B Dundas street             | Grant           | 1                        |
| 21/03509/FUL              | 3B Jamaica Street South Lane | Refuse          | 0                        |
| 20/05581/FUL              | 2-4 Abbey Mount              | Grant           | 0                        |
| 21/02351/FUL              | 68b Grassmarket              | Refuse          | 287 (280 support)        |
| 21/02525/FUL              | 8 Shandwick Place            | Grant           | 0                        |
| 21/02615/FUL              | 41 Barony Street             | Grant           | 16                       |
| 21/01591/FUL              | 48 Howe street               | Grant           | 2                        |
| 21/01109/FUL              | 3 Albert street              | Refuse          | 1                        |
| 21/01108/FUL              | 5 Albert street              | Refuse          | 3                        |
| 21/00750/FUL              | 33 Queensferry street        | withdrawn       | 5                        |
| 19/06157/FUL              | 41/43 Lanark Road            | Grant           | 3                        |
| 21/00878/FUL              | 13 Sciennes                  | Grant           | 1                        |
| 21/00869/FUL              | 8 Shandwick Place            | Refused         | 0                        |
| 20/05425/FUL              | 37A London street            | Refused         | 12                       |
| 20/05421/FUL              | 39 London street             | Refused         | 11                       |
| 20/01505/FUL              | 45 Grove street              | Grant           | 33                       |
| 20/04531/FUL              | Mid Kinleith                 | Grant           | 0                        |
| 20/03051/FUL              | 18 Torphichen street         | Grant           | 2                        |

\* In the case of 8 Shandwick Place, the Committee refused a mix of 1 flat and 2 short stay lets but subsequently granted 3 short-stay lets

6.16 Purpose built tourist accommodation in the form of hotels, hostels, apart hotels, guest houses and bed and breakfasts is readily available throughout the city. Along with student halls, which provide visitor accommodation at key times of the year, this accommodation meets the vast majority of tourism needs while balancing impacts on neighbourhoods. There are currently properties with consent to operate as short-term lets and properties where the use as a short-term let can be demonstrated to have been ongoing for a period of 10 years, thereby establishing the use as lawful. Along with the opportunity to apply for planning permission this means that there will continue to be short-term lets within Edinburgh providing choice of visitor accommodation.

### **Background reports**

- [Report to Planning Committee, 2 March 2017 Short Stay Commercial Visitor Accommodation](#)
- [Report to Corporate Policy and Strategy Committee, 7 August 2018, Short-term Letting in Edinburgh](#)
- [Report to Planning Committee, 2 September 2020, Short-term Letting in Edinburgh](#)
- [Report to Corporate Policy and Strategy Committee, 14 May 2019 Short Term Letting in Edinburgh Update](#)
- SESPlan [Housing Need and Demand Assessment 2](#)
- [Edinburgh Visitor Accommodation Sector Commercial Needs Study, Ryden, January 2019](#)
- [Hotel Development Schedule 2019, CEC](#)
- [Research into the impact of short-term lets on communities across Scotland, Scottish Government, October 2019](#)

## Appendix 1

### Short-term Let Appeals

|  |
|--|
| <b>2021/2022 (Q1 and Q2 ONLY)</b>  |
| ENA-230-2191, 5A Leopold Place, Edinburgh, EH7 5JW, (appeal dismissed 23/04/2021)                |
|  |
|  |
| <b>2020/2021</b>   |
| ENA-230-2186, 1F2, 68B Grassmarket, Edinburgh, EH1 2JR (appeal dismissed 11/01/2021)             |
| ENA-230-2187, 2F1, 68B Grassmarket, Edinburgh, EH1 2JR (appeal dismissed 11/01/2021)             |
| ENA-230-2188, 3F1, 68B Grassmarket, Edinburgh, EH1 2JR (appeal dismissed 11/01/2021)             |
| ENA-230-2185, 2F2, 68B Grassmarket, Edinburgh, EH1 2JR (appeal dismissed 11/01/2021)             |
| ENA-230-2184, Flat 8, 33 Ocean Drive, Edinburgh, EH6 6JL (appeal dismissed 10/08/2020)           |
| ENA-230-2182 Flat 1, 9 Elsie Inglis Way, Edinburgh, EH7 5FQ (appeal dismissed 03/09/2020)        |
| ENA-230-2177, 1F1 Drumdryan Street, Edinburgh, EH3 9LA (appeal dismissed 03/06/2020)             |
| ENA 230-2190, 24 Craiglockhart Avenue, EH14 1HX (appeal dismissed 20/05/2020)                    |
| <b>8 Appeals</b>   |
|  |
| <b>2019/2020</b>   |
| ENA 230-2179 Flat 5, 46 North Castle Street, Edinburgh, EH2 3BN (appeal dismissed 26/03/2020)    |
| ENA-230-2175 Flat 5, 10 Western Harbour Midway, Edinburgh, EH6 6PT (appeal dismissed 12/03/2020) |
| ENA-230-2174 1F4, 17 Dalgety Street, Edinburgh, EH7 5UN (appeal dismissed 03/03/2020)            |
| ENA-230-2172 Flat 2, 11 Oxford Terrace, Edinburgh, EH4 1PX (appeal dismissed 21/02/2020)         |
| ENA-230-2171 PF1, 65 Prince Regent Street, Edinburgh, EH6 4AP (appeal dismissed 13/02/2020)      |
| ENA-230-2169 148/2 Albert Street, Edinburgh, EH7 5LT (appeal dismissed 22/01/2020)               |
| ENA-230-2167 4F3, 22 Haymarket Terrace, Edinburgh, EH12 5JZ (appeal dismissed 21/01/2020)        |
| ENA-230-2168 Flat 9, 6 Succoth Court, Edinburgh, EH12 6BY (appeal dismissed 16/01/2020)          |
| ENA-230-2164 5/9 Castle Wynd South, Edinburgh, EH1 2JT (appeal dismissed 12/12/2019)             |

|   |
|---|
| ENA-230-2162 1F1, 33 Milton Street, Edinburgh, EH8 8HB (appeal dismissed 04/12/2019)                        |
| ENA-230-2161 1F, 11 Royal Circus, Edinburgh, EH3 6TL (appeal allowed in part (more time allowed 15/11/2019) |
| ENA-230-2152 5/6 Castle Wynd South, Edinburgh, EH1 2JT (appeal dismissed 30/08/2019)                        |
| ENA-230-2156 3F2, 22 Haymarket Terrace, Edinburgh, EH12 5JZ (appeal dismissed 13/08/2019)                   |
| ENA-230-2157 3F3, 22 Haymarket Terrace, Edinburgh, EH12 5JZ (appeal dismissed 13/08/2019)                   |
| ENA-230-2147 Flat 14, 6 Pilrig Heights, Edinburgh, EH6 5BF (appeal dismissed 03/04/2019)                    |
| <b>15 Appeals</b>   |
|   |
| <b>2019/2020</b>  |
| ENA-230-2138 63/2 Bread Street, Edinburgh, EH3 9AH (appeal dismissed 28/11/2018)                            |
| ENA-230-2138 63/3 Bread Street, Edinburgh, EH3 9AH (appeal dismissed 26/11/2018)                            |
| ENA 230-2137 63/11 Bread Street, Edinburgh, EH3 PAH (appeal dismissed 26/11/2018)                           |
| ENA-230-2129 3F1, 14 Chancelot Terrace, Edinburgh, EH6 4SS (appeal dismissed 06/11/2018)                    |
| ENA 230-2142 2F2, 52 Morningside Road, Edinburgh, EH10 4QP (appeal dismissed 01/11/2018)                    |
| ENA 230-2130 Flat 15, 17 Ratcliffe Terrace, Edinburgh, EH9 1SU (appeal dismissed 29/08/2018)                |
| <b>6 Appeals</b>  |