

Date: 3 October 2023  
Our Ref: 6218/DOH  
Your Ref: 100646933-001

Planning Services  
Fife Council  
Fife House  
North Street  
GLENROTHES  
KY7 5LT

Dear Sirs

### **Change of Use of Annex to Short-Term Holiday Let (In Retrospect) at New Lulgate, Lucklawhill**

We enclose an application for planning permission for the above noted proposal on behalf of our client. We would advise that the statutory planning application fee of £1,200 plus the additional 25% + VAT surcharge (£360) will be paid by our client under separate cover.

#### **Site**

The application site relates to an existing annex associated with the property New Lulgate. The annex is accessed from its own entrance door which separate from the main dwelling and a few external photographs of the property are enclosed as part of the application. The site is located in the countryside to the north of the village of Balmullo but is not within a designated Local Landscape Area. Access to the site is gained via the existing public road to the south. The site sits within a cluster of detached dwellings which have large gardens and detailed planning permission was recently granted for an additional dwellinghouse within the front garden of New Lulgate (Ref. 23/01657/FULL).

#### **Background**

Planning permission was granted on 11 June 1992 for alterations and extensions to form an annex to the existing dwellinghouse (Ref. 01-91-0843P). The annex was built in 1993 and was occupied by our client's mother until September 2014. In May the following year, planning permission was obtained to subdivide the dwellinghouse and convert the annex into a separate dwellinghouse (Ref. 15/00641/FULL). For various reasons, the permission was not implemented and lapsed on 7 May 2018.

The annex has been used for short-term holiday lets since June 2017. The property is run and managed by our client with bookings facilitated through Airbnb and Vrbo. Our client has a Superhost rating (essentially top rated) on both websites and the property is booked by a variety of guests. A high percentage are from overseas, mainly USA, for golf and visits associated with the University of St Andrews. The property is available for letting all year round and the minimum stay is 2 days although during the summer months most guests tend to stay for longer periods. The average length of stay to date has been approximately 4 days and the occupancy rates has increased year on year as follows:

- 2017 - 87 nights with an annual occupancy rate of 46% (based on 189 day period)
- 2018 - 198 nights with an annual occupancy rate of 54%
- 2019 - 199 nights with an annual occupancy rate of 55%
- 2020 - 113 nights with an annual occupancy rate of 31% (not available for 3 months due to COVID)
- 2021 - 207 nights with an annual occupancy rate of 57% (not available for 3 months due to COVID)

- 2022 - 298 nights with annual occupancy rate of 82%
- 2023 - 216 nights so far this year

## **Proposal**

Whilst Fife Council as Planning Authority has not yet designated any areas of Fife as short-term let control areas, it is considered that, based on the letting demand and short term occupancy levels of the property, that a material change of use has now occurred. Furthermore, Condition 2 of 01-91-0843P restricts the use of the annex as ancillary accommodation to the existing dwellinghouse only.

As such, our client is aware that the planning position requires to be regularised particularly since they have recently applied for a Short-term Lets Licence under the Civic Government (Scotland) Act 1982 (Licensing of Short-term Lets) Order 2022. This retrospective planning application therefore seeks to change the use of the ancillary accommodation to a short-term holiday let. We would advise that no internal or external alterations are proposed as part of this application.

## **Planning Considerations**

Section 25 of the Town and Country Planning (Scotland) Act 1997 states that, where, in making any determination under the Planning Acts, regard is to be had to the development plan, the determination is, unless material considerations indicate otherwise, to be made in accordance with that plan.

The extant Development Plan comprises of National Planning Framework 4 (NPF4) as well as the Fife Local Development Plan (FIFEplan). NPF4 provides the national planning policy context and agenda for the assessment of all planning applications and has 6 overarching spatial principles to support the planning and delivery of sustainable places, liveable places, and productive places. The policy context of NPF4 is set at a high level to provide a directive but indicative policy context whilst the Adopted FIFEplan and associated Supplementary Guidance provide the most up to date expression of planning policy for Fife and continues to be part of the Development Plan until it is replaced.

The principal issues to be assessed against the development plan and any other policy, advice or guidance are as follows:

- a. Principle of Development
- b. Residential Amenity
- c. Road Safety

## **Principle of Development**

NPF4 Policy 30 (Tourism) aims to encourage, promote and facilitate sustainable tourism development which benefits local people, is consistent with the Scottish Government's net zero and nature commitments, and inspires people to visit Scotland. The policy states that development proposals for the reuse of existing buildings for short-term holiday letting will not be supported where the proposal will result in: (i) an unacceptable impact on local amenity or the character of a neighbourhood or area; or (ii). the loss of residential accommodation where such loss is not outweighed by demonstrable local economic benefits.

Part A of Policy 1 of the adopted FIFEplan stipulates that the principle of development will be supported if it is either (a) within a defined settlement boundary and compliant with the policies for this location; or (b) is in a location where the proposed use is supported by the Local Development Plan. Part B of Policy 1 requires development proposals to address their impact by complying with a number of criteria and other policies of the LDP whilst Part C requires supporting information or assessments to be submitted as part of the development proposals where relevant.

In simple land use terms, we would contend that use of this annex as a short-term holiday let is generally consistent with a residential use, in terms of residential amenity impacts, and would not cause any additional nuisance to nearby residential properties with the closest dwelling located over 50 metres to the south east (Old Lulgate). As such, we would contend that there would not be an unacceptable impact on the local amenity or character of the area.

As the annex is not permitted to be used as a separate dwelling, the proposal would not result in the loss of residential accommodation. Furthermore, the proposal would make accommodation available for visitors to North East Fife including St Andrews. Those visitors are likely to contribute to its established tourism sector, thereby contributing towards the local economy. As such, the principle of the proposed development at this location is acceptable.

The overall acceptability of such a development, however, must also be assessed with reference to other relevant land-use planning policy criteria which includes, but is not limited to, residential amenity and road safety. These issues are addressed in detail below.

### **Residential Amenity**

Part B of Policy 1 and Policy 10 of FIFEplan support development proposals where they do not have a significant detrimental impact on the amenity of existing or proposed land uses. This includes, but is not limited to, noise. PAN 1/2011: Planning and Noise also applies and establishes the best practice and the planning considerations to be considered regarding developments that may generate noise, or developments that may be subject to noise.

As highlighted earlier, the property is currently being advertised on the Airbnb website and is managed by our client who deals with all enquiries, bookings, change overs and cleaning. They are also the point of contact during guest stays if there are any issues with the property. Our client meets all guests for check-in which is normally at 16:00 and checkout is before 10:00.

The pattern of activity associated with the proposed use is well established as it has been operating for a period of 6 years with regular holiday lets taking place without any complaints regarding noise or antisocial behaviour. We would suggest that anticipated noise and activity associated with the proposed short-term holiday let use of the property is considered to be comparable to that associated with a residential property. Should any noise complaints arise, it would be for Fife Council's Public Protection Team to investigate and take any appropriate action.

Whilst there would inevitably be a change in the pattern and frequency of movements to and from property, this would generally only be during days of change over and during sociable hours. Any disturbance to existing nearby residents would therefore be extremely limited and it is worth reiterating that there has been no noise or general amenity complaints to date. We would therefore contend that the proposed use of the property for short-term holiday lets and the potential impacts associated with it, would be largely similar to that of a residential dwelling. As such, we would consider that the proposal satisfies Policy 10 of the Adopted FIFEplan (2017).

### **Road Safety**

Policy 13 of NPF4 states, at b), that development proposals will be supported where it can be demonstrated that the transport requirements generated have been considered in line with the sustainable travel and where appropriate they will be accessible by public transport.

Policy 3 of FIFEplan states where necessary and appropriate as a direct consequence of the development or as a consequence of cumulative impact of development in the area, development proposals must incorporate measures to ensure that they will be served by adequate infrastructure and services.

Policy 10 of FIFEplan states development proposals must demonstrate that they will not lead to a significant detrimental impact on amenity in relation to traffic movements.

No physical changes to the property would be required and there is space for 2 off street parking spaces. The proposed use of the property would not require any more parking provision than the current lawful use and it is worth highlighting that there were vehicle movements associated with the annex which were separate and distinct from that of the main dwellinghouse. Furthermore, the planning authority have previously granted planning permission for the annex to be used as a separate dwellinghouse.

Local amenities are available within the nearby village of Balmullo, sustainable modes of transport are also within walking distance and the trip generation of the property will not have any impact on road or pedestrian safety. We would therefore contend that the proposed development accords with Policy 13 of NPF4 as well as Policies 3 and 10 of FIFEplan.

### **Conclusions**

The regulatory context for short-term letting in Scotland has changed with short-term let licenses becoming a requirement for all existing operators since 1 October 2023. As referenced earlier, this application has been submitted as a means to formalise the planning position in support of our client's recent short-term let licence application.

We would contend that the proposal is compatible with its surrounds in terms of land use and would not cause any significant detrimental impacts on the current amenity of nearby properties nor any road safety implications. As such, the proposed change of use is considered to be in compliance with Policies 1, 3 and 10 of the adopted FIFEplan.

We trust the proposal will be looked on favourably by Fife Council and look forward to this application being registered in early course. Should Fife Council require any further information in order to positively determine this application, please do not hesitate to contact us.

Yours faithfully

MONTGOMERY FORGAN ASSOCIATES