

**CHANGE OF USE OF RESIDENTIAL
PROPERTY TO SHORT-TERM LET**
NON-STATUTORY PLANNING GUIDANCE

CONSULTATIVE DRAFT

Introduction

The Council is aware that communities are becoming increasingly concerned that the increase in short-term lets over recent years is impacting on the availability and affordability of housing locally, and is having a secondary impact on jobs, services and business opportunity.

Whilst the short-term letting of a residential property can bring economic benefits both to the host and the local area, this must be balanced against the impact the loss of that residential property has on the availability of housing for local people, and in particular access to affordable housing.

There is no specific policy basis in the current Perth & Kinross Local Development Plan 2 (LDP2) for the control of short-term lets. This planning guidance has therefore been prepared to assist in the assessment of planning applications for the change of use of a residential property to a short-term let and would be applied across Perth and Kinross

National Planning Framework 4 (NPF4) sets out the policy framework for assessing planning applications:

Policy 30 Tourism e) *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.*

This planning guidance sets out the circumstances under which the change of use to a short-term let will be supported, including where local economic benefit (as required by NPF4) can be demonstrated.

Not all changes of use will require planning permission. More guidance on this can be found on the Council's website: www.pkc.gov.uk/shorttermletsandplanning

Consultation

We would welcome comments on this planning guidance by Friday 18 August 2023.

You can submit your comments via the Council's Consultation Hub:
<https://consult.pkc.gov.uk/>

Following the consultation period, the guidance will be finalised and reported back to Committee for approval.

Definitions and Exclusions

The focus of this planning guidance is Material Change of Use of dwellings and Short-Term Lets; defined in planning legislation as:

Material change of use of land or buildings is included within the definition of development even if there are no physical alterations to the land or building. Planning permission is always required for a material change of use. A change from a flat to a short-term let is always considered to be a material change of use requiring planning permission. For residential property, the significance of the change must be considered. There are a number of factors which may affect the Council's consideration of whether the change of use is a material change of use. Factors include a change to local amenity or the character of a neighbourhood or area, safety and impact on immediate neighbours.

Short-term let is defined as being provided in the [Town and Country Planning \(Short-term Let Control Areas\) \(Scotland\) Regulations 2021](#) 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.

The regulations make a number of exclusions from the definition of a short-term let including:

- Hotels
- Boarding houses
- Guest houses

The above are therefore not included within the scope of this Guidance.

Whilst B&Bs are not specifically mentioned, the [Town and Country Planning \(Use Classes\) \(Scotland\) Order 1997](#) classifies these as 'houses'. Any residential property being used as a B&B within the definition of 'Class 9. Houses' is therefore also excluded from the scope of this Guidance:

'Use as a bed and breakfast establishment or guesthouse, where at any one time not more than 2 bedrooms are, or in the case of premises having less than 4 bedrooms 1 bedroom is, used for that purpose'

For clarity other related definitions are:

Dwellinghouse or residential property is as defined in Planning Circular 10/2009: Planning Enforcement as 'An independent dwelling (with its own front door, kitchen and bathroom) being accommodation which ordinarily affords the facilities required for day-to-day private domestic existence such as a house, flat, cottage'.

Secondary let - means the letting of a property where the host or operator does not normally live. The planning guidance cannot apply to Home-letting or Home-sharing (see below).

Home-letting - Defined in the short-term let licensing legislation means using all or part of your own home for short-term lets whilst you are absent, for example, whilst you are on holiday.

Home-sharing - Using all or part of your own home for short-term lets, whilst you are there.

Private Residential Tenancies are excluded under Section 26B(3) of the 1997 Act as they are not considered secondary accommodation because they are the principal home of the tenant.

Draft Guidance

Planning permission will not be granted if the proposal results in the loss of a residential property to the short-term let sector unless at least one of the following criteria are met:

1. The proposal is for the extensive refurbishment of a long-term empty residential property which will bring the building back into active use;
2. The proposal relates to a residential property with four or more bedrooms as this stock is considered less significant in terms of housing needs assessments;
3. It can be demonstrated that the residential property has been operating as a short-term let for more than 10 years and is therefore exempt from planning enforcement action;
4. It can be demonstrated that the proposal for the change of use to short-term let is part of a diversification scheme to support an existing Perth and Kinross business within the same landholding.

In all cases properties must have their own door to the street to reduce the risk of adverse impact on the amenity of neighbouring residents. Proposals must also comply with all relevant LDP2 policies, in particular Policy 1 Placemaking: Development must contribute positively to the quality of the surrounding built and natural environment.

Within a short-term let control area all new proposals for the change of use of a residential property to a short-term let will require planning permission. This requirement only applies to proposals submitted after the designation of the control area. Any short-term let which was operating lawfully within the control area prior to its designation will not be required to apply for planning permission retrospectively. Lawfully means any short-term let which either had planning permission or was not a material change of use and therefore did not require planning permission. For the avoidance of any doubt, a material change of use to short-term let either within or outwith a control area, before or after the designation of a control area, will require planning permission. More guidance on this can be found on the Council's website at: www.pkc.gov/shorttermletsandplanning