
Report To:	Environment & Regeneration Committee	Date:	16 May 2024
Report By:	Head of Service – Regeneration, Planning and Public Protection	Report No:	ENV033/24/NM
Contact Officer:	Neale McIlvanney	Contact No:	01475 712402
Subject:	Supplementary Planning Guidance – Short Term Lets		

1.0 PURPOSE AND SUMMARY

- 1.1 For Decision For Information/Noting
- 1.2 The report seeks approval of supplementary planning guidance in relation to planning applications for short term lets.
- 1.3 The policy sets out the relevant development plan policies for assessing applications for short-term lets and provides additional guidance on the acceptability of applications for short-term lets.

2.0 RECOMMENDATIONS

- 2.1 It is recommended that Committee approves the supplementary planning guidance policy on short term lets attached as Appendix 1 as a basis for supporting the determination of applications for planning permission for short-term lets.

Neale McIlvanney
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3.0 BACKGROUND AND CONTEXT

- 3.1 National Planning Framework 4 defines a short-term let as a dwellinghouse (a residential house or flat) for rental by persons other than the owner for short periods and for financial or other remuneration. This includes properties advertised as being available for holiday let, although can apply to other situations, such as short-term accommodation for workers. In most cases, to utilise a property as a short-term let will require planning permission for change of use.
- 3.2 As with any planning application, the assessment of planning applications for short-term lets requires to be determined against policies set out in the development plan – which comprises of National Planning Framework 4 and the Inverclyde adopted Local Development Plan. The Local Development Plan sets out the strategy, policies and proposals for the use of land and buildings within Inverclyde. The policies within the development plan are generally supportive of short-term lets, recognising they can add choice and variety to the housing stock and provide economic and tourism benefits. The development plan policies typically support short-term lets where the economic benefit outweighs the loss of a residential dwelling, and the property is appropriately situated in terms of accessibility to amenities and transport links and compliance with other relevant policies.
- 3.3 The proposed supplementary planning guidance emphasises the development plan as the primary decision-making policy framework for applications for short-term lets. It also provides guidance to assist the assessment of applications by providing additional clarity on amenity considerations and instances where short-term lets are more or less likely to be suitable. In particular, the policy seeks to support applications in accessible locations (e.g. town centres or other accessible urban locations) and where there is a positive regeneration outcome. It also seeks to provide guidance where there may be an over-provision or concentration of short-term lets that harms the amenity of the locality (e.g. street of flat block) or would give rise to conflict between uses (e.g. with industrial uses or specific residential uses).
- 3.4 It is estimated there are around 100 short-term let operators in Inverclyde. Therefore, at present, the number of short-term lets is negligible and there is no evidence of over-concentration in any location, however the guidance will assist to ensure that the cumulative impact of any future applications does not compromise the character and amenity of any particular location.
- 3.5 Licensing and planning procedures related to short-term lets are separate and operators of prospective short-term lets will require to ensure they fulfil the obligations of both procedures, independently, where applicable. To provide clarity on this, the supplementary guidance signposts to Council procedures and guidance related to licence requirements and notes that considerations related to the licence process are not material planning considerations and planning decisions shouldn't be taken on matters other than material planning grounds, including licensing. This will assist to ensure planning decisions are taken on material planning grounds. The licensing procedures of the Council similarly cross-reference planning procedures as being separate.
- 3.6 In conclusion, the supplementary guidance will assist to support the assessment of applications against the provisions of the development plan.

4.0 PROPOSALS

- 4.1 It is proposed that members approve the Short-Term Lets supplementary guidance policy as a basis for supporting planning application assessments.

5.0 IMPLICATIONS

5.1 The table below shows whether risks and implications apply if the recommendation(s) is(are) agreed:

SUBJECT	YES	NO
Financial		X
Legal/Risk		X
Human Resources		X
Strategic (Partnership Plan/Council Plan)		X
Equalities, Fairer Scotland Duty & Children/Young People's Rights & Wellbeing		X
Environmental & Sustainability		X
Data Protection		X

5.2 Finance

One off Costs

Cost Centre	Budget Heading	Budget Years	Proposed Spend this Report	Virement From	Other Comments
N/A					

Annually Recurring Costs / (Savings)

Cost Centre	Budget Heading	With Effect from	Annual Net Impact	Virement From (If Applicable)	Other Comments
N/A					

5.3 Legal/Risk

The report sets out that licensing and planning procedure related to short-term lets are separate, and signposting is built into the processes to ensure operators are aware of all requirements.

5.4 Human Resources

N/A

5.5 Strategic

The supplementary guidance will be considered to support the assessment process of planning applications. The Local Development Plan and National Planning Framework 4 form the Council's Development Plan to determine planning applications and provide advice on development proposals including short-term let applications.

5.6 Equalities, Fairer Scotland Duty & Children/Young People

(a) Equalities

This report has been considered under the Corporate Equalities Impact Assessment (EqIA) process with the following outcome:

X	YES – Assessed as relevant and an EqIA is required and will be made available on the council website: https://www.inverclyde.gov.uk/council-and-government/equality-impact-assessments
	NO – This report does not introduce a new policy, function or strategy or recommend a substantive change to an existing policy, function or strategy. Therefore, assessed as not relevant and no EqIA is required.

(b) Fairer Scotland Duty

If this report affects or proposes any major strategic decision:-

Has there been active consideration of how this report’s recommendations reduce inequalities of outcome?

	YES – A written statement showing how this report’s recommendations reduce inequalities of outcome caused by socio-economic disadvantage has been completed.
X	NO – Assessed as not relevant under the Fairer Scotland Duty for the following reasons: The proposal relates to land use and change of use of existing properties and is not predicted to have any impact on Fairer Scotland Duty provision.

(c) Children and Young People

Has a Children’s Rights and Wellbeing Impact Assessment been carried out?

	YES – Assessed as relevant and a CRWIA is required.
X	NO – Assessed as not relevant as this report does not involve a new policy, function or strategy or recommends a substantive change to an existing policy, function or strategy which will have an impact on children’s rights.

5.7 Environmental/Sustainability

Has a Strategic Environmental Assessment been carried out?

	YES – assessed as relevant and a Strategic Environmental Assessment is required.
X	NO – This report does not propose or seek approval for a plan, policy, programme, strategy or document which is like to have significant environmental effects, if implemented.

5.8 Data Protection

Has a Data Protection Impact Assessment been carried out?

	YES – This report involves data processing which may result in a high risk to the rights and freedoms of individuals.
X	NO – Assessed as not relevant as this report does not involve data processing which may result in a high risk to the rights and freedoms of individuals.

6.0 CONSULTATION

6.1 None.

7.0 BACKGROUND PAPERS

7.1 Appendix 1: Short-Term Let Supplementary Guidance

Inverclyde Council

Appendix 1

Planning Policy Supplementary Guidance – Short Term Lets

1.0 Introduction

Visitors to Inverclyde for business, tourism or recreation are a major economic driver, and short-term lets can play an important part in the visitor economy.

The short-term letting of a residential property can bring economic benefits both to the host and the local area.

It is also recognised that short term lets can also provide benefit to the choice and variety of housing options on the market by providing short terms solutions for emergency housing needs and those moving between properties as well as providing support for accommodation for workers, to reduce travel requirements.

As with all applications for planning permission, the acceptability of any short-term let application will require to be balanced against the amenity impact of the proposals.

This supplementary planning guidance sets out the basis for determining planning applications for short-term lets. It should be noted that the licensing of a Short Term Let is a separate matter and enquiries about licensing should be directed to: Licensing.Section@inverclyde.gov.uk

2.0 Short Term Let Definition and Procedural Guidance

The definition of short-term let is provided in National Planning Framework 4 defines a short term let as;

“The use of a dwellinghouse (a residential house or flat) for rental by persons other than the owner for short periods and for financial or other remuneration. Typically includes properties advertised as being available for holiday let, although can apply to other situations.”

[Scottish Government Circular 1/2023: Short-Term Lets and Planning](#) provides national guidance on the regulations and procedural matters related to short-term lets.

3.0 Short Term Let Categories

Short term lets may take various forms and be used by occupants for different purposes. Some short term lets may operate based on variable letting/sharing arrangements.

3.1 Type of Short-Term Let

- i. Secondary letting – The letting of property where you do not normally live, for example a second home that is let to guests.
- ii. Home letting – Using all or part of your own home for short-term lets, whilst you are absent. An example of this could be whilst you are on holiday.
- iii. Home sharing – Using all or part of your own home for short-term lets, whilst you are there.
- iv. Home letting and home sharing – Operating short-term lets from your own home while you are living there and for periods when you are absent.

3.2 Examples of Short-Term Let Premises

Whilst the majority of short-term let's will be operated from a dwellinghouse or flat, there are other alternative types of premises which could operate as a short-term let.

This may include:

- Bed and Breakfast/Guest House
- Boat (if static and not used for transportation)
- Boathouse or Lighthouse
- Sharing your home for a short period
- Letting out a second home for a short period
- Cabins/Lodges/Chalets/Cottages/Farmhouse
- Castle
- Holiday Caravan or Glamping Pod (if on an unlicensed site)
- Self-catering unit/Holiday let
- Serviced Apartment
- Tent/Tipi/Wigwam/Treehouse/Yurt/Shepherd Hut

For the purposes of determining planning applications for short-term lets, the assessment of impact will focus on the details provided within the planning application and impact of the proposals on the amenity of the location. Further information on the assessment process is set out in this guidance.

4.0 Planning and Policy Context

4.1 When is Planning Permission required?

Circular 1/2023 sets out that a change of use to a short-term let constitutes development for which planning permission is required. Circular 1/2023 states that a material change of use of a dwellinghouse, whether to use for the purposes of short-term letting or other uses, is development under section 26 of the 1997 Town and Country Planning (Scotland) Act and requires planning permission. There are limited instances where the change of use is so minor that the dwelling remains a dwelling, and therefore no application for planning permission is required, however this can be clarified by contacting the planning service.

4.2 National Planning Framework 4 (NPF4)

National Planning Framework 4 (NPF4) forms part of the statutory development plan against which planning applications are determined. Policy 30 on Tourism sets out at paragraph (e) 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 benefits.*

As with all policies in development plans, this policy should be considered in terms of the wider policy objectives and should be balanced against other policies that might be material to any particular case.

4.3 Local Development Plan

Applications for short-term lets will be considered against the policies of both the adopted Local Development Plan 2019 and the proposed Local Development Plan 2021 as a material consideration. Determination of any application will consider all policies within the Development Plan, including those providing guidance on amenity and infrastructure impact. A short-term let

application is likely to require specific consideration against appropriate policies such as Managing Impact on Development on the Transport Network (Policy 11), Residential Areas (Policy 20) and Tourism Development (Policy 27).

4.4 Short Term Let Control Areas

Further guidance on Control Areas is set out in Circular 1/2023, however, Inverclyde Council does not currently implement any Control Area Regulations because there is a low prevalence of short-term let activity operating in this local authority area and the purpose of control areas is to help manage high concentrations of secondary letting.

4.5 Other Statutory Consents and Permissions

Whilst it is acknowledged that where the formation of a short-term let may require approval from other statutory bodies (e.g. notably Licensing) the provision of a separate statutory approval is not a material planning consideration. It should also be noted that the potential for nuisance to be caused by anti-social behaviour or noise nuisance is not a material consideration as part of the planning process. Inverclyde Council's licensing guidance relating to short-term lets and the Council's Short Term Let Licensing Policy Statement can be viewed on the Council [website](#).

5.0 Planning Considerations

In determining a planning application against the provisions of the Development Plan, the assessment of planning applications will consider the following matters.

5.1 Proposal Location

Is the proposal located in an area which forms part of;

- A town centre where there is likely to be little or no impact on the amenities or character of the area.
- A predominantly residential area, which is otherwise well served by amenities or has suitable accessibility.
- An area where there is an over-concentration of short-term lets in any specific locality – for example, where the majority or all of the dwellings in a particular location operate as short-term lets which is detrimental to the amenity of the area or nearby properties.
- Short-term lets should generally remain less than 20% of the total number of properties in a given block of flats, and less than 10% of dwellinghouses per street.
- An area where the location has a specific level of amenity located where a short-term let may disturb the amenity of other particularly sensitive uses, such as retirement flatted blocks or other residential and educational institutions.
- An area where there is a concentration of a particular type of use that is incompatible with short-term lets and residential use – for example areas of concentrated industry where noise, traffic or odours may conflict with short-term let uses or where there are health and safety issues.

5.2 Empty Homes and Derelict Property

- Does the formation of the short-term let provide a new use / repurposing of a building which has previously been empty or derelict, contributing to regeneration of the local area?

5.3 Economic Factors

- Will the use of the premises as a short-term let contribute to economic growth in relation to tourism, commercial or industrial businesses in the Inverclyde area?

Non-material planning considerations, such as property values, right to views and assumptions related to likelihood of anti-social behaviour are not legitimate planning grounds for determining planning applications and should not inform the determination of planning applications for short term lets. Circular 1/2023 states that only those material planning considerations that apply to that particular application can be considered in determining whether it is approved or not.

6.0 Conclusion

The provision of short-term lets may present economic benefits for property owners, local businesses and the local economy. Short-term lets exist in many different forms of accommodation and serve many different purposes to their users, including accommodation for business, tourism or a short-term housing accommodation. However, it is recognised that it is important to assess the impact of the proposal on the amenity of the area proposed to determine the acceptability at the location proposed.

In relation to the determination of applications for planning permission, planning policy and material considerations should be followed in determining the decisions for any such applications and the development plan provides the framework for determining planning applications. This guide provides additional information on the considerations that will be part of the assessment of any application against the Development Plan.