

Reporting Unauthorised Short Stay Commercial Visitor Accommodation known as Short Term Lets to the City of Edinburgh Council

1. If you feel safe doing so, raise concerns with owners of the business: This should be your first action if you feel the request will be received constructively. If the business owners are responsible they will want to make sure they are doing everything lawfully and will want to hear your concerns. Politely ask them (in writing) to seek planning permission and respect title conditions that restrict short-letting in your building. If they wish to change a title condition to permit short-term letting they can apply to the Lands Tribunal. An application is around £125. An application for Planning Permission or Certificate of Lawfulness costs £401. These are different systems which both control how we can use our properties. Permission from one does not grant permission by the other. Our advice on title conditions can be found [here](#). You can check if the property already has planning permission by following the link here and typing in the address <https://www.edinburgh.gov.uk/planning-applications/view-comment-planning-applications/1>

2. Read guidance from Edinburgh City Council on short-term lets (SSCVAs): Pages 6 & 7 are most relevant:

<https://www.edinburgh.gov.uk/downloads/file/27027/for-businesses>

3. Report the breach in planning control. The breach would be an "unauthorised change of use to short stay commercial visitor accommodation (SSCVA)".

http://www.edinburgh.gov.uk/info/20058/private_housing/1210/report_a_problem_with_a_short_term_let_or_party_flat

4. Information you should provide when reporting. When you complete the form you need to provide as much information as possible about why you think there has been a breach in control. At the moment the onus is very much on the complainant to provide this evidence. The more evidence you provide, the more likely they are to take action. The planning officer can decide that even though there is a breach that it is “not expedient to take action” so you need to evidence both the use of the property and that it is causing harm to residential amenity. You should include links or screenshots to websites used by the let and review information to prove the use is more than occasional. The key aspects considered by the planning department when choosing whether to enforce is as follows:

1. **The character of the new use and of the wider area** - It is important to highlight all shared access points, the number of residential properties passed when each new group arrive, the common areas that can be accessed by the business and the proximity of other residences to the unauthorised let.

- II. **The size of the property** - Include the number of bedrooms at the let and the maximum group size permitted. Often this exceeds normal residential use.
- III. **The pattern of activity associated with the use including numbers of occupants, the period of use** - Describe the number of lets, average length of let and average group size to evidence the turnover and number of customers given access to your building e.g. 30 lets x group size 4 = 120 strangers/year.
- IV. **Issues of noise, disturbance and parking demand** - A statement on how the unauthorised use affects your living conditions and enjoyment of your property. Statements on noise, disruption, unknown individuals using common areas, rubbish and parking issues are especially pertinent. You should refer to communal spaces, gardens and storage areas. If you have contacted the Community Safety Team or police include this too.
- V. **The nature and character of any services provided** - A statement on how the property is managed, and the lack of on-site supervision throughout the let. Is there additional nuisance by management companies/agents/cleaning agencies? Are lock boxes used without permission raising security or listed building concerns?
- VI. **Include website links to adverts** - Include links to all letting sites used by the business. Check at least AirBnB, Homeaway, Booking, TripAdvisor, Flipkey and Holiday lettings. It is very useful to evidence the turnover by summarising the number of reviews. We recommend you

screenshot these in case the adverts are deleted or hidden once your case kicks off:

- January - 3 reviews
- February - 4 reviews
- March - 4 reviews
- April - 5 reviews

4. Only complain about things which are relevant to planning.

There are certain things you can complain about in planning terms. These are called [material considerations](#). It may be helpful to look at the cases to see the kinds of things which are considered relevant and to ensure you are complaining only about the things that are relevant to planning.

5. Refer to recent Appeal Decisions by the DPEA on short-term letting businesses - You can find a list of all the decisions in flatted properties here:

<https://docs.google.com/document/d/1MV0-bfYx8B3bkCjF0i16ksV9QytfUmP4RGEevRAXEP8/edit>

6. Report antisocial behaviour issues to the Community Safety Team / Police. The planning department seem unlikely to take action unless you have reported issues and concerns to the Community Safety Team. You can e-mail them describing the issues you and your neighbours are having. Again, focus your complaints on those which are relevant to planning. You can also report issues using the on-line form.

http://www.edinburgh.gov.uk/info/20058/private_housing/1210/report_a_problem_with_a_short_term_let_or_party_flat

7. **Get the support of your local councillors.** They will really help your case.

<https://www.edinburgh.gov.uk/councillors>

8. **General advice.** The process is REALLY slow and unfortunately the delays just add to the huge stress of the situation. You have to prompt the system when deadlines are missed. Ask your councillors to help. Last of all, be safe. Simply, report all issues with antisocial behaviour by customers or intimidation by owners to the Community Safety Team or Police. Communicate calmly, politely and in writing.