

## Draft responses to Call for Evidence – Self Catering Accommodation

### Question 1

***Are you able to provide us with evidence illustrating the size and nature of the short-term and holiday letting market in England and/or its regions, and how that has changed over time?***

*This question is concerned with painting a picture of the market in England, in both revenue and people terms. Your answer should therefore focus on providing objective evidence, and not on providing an assessment of its consequences (e.g. on the housing market, which is covered in later questions).*

North Devon is predominantly a tourist area with many visitors attracted to its wonderful beaches and the coastal and moorland scenery.

Over the past few years, the nature of the tourist accommodation offer has changed with the rise in prominence of sites such as Air BnB. What is clear is that it is very difficult to get data on exactly how many short term holiday let properties are operating in North Devon. Local Authorities do hold data on short term holiday lets that are registered for business rates. These will be the properties that are operated for more than 140 days per year.

There is no data for the number of short term holiday lets that are not registered for business rates.

The table below shows the overall number of properties in North Devon and the number of short term holiday lets operated under business rates.

<b>Date</b>	<b>Properties</b>	<b>SC Holiday Dwellings</b>
2019	47722	1375
2022	49907	1810

As can be seen, in the 3 year period specified above, a total of 435 permanent residential properties have been changed to short term letting businesses.

The table in Q6 also shows the Parishes within North Devon where the proportion of short term holiday lets is now more than 10% of the overall number of dwellings in the Parish.

Data from Air BnB and similar sites is very difficult to obtain especially at a District Council level but it is reasonable to assume that the actual number of properties that are being used for short term holiday lets exceeds the figures referred to above as there will be many properties that are simply not registered for business rates.

The question asks for data on the effectiveness of enforcement. It is unclear what is meant by this as there is no regulatory framework in which such

properties operate. Further information about this aspect is provided in question 3.

## Question 2

***What do you consider to be the main benefits of short-term and holiday letting for: a) Homeowners b) Consumers c) Businesses and the wider economy***

*Where possible, please provide detailed quantitative evidence. Quantitative data will assist with producing robust estimates of the costs and benefits of any policy responses.*

*For example, when answering this question, if you are a host offering short-term letting services it would be useful to provide data such as how much you earn in an average year from short-term and holiday letting activity. Likewise, if you are an online platform it would be useful to estimate the wider economic impact on the local communities and to see data showing the various types of accommodation business that use your platform.*

The question only asks for the benefits of short term holiday lets for:-  
Homeowners – Undoubtedly, the ease of availability of holiday letting websites has enabled some homeowners to create a new income stream. However there is a misconception that this is a quiet cottage industry where homeowners let out a room or two to supplement their income. Whilst that was no doubt the original ethos of the websites, the reality has moved on. There are many “hosts” that own a number of properties purchased specifically to let out for holiday purposes.

Whilst homeowners that rent their properties for holiday purposes will benefit it is difficult to see how other homeowners in the area benefit. There are many disadvantages which are referred to in later answers.

Consumers – Consumers certainly benefit from a greater choice of accommodation offers. There will be people for whom a stay in a hotel or guest house is simply not suitable and so undoubtedly the use of Air BnB will have expanded the tourism market in the area but it is impossible to say by what extent.

However, whilst traditional holiday accommodation businesses are regulated in a number of ways, someone that wishes to let out a room or let out their property as a short term holiday let is not. That presents particular risks for consumers who have no regulations to rely on to ensure their safety.

Businesses and wider economy – Many tourist related businesses have not been able to take advantage of increasing visitor numbers as they are not able to staff their businesses due, in part, to issues relating to the lack of housing in key tourist areas. There are examples of businesses having to provide staffing accommodation themselves in order to attract staff.

## Question 3

***How do you assess levels of compliance with regulations on: (a) Fire safety, (b) Gas safety, (c) Health and Safety (d) food and drink within the short term and holiday letting market in England?***

We are unable to provide a clear response on this question. Local authorities hold very little information on this issue. Health and Safety /EH teams will respond to any issues but generally do not proactively inspect any holiday letting business premises. Inspections that have been carried out within North Devon show good compliance but these are only very small in number and not representative.

Properties that are not business rated will not be inspected by the Council and so fall outside of any regulatory framework as they are classed as “dwellings”.

The lack of data on where holiday lets exist no doubt inhibits other regulatory agencies such as Fire Service and no doubt affects their ability to check on compliance with fire safety requirements etc.

Question 4

***Do you consider there to be a problem with breach of contractual agreements in the short-term and holiday letting market in England? If so, why?***

- ***Option 1 - Yes, this is a major problem***
- ***Option 2 - Yes, but this is only a minor problem***
- ***Option 3 - No, there is no problem***

No information held on this question

Question 5

***Do you consider there to be other legal provisions concerning the supply of short-term and holiday letting to paying guests which are not covered elsewhere in this call for evidence but where there are issues with awareness, compliance and/or enforcement?***

- ***Option 1 - Yes***
- ***Option 2 - No***

No information held on this question

Question 6

***Do you consider the increase in short-term and holiday letting in England to have had adverse consequences on the housing market?***

- ***Option 1 - Yes, this is a major problem***
- ***Option 2 - Yes, but this is only a minor problem***
- ***Option 3 - No, there is no problem***

*Please give reasons for your answer, including specific examples/evidence of any adverse effects, particularly at a local level.*

*It would also be useful to get views on whether you think the COVID-19 pandemic has accelerated or altered some of these adverse consequences. For example, could there be an impact as a result of changes in the way people choose to work?*

We consider this to be a major problem – Option 1. The data provided in Q1 shows the increase in the number of short term holiday lets that exist in North Devon. There are various impacts that arise from this, leaving to one side the anti-social behaviour issues explored in Q7.

The council is particularly concerned about community cohesion in areas where there is a high intensity of short term holiday lets. The table below shows those parishes in North Devon which have the highest numbers of holiday lets and the proportion of overall dwellings that is made up of holiday lets.

Whilst the data is useful in itself, it does not represent the true picture of the impact being caused by the overall use of dwellings for holiday purposes. That is because the Call for Evidence is not seeking information on second homes, just short term holiday lets. Therefore the table also includes the number of second homes and the proportions. It is only when you look at both figures that you can see the full proportion of homes in a parish that have been removed from the permanent housing stock.

Parish	Number of Dwellings	Number of Holiday Lets	%	Number of Second Homes	%	Overall Total Number of Second Homes and Holiday Lets	%
Mortehoe	1336	325	24%	308	23%	633	47%
Georgeham	1085	287	26%	197	18%	484	45%
Martinhoe	68	10	15%	11	16%	21	31%
Trentishoe	36	7	19%	4	11%	11	31%
Countisbury	45	10	22%	3	7%	13	29%
West Down	405	59	15%	54	13%	113	28%
Instow	501	59	12%	78	16%	137	27%
Brendon	105	9	9%	14	13%	23	22%
Lynton	936	83	9%	116	12%	199	21%
Queens Nympton	19	1	5%	2	11%	3	16%
Romansleigh	52	3	6%	5	10%	8	15%
Challacombe	74	8	11%	3	4%	11	15%
Berrynarbor	458	36	8%	30	7%	66	14%
Bittadon	23	2	9%	1	4%	3	13%
Kentisbury	173	17	10%	5	3%	22	13%
East Down	132	11	8%	5	4%	16	12%
Parracombe	149	10	7%	8	5%	18	12%

Parish	Number of Dwellings	Number of Holiday Lets	%	Number of Second Homes	%	Overall Total Number of Second Homes and Holiday Lets	%
Shirwell	204	11	5%	11	5%	22	11%
Combe Martin	1424	70	5%	74	5%	144	10%

There is evidence that landlords of residential properties have evicted tenants in order to use the properties for holiday purposes. It is difficult to get actual figures for this but the table below shows the number of section 21 (no fault) evictions that have taken place over the past 2 years and the number of people that have presented to the council as homeless. This shows a substantial increase.

Year	Total Assessments	Section 21 evictions
20/21	1063	39
21/22	1157	103

The reduction in permanent housing has also had an impact on the availability of housing for rent, rental levels and house prices.

Average house prices in August 2019 were £246,147 but that had risen to £321,346 in July 2022.

Average rent levels for a 3 bed property had risen from £735 in August 2019 to £775 in August 2022. At the same time North Devon saw a 67% reduction in available private rentals from August 2019 to August 2021.

Although house prices and rentals have increased significantly, local salary levels have not increased to keep pace.

The average mean individual annual earnings in North Devon has gone from £19,396 in August 2019 to £21,788 in August 2021. That means that the affordability multiplier now stands at 15%.

Whilst the local housing market has undoubtedly been affected by more people looking to relocate to the area following the pandemic, it is accepted that housing supply can affect house prices positively and negatively. The impact caused by the reduction in the local housing stock by 435 properties now being used for holiday lets can not therefore be ignored.

## Question 7

***Do you consider noise, anti-social or other nuisance behaviour in short-term and holiday lets in England to be a problem? If so, why?***

- ***Option 1 - Yes, this is a major problem***
- ***Option 2 - Yes, but this is only a minor problem***
- ***Option 3 - No, there is no problem***

*Please give reasons for your answer, including specific examples/evidence and detail on the type of noise, anti-social or nuisance behaviours you think are the problem, including data at a local level where possible. Where you are aware of/or have experienced issues and you complained, what assessment do you make of how the incident was dealt with? How could this complaints procedure be improved? Whether further regulation is necessary and proportionate or whether existing powers and authorities are able to adequately deal with these issues where they arise? If you are an online platform or a host, what steps do you take to minimise the likelihood of anti-social or nuisance behaviour occurring?*

We consider this to be a major problem – Option 1. Data around nuisance arising from holiday lets is difficult to obtain as systems do not record incidents in this way. However a manual interrogation of the records held by the District Council shows that from 2018/19 to 2021/22, the number of complaints specifically relating to holiday lets increased from 2 to 8. During the 4 months up to the end of July 2022, the number of complaints stood at 5, showing that a further increase is likely in the current year.

It is worth bearing in mind that many people do not make complaints to the local authority. Many people that suffer nuisance from a holiday let property will be reluctant to involve the local authority because of the need to declare any nuisance issues when selling a property. The number of complaints that the local authority is dealing with should therefore not be seen as a determinant of the extent of issues being suffered,

The complaints range in scale and nature from noise and light pollution to refuse issues. A number of the complaints as they have been reported to the council are reproduced below in an anonymised form.

1. Customer wants some advice about making a noise nuisance complaint about the property next door which she said is a holiday home. Customer said that they have been unable to speak to the owner as they do not know who it is. She said that she moved into the property in Easter and the noise has been going on since then. She said that it is outside noise as they have a hot tub in the garden & she thinks an outside sound system. She said that her bedroom backs right on the garden & it is keeping them awake. She said that as it is a holiday home every new set of occupiers are having a party outside. Customer does not want her details passed on. Customer said that the best number to contact her on is her mobile number.
2. Customer is reporting noise nuisance from the holiday let. Noise can run into the early hours particularly if a hen or stag booking. There is also a Jacuzzi in the grounds of the holiday let and there is noise from the use of it. Customer is also concerned about the management of

the water within the Jacuzzi and of the sewage outlet for the property, saying the original cesspit was not design for 15 persons living in the property which is the total of people in a booking.

There are people urinating in the grounds of the property and are running around naked and are visible from the road and customer's property windows. Noise is the main issue. There is further potential to develop this site and customer is opposed to what is there at the moment and the effects the nuisance is having on his property and family without it increasing.

Nuisance noise continues until 3am, customer is kept awake. Customer has not approached the Landlord at the XXX.

Customer will approach the Parish Council and his local PCSO

There are a number of neighbours that are affected.

The current planning application for the redevelopment is PA62683

3. The above address (XXX) was sold to people in London who informed residents that it would be their holiday home, however in the last month or so it has been let out as a holiday let (XXX) There has been very loud music going on to the early hours of the morning shouting and screaming and other anti-social behaviour.

4. The XXX was built as a holiday rental property when XXX House on XXX was redeveloped 1-2 years ago. The new owner has put a hot tub 20m from my bedroom window and the acoustics are such that I can hear every word when people are in there at night, even when my window is closed.

The hot tub is always a novelty with the holiday people and is very popular after they've had a few drinks, so they tend to be quite noisy. I have twice been kept awake until 2am, although 10.30pm-midnight is more normal. I've been using your Noise Diary app since July when I have the energy. I asked the owner back in February if he could put some sound screening around the hot tub, but he has done nothing. I was in touch with him again today after being kept awake until 2am last night, and he's said he'll put some signs up and look at how he can muffle the noise with some planting, which I believe would be totally ineffective if he actually did it.

I have raised this problem with your Planning Department, along with some others problems e.g. the stink pipe being 2m upwind and on the same level as my living room window, and being smoked out by wood burner chimneys outside my windows. The whole development has become a nightmare for my neighbour and me.

I would really appreciate any help you can give me as it's really stressful being deprived of sleep, and not knowing when you're going to get woken up by people partying just outside your window.

5. Customer would like to raise a complaint about the property above.

Customer advised that it is a holiday property that sleeps 12 and is a 'party' house with a hot tub in the garden.

Customer advised that in the past she has had to face confrontation with guests staying there, loud music is often played all day and night at the property and it is affecting the customers health, she says her nerves are at breaking point. Loud music has been played at the property into the very early hours the last 3 x nights and the customer has hardly had any sleep.

Customer has insisted on raising this complaint as the property is fully booked throughout the summer and she would like the owner of the property to be spoken to about the issues.

Customer advised that other neighbours are also being affected.

Owners are XXX

6. I have received two complaints from residents of XXX Road, XXX, regarding the excessive outside lighting at the recently concerted property XXXX . The house is a holiday let with more than 10 outside lights which remain permanently on throughout the night disturbing the sleep of those residents at neighbouring properties.

The neighbours have tried to complain to the owner but have had no reply.

The Council feel that the numbers of lights is excessive and cause considerable light pollution in an otherwise 'dark sky' rural setting as well as the nuisance to neighbours. Is there anything

you may be able to do to help please?  
Thanking you in anticipation

XXXX  
Clerk to XXXX Parish Council

7. Customer reporting that next door is operating as an Air BnB and have a jacuzzi/ hot tub that is in the back garden and its 9ft away from their bedroom window as they are in reserved house so their bedroom is on the ground floor.

This noise goes on until early hours of the morning, and the last time it was last night 14/06/2021 where they were partying until 1am in the morning.

This has been going on for 2 years now and customer is fed up.

With the Hot tub they have a series of lights that are also coming into their bedroom and having purple lights coming into the bedroom which is causing issues with sleep.

Customer also has their mother staying with them and they are finding it difficult to sleep as well.

Customer is understanding that people go on holiday and would be happy if it stopped after 9pm as they have to work and they live in a residential area. But when they tried to speak to the owners about this it fell on deaf ears.

Customer finishes work around 4.30pm Mon - Thurs. Fri until 1pm. if you need to call to contact customer.

Living in a property that neighbours a holiday let can be extremely disturbing and difficult. A property used as a holiday let is often used differently or more intensely than one lived in permanently. This is associated with the fact that the residents are on holiday and so act differently to permanent residents and the fact that there is no on site management or control. Many holiday lets have outside spaces that are designed to be used for entertainment such as eating areas, hot tubs and saunas and these are often used very regularly by residents who, of course, will not be constrained by the normal requirements of day to day life such as school, work etc.

It is also fair to point out that many larger properties are let to groups of up to 12-15 people and whilst hosts may well restrict the holding of parties, 15 people staying in one property, enjoying music and drinks is a party.

Larger holiday lets will often be occupied by more people than many smaller hotels and "managed" holiday accommodation such as BnBs etc and many will also be let to multiple families causing issues with parking etc.

People living near to a holiday let property and who also suffer issues, refer to the stress when "changeover day" approaches, as there is the uncertainty around the nature of the next occupants.

The existing powers around noise nuisance are not sufficient to deal with many of these issues. Local authorities have asked for new powers to control holiday lets through the planning process, specifically a requirement to apply for planning consent to change from permanent residential use to holiday use. That would allow the LPA to assess issues such as detriment to the amenity of neighbours etc as material planning considerations. As an alternative or addition, a licensing scheme that allows the council to assess the risk of noise



etc and allows a council to review a licence if issues are being caused would be useful. That would be similar to the regime for licensed premises.

Question 8

***Aside from the impacts on housing and incidents of anti-social/nuisance behaviour, do you consider the increase in short-term and holiday letting in England to have had other adverse impacts on local communities and residents?***

- ***Option 1 - Yes***
- ***Option 2 - No***

*Please give reasons for your answer and provide specific examples/evidence.*

The council does consider there to have been other impacts – Option 1. The data provided as a response to earlier questions shows how the housing market has changed and also how some particular communities have seen substantial increases in the number of holiday lets.

The loss of permanent housing can have a significant impact on local services. In Georgeham, the school has struggled to maintain sufficient numbers to be viable as is evidenced in the Georgeham Neighbourhood Plan. [46adf9\\_92a560635c904b17ab84ea1a7b97c060.pdf \(georgehamparishcouncil.gov.uk\)](#)

The loss of permanent housing can also have an impact on the “feel” of a community. The same Neighbourhood Plan shows that in one particular road within the parish of Georgeham, only one dwelling is occupied in the winter. Communities can not be sustained with that level of holiday use.

The impact of that can be shown by providing two case studies taken from individuals. These are attached below.

The council has also recognised that as the number of properties being used for second homes and holiday lets has increased, there has also been an increase in the level of objection to new housing developments. Most schemes now receive objections based on the likelihood of the properties becoming holiday lets and second homes and/or being too expensive for local people. The level of objection is noticeably much higher than 3 years ago.

The changes to the housing market and the resulting lack of available housing is also having an impact on major employers and public services who now find it difficult to recruit. Whilst the recruitment market is more difficult at present, especially for certain professions, many employers are citing the lack of housing as a reason.

By way of example, the Principal of the local FE College had appointed a Deputy Principal who then came to North Devon to look for a property to relocate to but found the market so restricted and expensive that they then withdrew from the offer. There have been 5 unsuccessful attempts at

recruitment since. The same college has an Executive Officer who has had to take a flat in Cullumpton when they work in Barnstaple because there was nothing suitable and affordable closer. That is a distance of 40 miles.

An employee of a local care home who was living in a rented property has had to give up her job as care worker as her landlord has evicted her to allow the use as a holiday let. The lady has two children with specialist care and the smaller property that she has had to take means that she needs to be present at all times for the children.

I am also aware of a local manufacturer, one of the major employers in the area, who considered shifting production from the area as it was so difficult for employees to find accommodation. The company's Finance Director regularly spends time looking for accommodation for new employees.

Whilst it is difficult to say that all of these difficulties are as a result of the holiday letting market, the figures show that in 3 years, 435 permanent residential properties have been changed to holiday lets. That is a considerable number and would go a considerable way to resolving many of the above difficulties.

Case Studies attached.

#### Question 9

***Which of the following do you consider to be the most appropriate form of response in the short-term letting market?***

- ***1 - Do nothing***
- ***2 - Provide more information to the sector***
- ***3 - Develop a self-certification registration scheme***
- ***4 - Develop a registration scheme with light-touch checks***
- ***5 - Develop a licencing scheme with physical checks of the premises***
- ***6 - Regulatory alternative to a registration system, such as extension of the Deregulation Act 2015***

*Please give reasons for your answer, including why you consider other options to be inappropriate.*

*Are there other options that should be considered*

The Council considers that option 5 should be advanced. The issues arising from holiday lets are complex and option 5, along with other measures, is the only option listed that will assist in resolving some of those issues.

As is mentioned in the previous answers, those problems range from antisocial behaviour to impacts on the housing market and on local communities. What is also clear is that there is also a problem in the lack of data that local authorities or other regulatory bodies hold on the numbers of

holiday lets. Whilst a registration scheme, either self certification or light touch, will provide better data in the long run, it will do nothing to control either the numbers of holiday lets where they threaten to saturate a community or to control how holiday lets are used.

A licensing scheme based on the schemes successfully delivered by local authorities in respect of gambling establishments and pubs etc would ensure that not only holiday lets are brought into the awareness of regulatory bodies, but it would give councils, who have the knowledge of their local communities, the power to license appropriate premises and, more importantly, the power to review a license where an operator is not managing it appropriately.

That scheme should however be supplemented by other measures such as the requirement to apply for planning consent for change of use where residential premises are converted to holiday lets. This would allow control over the number of holiday lets and allow councils to prevent areas becoming saturated.

Other measures that might be outside the scope of this Call for Evidence include addressing the tax advantages for owners of holiday let premises and also introducing the same environmental requirements as are imposed on private landlords.

Question 10

***What do you consider to be the costs and associated burdens of these options, who would bear the costs and how might they be mitigated?***

The costs of a licensing scheme should be borne by the industry in the same way as other licensing schemes operated by the council. Given the wide variation in numbers of holiday lets across the country, licensing fees should be set locally on a costs recovery basis similarly to hackney carriage fees.

Question 11

***Do you have any insight or evidence on the impact of schemes that are already running, or approaches taken elsewhere in the world?***

No

Question 12

***What has been the impact of the Deregulation Act 2015, specifically changes made by section 44 to the Greater London Council (General Powers) Act 1973?***

No information