

Consultation on Introduction of a Short Term Let Use Class –
suggested answer in italics

Q.1 Do you agree that the planning system could be used to help to manage the increase in short term lets?

Yes

Please give your reasons.

In the Call for Evidence, this council recommended changes to the planning system along the lines of those proposed but also recommended a licensing scheme to sit alongside it. The changes to the planning system may mean that owners will need to apply for planning consent, albeit with possible exceptions, but the planning system cant really be used to regulate how those units are managed or operated. A licensing scheme can do so. The changes to the planning system are required so that councils can seek to control use where it is inappropriate or where overall numbers of short term holiday lets are having impacts in the community.

Q.2 Do you agree with the introduction of a new use class for short term lets?

Yes

Please give your reasons.

Yes we agree. Regulation on overall numbers is required as we have areas of the district where the numbers of short term holiday lets and second homes has exceeded 60% of the overall numbers of properties. This has had well documented impacts on our communities. The total number of short term holiday lets registered as businesses in the North Devon area is around 1900 properties, an increase of around 100 in the last 12 months and so regulation is required.

Q.3 Do you agree with the description and definition of a short term let for the purpose of the new use class?

Yes.

Please give your reasons.

Q.4 Do you have any comments about how the new C5 short term let use class will operate?

Yes

Please make your comments here

It is noted that it is not intended that the introduction of the new Use Class would operate retrospectively. As mentioned previously, the council is aware of the number of short term holiday lets that operate as

businesses as we have that information through the business rates system. However, there will be many such properties that do not operate through that system and so there is likely to be an increase in the number of application for CLUOD being received in order to regularise existing uses.

Q.5 Do you consider there should be specific arrangements for certain accommodation as a result of the short term let use class?

The changes should not affect the ability of homeowners to let out a room from time to time in order to earn extra income, provided there is no element of self containment..

Please give your reasons here. If yes, please say what these should be.

Any special arrangements could be incorporated into the Article 4 direction introducing the arrangements

Q. 6 Do you agree that there should be a new permitted development right for the change of use from a C3 dwellinghouse to a C5 short term let (a)

Yes

Please give your reasons

There is a need to control overall numbers

Q.7 Do you agree that there should be a new permitted development right for the change of use from a C5 short term let to a C3 dwellinghouse (b)

Yes

Please give your reasons.

Yes but many short term holiday let properties have been given planning consent on the basis that they would not be suitable for all year round accommodation or in locations where permanent dwellings would not be permitted. The right to change from C5 to C3 should therefore be subject to the prior notification process so that the LPA can assess the suitability of the property for permanent use.

Q.8 Do you agree that the permitted development rights should not be subject to any limitations or conditions?

No

Please give your reasons

Limitations on the right to move from C5 to C3 should be included as set out above.

Q.9 Do you agree that the local planning authority should be notified when either of the two permitted development rights for change of use to a short term let (a) or from a short term let (b) are used?

Yes

Please give your reasons

Notification will complement the controls being proposed through the registration scheme.

Q.10 Do you have any comments about other potential planning approaches?

No

Q.11 Do you agree that we should expressly provide a flexibility for homeowners to let out their homes (C3 dwellinghouses)?

No

Please give your reasons.

If the scheme is too flexible, it will simply make it very difficult to enforce. It is appreciated however that the intention is not to stop individuals from letting out their properties for very short periods perhaps whilst they are on holiday themselves.

Q.12 If so, should this flexibility be for:

i. 30 nights in a calendar year; or

ii. 60 nights in a calendar year; or

iii. 90 nights in a calendar year

Please give your reasons.

It is considered that all three options are too long. If the intention is to allow homeowners to let out their properties for very short periods while they are on holiday or during a sporting event, then a maximum of 2 weeks would seem reasonable.

Q.13 Should this flexibility be provided through:

i) A permitted development right for use of a C3 dwellinghouse as temporary sleeping accommodation for up to a defined number of nights in a calendar year

ii) An amendment to the C3 dwellinghouse use class to allow them to be let for up to a defined number of nights in a calendar year.

Please give your reasons.

No comments

Q.14 Do you agree that a planning application fee equivalent to each new dwellinghouse should apply to applications for each new build short term let?

Yes

Please give your reasons.

Q.15 Do you agree with the proposed approach to the permitted development rights for dwellinghouses (Part 1) and minor operations (Part 2)?

No

Please give your reasons

We have answered no to this question as our experience of short term lets has been in relation to holiday use. A short term holiday let is used differently to a normal dwelling house. Installation of hot tubs, decking area and outdoor kitchens for instance can all create issues with nuisance etc because when created within the curtilage of a short term holiday let, they are used far more intensively than in a private dwelling.

Q.16 Do you have any further comments you wish to make on the proposed planning changes in this consultation document?

No

Q.17 Do you think that the proposed introduction of the planning changes in respect of a short term let use class and permitted development rights could give rise to any impacts on people who share a protected characteristic? (Age; Disability; Gender Reassignment; Pregnancy and Maternity; Race; Religion or Belief; Sex; and Sexual Orientation).

No

Q.18 Do you think that the proposed introduction of the planning changes in respect of a short term let use class and permitted development rights could impact on:

- a) businesses
- b) local planning authorities
- c) communities?

Yes

Please give your reasons. It would be helpful if you could specify whether your comments relate to a) business, b) local planning authorities, or c) communities, or a combination.

It is considered that all may be affected either positively or negatively. It is clear from our area that short term holiday lets are beyond saturation point in particular villages. Schools have been at risk of closure and many people are unable to afford housing in those areas now. The increase in the number of short term holiday lets has also impacted on the ability to find rental accommodation as many landlords have switched over to holiday letting which has caused many problems for the community and local businesses whose staff are unable to find accommodation. Regulation in this area will therefore positively impact on those communities and businesses. It is accepted however that regulation will impact, perhaps negatively, on those holiday letting businesses that may find it more difficult to open up new holiday lets in the area.

The local authority will be impacted as a result of the additional workload.