

# Short Term Let

*Guidance Note - April 2023*



## Short Term Let Guidance

The following guidance provides details on the information we require to determine if planning permission is required for a short term let.

### Definition under the Licensing Act

A Short Term Let is defined in the Licensing Act as the use of residential accommodation provided by a host in the course of business to a guest, where all the following criteria are met-

1. The guest does not use the accommodation as their only or principal home;
2. The short term let is entered into for commercial consideration;
3. The guest is not:
  - a) An immediate family member of the host
  - b) Sharing the accommodation with the host for the principal purpose of advancing the guest's education as part of an arrangement made or approved by a school, college, or further or higher educational institution, or
  - c) An owner or part owner of the accommodation
4. The accommodation is not provided for the principal purpose of facilitating the provision of work or services by the guest to the host or to another member of the host's household;
5. The accommodation is not [excluded accommodation](#)\* (Licensing)
6. The short term let does not constitute an [excluded tenancy](#)\* (Licensing)



## Planning Permission for Short Term Lets

Planning permission is required for all 'development'. The meaning of 'development' is set out in Section 26 of the Town and Country Planning (Scotland) Act 1997 (as amended by the Planning (Scotland) Act 2019). The definition of development includes a material change of use of land or buildings, even if there are no physical alterations to the land or building.

It is important to note that if a premises meets the definition of a Short Term Let under the Licensing Act and requires a Licence, it does not automatically require planning permission for the use as a short term let. It is for the Planning Authority to decide if the use of the property as a short term let is/was a 'material' change of use. In a Control Area the use of a dwellinghouse (including flats) as short term let will always be material and therefore require planning permission. There are currently no Short Term Let Control Areas in Dumfries and Galloway.

The introduction of the Licensing scheme will require Short Term Let operators to interact with the Planning Authority to establish if they have the necessary planning permissions in place when applying for a Short Term Let Licence. This may result in operators being advised they require planning permission for an existing premises when the question had not previously been asked and the requirement not previously identified.

Deciding if planning permission is required to change an existing property into a short term let can be complex. The Planning Authority will consider, on a case-by-case basis, whether proposals represent a material change of use and therefore require planning permission. Key considerations will be the likely impacts on immediate neighbours, the wider local amenity and infrastructure of the proposed use in the proposed location.

Examples of material considerations on the subject of Short Term Lets include:

- The character of the property, including the number of bedrooms
- Frequency of arrivals and departures
- Number of people staying
- Their likelihood to be a single household
- Frequency and intensity of noisy or otherwise unsocial activities
- Impact on public services such as on-street parking and waste collection
- Use of communal areas and shared access

Generally, any new buildings or structures to be erected, or sited, on land for the purposes of short term lets will require planning permission.



Proposals for new or converted garden buildings or structures (e.g. garages, sheds, extensions, pods etc) for use as short term lets will not benefit from householder permitted development rights and will require planning permission.

Class 9 (Houses) of the Town and Country Planning (Use Classes) (Scotland) Order 1997 permits use as a bed and breakfast establishment or guesthouse, where at any one time not more than two bedrooms are used for that purpose, or not more than one bedroom in the case of premises having fewer than four bedrooms.

Class 7 of the Town and Country Planning (Use Classes) (Scotland) Order 1997 includes use as a hotel, boarding house, guest house, or hostel where no significant element of care is provided, other than premises licensed for the sale of alcoholic liquor to persons other than residents or to persons other than persons consuming meals on the premises and other than a use within Class 9 (Houses – see home sharing above). If an existing

premises has planning permission for Class 7 Use, it can be used for any other use within Class 7 without the need for a further planning permission. This is subject to the existing planning permission being free of any conditions restricting the use.

### Check if you need or have planning permission

It is the operator's responsibility to ensure they have the necessary planning permission when applying for a Short Term Let Licence application. The Licensing Authority will not do this on the operator's behalf.

To check if your property has or requires permission you can:

- Search using Dumfries and Galloway Council Public Access
- Submit a Permitted Development Enquiry

Search Dumfries and Galloway Council's Public Access

If you believe that the property has previously benefitted from planning permission, you can use [Dumfries and Galloway Council Public Access](#) to search.

### Submit a Permitted Development Enquiry

Dumfries and Galloway Council offers a Permitted Development Enquiry service to provide advice on the need for planning permission for your property. However, this does not have any formal legal standing.

[Planning advice and enquiries - Dumfries and Galloway Council \(dumgal.gov.uk\)](https://www.dumgal.gov.uk/planning-advice-enquiries)

For the Planning Authority to provide a response to a Permitted Development Enquiry, the following information should be provided;

1. Full address of the property;
2. Are you aware of any planning history on the site?
3. What is the property type? (Dwellinghouse, flat, other)
4. What is the existing use of the property? (Primary residential, secondary home, other)
5. What is the proposed use of the property?
6. How many bedrooms does the property have?
7. What is the anticipated occupancy of each room?
8. How long has the activity use been in operation? (less than 10 years, more than 10 years, other)

Informal direct contact with one of our planning officers will not provide you with the information you need and you will be directed back to these routes.

