

Short-term-let Control area

Frequently Asked Questions

What is a Short-Term Let Control Area?

A control area is a [statutory designation](#). Within a control area the use of an entire dwellinghouse as a short-term let would require planning permission.

The purpose of control areas is to:

- help manage high concentrations of secondary letting (where it affects the availability of residential housing or the character of a neighbourhood);
- restrict or prevent short-term lets (“STL”) in places or types of building where it is not appropriate; and
- help local authorities ensure that homes are used to best effect in their areas.

What are short term lets within a control area?

There are different types of short-term lets

- Home sharing – short-term lets of private rooms or shared rooms where the property is the only or principal home of the host
- Home letting – short-term lets of an entire property where the property is the only or principal home of the host and the host is absent. This allows for house swaps at holidays but also for the host to let out the entire property when they are on holiday or working away, provided the property remains their only or principal home.
- Secondary letting - secondary letting is the letting of a property where the host or operator does not normally live, for example a second home.

The control area only affects secondary letting.

Use of a dwellinghouse for the purpose of providing short-term lets is deemed to be a material change of use in a control area. Planning permission is therefore required for short-term letting of any house or flat within a control area.

What is secondary letting?

Secondary letting is the letting of a property where the host or operator does not normally live, for example a second home.

Why is this necessary for Edinburgh?

Edinburgh has the highest number of dwellings being used as short-term let properties of any local authority in Scotland. Loss of housing to short term-let use results in a city wide problem of reduced housing availability and issues of affordability. They have been found to affect the character of the neighbourhood by reducing the number of long term residents and having an impact on the sense of neighbourhood within areas. Housing need is city wide. Designating all of Edinburgh as a control area addresses this as it allows planning control over all changes of use to short-term lets across the Council’s geographic area.

Short-term let properties have significant adverse impacts on neighbouring residents. There is noise and disruption, often at anti-social hours as short-term let occupiers come and go from properties and from their occupation from them. This problem is particularly acute in Edinburgh's traditional tenements. Existing housing units are best placed and designed to provide for residential use and most suited to meeting the needs of residents.

Within the control area planning permission will be required to use properties for short term let. A control area will help the Council as Planning Authority manage high concentrations of secondary letting where it affects the availability of residential housing or the character of a neighbourhood. The requirement for planning permission will enable the Council to prevent short-term lets in places or types of building where it is not appropriate and will help to ensure that homes are used to best effect.

The Statement of reasons and background report set out the reasons and evidence.

Why is designation of the entire Council Area proposed?

Housing need is city wide. Dwellings are being used short-term let properties throughout the council area. Concerns of Edinburgh residents on STLs are city wide. Designating the entire council area as a Short-term Let Area of Control allows planning control over all changes of use to STLs across the Council's geographic area. It would provide clarity on the need for planning permission and it would allow consideration of STLs against planning policies and other material considerations as well as allow the opportunity for the public to comment through the planning application process

Would the proposed Control Area mean a ban on short-term lets?

No, the control area would not mean a ban on short terms lets. The control area only means that planning permission will be required for a short-term let of a property where the host or operator does not normally live. Planning applications will be assessed against the policy set out in the local development plan. The current Edinburgh Local Development Plan, 2016 contains policy which prohibits change of use which would have a materially detrimental effect on the living conditions of nearby residents.

Home sharing (renting a room in your own home) or allowing others to stay in your own home whilst on holiday (home letting) will not be affected by control areas.

When would a control area come into force?

Subject to consultation and Scottish Ministers approval it is likely that a control area could come into force in April 2022.

Can a control area be reviewed?

A control area can be reviewed or cancelled. Regulations require this follows a process of publicity, notification and approval of Scottish Ministers. This would involve consultation.

Who will decide if a control area is designated?

It will be for the Council to determine whether a control area is required taking all relevant local circumstances into account. Approval of this decision is required from Scottish Ministers.

What does this mean if I rent out a room?

The control area applies only to short-term letting of a property where the operator does not normally live.

What does this mean for me if I currently operate a short-term let within the proposed control area?

If the control area is adopted, you will require to obtain planning permission to continue using your property as a short term let, unless you can evidence that you have been using it as a short-term let for more than 10 years (without previous enforcement action).

What does this mean if I want to change the use of a dwelling to secondary letting once the Control Area is in force?

Planning permission will be required.

What does this mean if I want to change the use of a dwelling to secondary letting before the Control Area is in force?

Under the current law planning permission would be required if:

- The change of use was a material change of use;

What if I want to let out my property during the festival?

Home letting is not affected by the control area. This allows for house swaps at holidays but also for the host to let out the entire property when they are on holiday or working away, provided the property remains their only or principal home.

How does the control area relate to the proposed licensing scheme?

In summer 2021, the Scottish Government consulted on the establishment of a licensing scheme for STLs to address safety standards and anti-social behaviour. If the current proposed licensing legislation is passed, all short-term lets in Scotland irrespective of type will need to be licensed by 1 April 2024. In terms of the current proposed licensing scheme, within a control area it will be a mandatory condition of licensing to have made a planning application or to have planning permission already when providing accommodation that requires planning permission.