

Short Term Lets – Guidance Note – Planning Permission

Background Context

As a result of the Civic Government Scotland Act 1982 (Licensing of Short Term Lets) Order 2022 being passed by the Scottish Parliament, local authorities were required to establish a licensing scheme for Short Term Lets (STLs) by 1 October 2022.

The legislation was brought in by the Scottish Government to ensure STLs are safe, to address issues faced by neighbours, and to help local authorities understand what is happening in their area. The period between 1 October 2022 and 1 October 2023 allows existing STL operators to apply for a necessary licence and planning permission (if required).

If a premises meets the definition of a STL under the Licensing Act and requires a Licence, it does not automatically require planning permission for the use as a STL. It is for the Planning Authority to decide if the use of the premises as a STL represents a 'material' change of use. If the proposal is considered to represent a material change of use, this constitutes 'development' that would require planning permission.

The Need for Planning Permission – Aberdeen City Council

Under Section 26B of the Town and Country Planning (Scotland) Act 1997, Councils can choose to designate STL control areas, allowing authorities to consider STL proposals within specific geographically defined areas, to avoid concentrations of STLs and resulting detrimental impacts on amenity. A STL control area requires planning permission to be sought for any STLs within that area. No such areas have been designated in Aberdeen City. The Aberdeen Local Development Plan 2023 does not contain specific planning policies regarding STLs, however Aberdeen Planning Guidance may be provided on the topic in future.

When Planning Permission is Required

Where the existing property is not in use as residential accommodation or tourist accommodation, planning permission will be required to change its use to a STL.

Where the existing property is already in use as residential accommodation or existing tourist accommodation, planning permission may or may not be required to use it as a STL.

The Planning Authority will therefore consider, on a case-by-case basis, whether proposals 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.

Relevant considerations assisting in determining whether a STL requires planning permission for a change of use include:

- Number of people staying and capacity of property;
- The character of the property, whether a dwellinghouse or flat, including the number of bedrooms;
- Guest access to communal areas such as stairwells and gardens;

- Frequency and times of arrivals and departures for both guests and for cleaning/maintenance;
- Frequency and intensity of noisy or otherwise unsocial activities;
- Impact on public services such as on-street parking and waste collection and whether the proposal unduly results in pressure on these;
- Cumulative impacts on the character and amenity of the neighbourhood.

Although to be assessed on a case-by-case basis, it is considered that in most circumstances, an existing dwellinghouse used on a single household basis as a STL, is unlikely to represent a material change of use.

The use of a flat in a traditional tenement or more modern block is however likely to represent a material change of use. This is due to the potential impact on neighbours and residential amenity being greater through the introduction of a STL use into a tenemental building or higher density accommodation due to the characteristics of shared access, parking and waste facilities, and the proximity of neighbouring flats and shared facilities. Flats are defined as Sui Generis (outwith a specific Use Class) within The Town and Country Planning (Use Classes) (Scotland) Order 1997. This is a different use category to a house, reflecting their nature.

Planning permission is not generally required for letting rooms in a house (not a flat) where the letting is restricted to one bedroom in the house and it has fewer than four bedrooms; or where the letting is restricted to one or two bedrooms in the house and it has four or more bedrooms. The letting would be ancillary to the principal use as a dwellinghouse.

Details of the proposed STL can be emailed to pi@aberdeencity.gov.uk and the planning authority will respond, by email, to confirm whether planning permission is required.

If it is established that planning permission is required, this should be sought prior to applying for a STL licence.

Advice on whether an application for planning permission would be supported, and what information would be required to form a planning application can be obtained by seeking pre-application advice from the planning authority: [Pre-application Advice](#)

Reaching a Recommendation

Each planning application requires to be treated on its own merits and assessed in line with relevant Local Development Plan policy, guidance and any other material considerations.

Planning applications for STLs require to be accompanied by suitable supporting information setting out the following in an Operational Statement:

- How many occupants are intended to use the STL;
- Anticipated turnover of guests / length and frequency of stays;
- Parking and waste arrangements;
- Whether the property is the only or principal home of the applicant;
- How many other properties the STL shares an access with;

- Whether there are other existing STLs in the vicinity;
- Details of any communal amenities and/or external amenity space that the property has access to;
- Character of the surrounding area, including existing uses.

CLUD

The Certificate of Lawfulness of Use or Development (CLUD) is a mechanism whereby a person can apply to a planning authority for confirmation as to whether planning permission for a proposed or an existing use of the property is required or not. Anybody can seek a CLUD if they wish to ascertain whether an existing use such as a STL is lawful.

Guesthouses and B&Bs

Relevant provisions of the GPDO regarding Guesthouses and B&Bs, these will remain unchanged by STL considerations.

Class 7 of the Town and Country Planning (Use Classes) (Scotland) Order 1997 permits use as a hotel, boarding house, guest house, or hostel as permitted development, providing it is not a licenced premises.

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 as permitted development.

Further Guidance

Further guidance from the Scottish Government on planning controls in relation to short term lets can be found in the following documents;

[Short Term Lets: regulation information](#)

[Short Term Lets: planning guidance for hosts and operators](#)