

Background

Cùl-fhiosrachadh

The designation of a Short Term Let Control Area requires to be supported by a Statement of Reasons. The following document and attachments make up the Highland Council (thereafter called 'the Council') **Statement of Reasons** for the establishment of a Short Term Let Control Area across Badenoch & Strathspey.

Part 1 - Intention to Promote

Introduction

Ro-ràdh

The success of websites such as Airbnb and booking.com has resulted in a big rise of houses and flats being used for temporary holiday accommodation across the United Kingdom and much of the world. The Council is now concerned that the number of houses and flats being lost to this sector in Badenoch & Strathspey is such that it is unduly restricting house supply for full time residents and increasing local house prices, all to the detriment of our local communities.

[Section 26B of the Town & Control Planning \(Scotland\) Act 1997 as amended](#) provides the Council the power to designate a 'Short Term Let Control Area' across all or part of its region. [The Town and Country Planning \(Short-term Let Control Areas\) \(Scotland\) Regulations 2021](#) sets out the definition of a short-term let and the process for designating a 'Control Area'. [Scottish Government Circular 1/2021](#) provides guidance on the implementation of the legislation.

Complying with the above legislation and guidance, the Council is proposing to establish a Short Term Let Control Area for Ward 20: Badenoch & Strathspey, including the Council area within the Cairngorm National Park.

Once established, within the Short Term Let Control Area, the use of a *dwellinghouse*¹ for secondary letting will be deemed to be a 'material change of use' which will require planning approval. However, a Short Term Let Control Area is not a ban on Short Term Lets, instead it will allow planning policies to be used to assess applications which change the use of a dwellinghouse to this form of use and allow communities and individuals the right to make representations through the planning application process.

It will not change the planning requirements around long-term rentals, Bed & Breakfasts, renting out individual rooms/annexes if the owner/occupier resides in the *dwellinghouse*, second homes where no secondary letting is done or accommodation built specifically for holiday purposes, such as pods, annexes and holiday chalets.

The Scottish Government is however, bringing in separate legislation to licence **all** forms of Short Term Lets. The draft regulations for this were laid before Scottish Ministers in late November 2021 and if the draft legislation is passed as currently proposed, all short-term lets in Scotland, irrespective of type, will require to be licensed by 1 April 2024. The establishment of a Short Term Let Control Area across Badenoch & Strathspey is not related to these new licencing requirements and is instead being advanced only to control *dwellinghouses* being used for secondary letting.

¹ means, for these purposes, an independent dwelling (with its own front door, kitchen and bathroom) being accommodation which ordinarily affords the facilities required for day-to-day private domestic existence such as a house, flat, cottage. See also Annex A of the Circular

Part 2 - Statement of Reasons

The Need for a Short Term Let Control Area in Badenoch & Strathspey

Feumalachd airson Sgìre Smachd Màil Gheàrr-ùine ann am Bàideanach & Srath Spè

At the [Council meeting on 9th September 2021](#)² at the specific request of all Ward 20 Members, it was agreed that the Council would pursue the consideration of establishing a Short-term let Control Area across Badenoch & Strathspey.

This detailed consideration was undertaken at the [ECI Committee Meeting on 2nd December 2021, where a detailed report \(Item 16\)](#)³ outlining the issues secondary letting is having across Badenoch & Strathspey was presented.

Members thereby agreed to pursue the establishment of the Short-term let Control Area for Ward 20: Badenoch & Strathspey.

In summary the evidence, presented to ECI Committee in December 2021 demonstrated that:

- Qualitative evidence highlights that local people struggle to be able to access or afford to buy or rent housing in their local area.
- Qualitative evidence highlights that businesses are struggling to attract staff due to the limited availability of housing to let or buy.
- In 2018, (latest data available) house prices in Badenoch and Strathspey were on average £42,600 higher than Highland average and £42,756 higher than Scotland average ([Statistics.gov.scot](#)⁴).
- Over 17% of potential housing stock has been lost to 'tourist' accommodation in Badenoch & Strathspey (calculated on Non Domestic Rates Self-Catering Units and Council Tax Second Homes within the Badenoch and Strathspey Housing Market Area [HMA]).
- The Council Housing Waiting List for Badenoch and Strathspey HMA area has increased by 40% in the past 5 years. This is considerably higher than across the rest of Highland.
- Cairngorms National Park Local Development Plan 2021 has increased the affordable housing requirement for new developments to 45% in Aviemore to deal with the loss of housing to secondary letting and rising house prices related to it.
- Intensity of Short Term Lets has disproportionately affected the amenity of several communities across Badenoch & Strathspey.
- Supports the Scottish Government's repopulation agenda by helping to ensure the availability of residential properties for full time residential use.

To address these issues the establishment of a Short Term Let Control Area across Badenoch & Strathspey will allow the Council (and CNPA) to ensure new and existing dwellinghouses are available and affordable for local workers and residents, by managing high concentrations of Short Term Let across the Ward area and ensuring homes and land is used to best effect. Additionally, it will allow the Council (and CNPA) to control secondary letting of *dwellinghouses* to protect neighbouring residential amenity and privacy and affords local communities and residents the opportunity to make representations through the planning application process.

Assessment of Short Term Let Planning Applications Across Badenoch & Strathspey Control Area

Measadh Iarrtasan Dealbhaidh Màil Gheàrr-ùine thar Sgìre Smachd Bhàideanach & Shrath Spè

The majority of the Short Term Let Control Area in Badenoch & Strathspey will be within the Cairngorm National Park Authority (CNPA) area. Within which, applications for the change of use of a *dwellinghouse* to a Short Term Let property will be considered and determined in accordance with the [Cairngorms National Park Partnership Plan](#)⁵ and [Cairngorms Nation Park Local Development Plan 2021](#)⁶.

² https://www.highland.gov.uk/meetings/meeting/4485/highland_council

³ https://www.highland.gov.uk/meetings/meeting/4529/economy_and_infrastructure_committee

⁴ <https://statistics.gov.scot/atlas/resource?uri=http%3A%2F%2Fstatistics.gov.scot%2Ffid%2Fstatistical-geography%2FS13003009>

⁵ <https://cairngormsviews.commonplace.is/proposals/partnership-plan-pdf/step1>

⁶ <https://cairngorms.co.uk/planning-development/ldp-2021/>

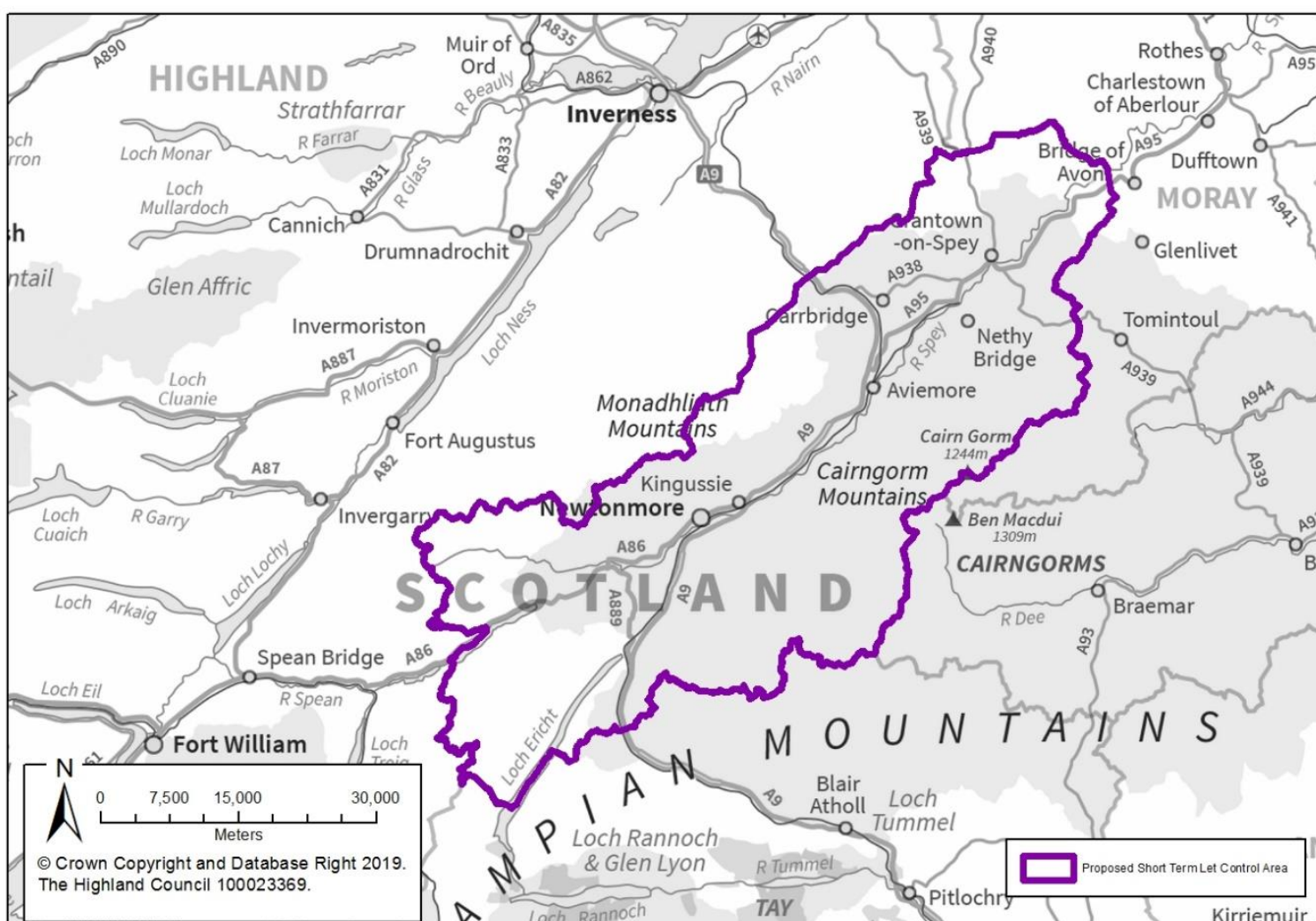
Out-with the CNPA area, applications for the change of use of a *dwellinghouse* to a Short Term Let property will be considered and determined in accordance with the Highland Council [Highland-wide Local Development Plan](#)⁷ and [Area Local Development Plan](#)⁸.

To provide a consistent policy framework to consider and determine applications for the change of use of a *dwellinghouse* to a Short Term Let property across the Highland Council and Cairngorm National Park area, the publication of joint non-statutory planning guidance will be considered. This would be subject to separate consultation in due course.

Part 3 – Map

Proposed Boundary of Short Term Let Control Area Across Badenoch & Strathspey Crìoch ga Moladh airson Sgìre Smachd Màiil Gheàrr-ùine thar Bhàideanach & Shrath Spè

The boundary of the Short Term Let Control Area across Badenoch & Strathspey follows the Ward 20 Boundary Line and includes the Highland Council area within the Cairngorm National Park. Doing so provides clarity on the geographical area where planning permission for a change of use of a *dwellinghouse* to a Short Term Let property is required, ensures the impact of Short Term Lets within the most affected towns and villages within Badenoch & Strathspey are not dispersed to the immediate surrounding rural areas and the Ward 20 political boundary closely follows the Badenoch and Strathspey Housing Market Area boundary, which is used to assess housing need across the Badenoch & Strathspey area.



An interactive version of this map is available on our website – www.highland.gov.uk

⁷ https://www.highland.gov.uk/info/178/local_and_statutory_development_plans/199/highland-wide_local_development_plan

⁸ https://www.highland.gov.uk/info/178/local_and_statutory_development_plans