

Use Class for Short Term Holiday Lets Consultation Response

June 2023

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:

If supported by local policies to protect residential character, control intensification, and address under-supply of housing, the development management process could prevent the over-dominance of holiday lets, particularly in certain localities.

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

Yes

Please give your reasons:

It would allow the LPA to consider the impact of conversion and new build on the local residential balance.

If supported by local policies to protect residential character and control intensification, the development management process could prevent the over-dominance of holiday lets.

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

("C5 Short Term Let" "Use of a dwelling house that is not a sole or main residence for temporary sleeping accommodation for the purpose of holiday, leisure, recreation, business or other travel.")

Yes

Please give your reasons:

It captures temporary use of non-primary residential units, operated by families or as commercial enterprises. A lodger, within a 'sole or main' dwelling house will be unaffected by the introduction of the new class.

Providing main homes covered by Q13, limiting C5 to non-primary houses seems appropriate.

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:

Loopholes for second homes and the seasonal use of student accommodation (including PBSA) should be avoided. They should be included in C5 if they are used seasonally.

LPA's will require conditions monitoring if planning permissions for new builds or conversions are conditioned to be either C3 dwelling houses or C5 short term lets – this would require compliance checking and increased LPA resourcing. Noting the DCMS' proposed register of short term lets (para27) should facilitate this.

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

Yes

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

Student housing (PBSA), particularly 'off campus', because the out-of-term use of student accommodation as holiday accommodation requires effective management.

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

No

Please give your reasons:

This change should be subject to planning permission. If supported by local policies to protect residential character, control intensification, and address under supply of housing, the planning

application process could prevent the over-dominance of holiday lets and consequent reduction in stable homes for rent. The requirement for planning permission also helps to sustain the character of conservation areas and the significance (historic uses) of listed buildings.

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 dwelling house (b)

Yes

Please give your reasons:

It will speed up the process of returning housing to meet need.

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 and conditions should be applicable to prevent a 'free-for-all' either way in areas where there could be benefits in having a provision of short-term holiday lets to sustain rural economy alongside housing, e.g. settlements in National Parks and World Heritage Sites. Limitations should also be applied to listed buildings and conservation areas to ensure the appropriate protection of the character of places and historic uses.

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:

It will help to monitor concentrations of holiday lets, given the limitations of local authority resources.

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

No

If so, please provide details here:

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

Yes

Please give your reasons:

It covers the scenarios posited in para 19 but excluded from C5, and allows for C3 to cover limited use to support families financially and enable home swaps.

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:

ii. To protect the residential amenity, and character of residential areas.

A major concern is whether Local Planning Authorities will have the resources to compliance check, monitor, enforce or issue Article 4 Directions, where they're needed.

Q.13 Should this flexibility be provided through:

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

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

Please give your reasons

- LPAs have flexibility to remove the PD right within their area. Would require an Article 4 Direction if PD was required to be removed locally.
- Is more inflexible.

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

Yes

Please give your reasons:

Fees should relate to the resources needed to determine an application – which would likely be the same.

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

No

Please give your reasons:

It could lead to unmanageable increases in volume/capacity and intensity of holiday lets on existing sites, and potentially harm residential and townscape amenity.

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

No

If yes, please provide comments: