

Sent by email

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Dear Consultation Team

Consultation on the Introduction of a use class for short term lets and associated permitted development rights

Thank you for the opportunity to comment on this consultation.

On behalf of South Oxfordshire District Council I provide the following responses.

Q.1 Do you agree that the planning system could be used to help to manage the increase in short term lets?

Yes.

Planning could play a role and it would help to establish the quantity of accommodation that is being used for short term lets which is currently unknown.

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

Yes.

We believe there are distinctions between the impacts of short term lets versus single family occupation and other uses with the C3 use class and a new use class could help LPAs to assess and manage those impacts where appropriate.

In addition, a separate use class will support Local Planning Authorities in monitoring this form of land use, identify how many short term-lets there are in the local area and

help to set policies to manage this form of development in their areas, reflecting local circumstances.

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

No.

We don't think it is comprehensive enough and it doesn't refer a number of days/nights per year.

A sole or main residence can still be used for temporary accommodation as a short term let, i.e., the owner may work away from home and rent it out when they are not there or they may rent it out when they are at another property (that is not their main residence). These types of properties should not be excluded from the use class definition or the need to register such accommodation, as it would impact on the reason behind the need to regulate the letting market and appropriate standards are maintained. This definition would not include dwellinghouses where only part of the property (bedroom(s)) is let out, it would only capture a short term let when the entire property is let. Short term lets available sometime include just a room, rather than the whole property.

We propose an amendment to the definition:

'Use of a dwellinghouse for temporary sleeping accommodation for the purpose of holiday, leisure, recreation, business or other travel by an individual or individuals who are not normally resident at that address for more than x number of days/nights per year.'

Q.4 Do you have any comments about how the new C5 short term let use class will operate?

Yes.

It would be helpful to have some clarity about how owners of properties would demonstrate prior use as a short term let in order for them to be reclassified as C5 without the need for planning permission. Equally it would be useful to have some guidance on the length of time that prior use would need to have been established prior to legislation being enacted in order for a property to be reclassified.

The council is not in favour of permitted development rights to allow change of use between C3 and the new C5 use class, which could lead to less housing being available for rent. It would be impossible to monitor the prevalence of the change if it's allowed as permitted development. We suggest it should be necessary for the use of the property as a short term let to have been established for at least a set number of years (in

excess of 4) prior to the legislation coming into force in order to avoid a situation where some owners look to potentially inflate the value of the property as a result of the new class being created.

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

Yes.

We would like to see a specific arrangement for student accommodation which generally involves longer letting periods. In addition, due to the businesses and assets located at two large employment sites within our District (at Culham and Milton Park) the area hosts some non-leisure visitors, and their visits can typically be for up to 6 months plus.

There could be benefits in excluding certain types of properties that may only be let out on a short-term basis at certain periods of the years, because that ensures the property remains occupied throughout the year and has associated economic benefits for the owner as well as for the local economy.

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

No.

We do not currently have sufficient information to understand the impact of residential properties being used as short term lets on the local housing market.

The use of Article 4 directions to revoke permitted development rights is a mechanism to mitigate an existing issue or to at least stop the issue from getting worse but it cannot be used to prevent a situation arising in the first place. Allowing the change of use through permitted development in areas where there is not perceived to be an issue could result in concentrations of short term lets with the negative local impacts that have been identified in other areas of the country. Pursuing an Article 4 Direction to remove rights is a lengthy process that requires significant evidence to justify intervention and therefore is both time consuming and costly for an LPA.

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 dwellinghouse (b)

No.

We would like the opportunity to assess the quality of the living environment provided for permanent residents who are likely to want private amenity space etc.

Q.8 Do you agree that the permitted development rights should not be subject to any limitations or conditions?

No.

It would be appropriate to assess the amount of car and cycle parking, independent amenity space and examine the size of units. There could be a cap on the total number of lets or amount of floorspace involved to avoid high concentrations of very small units or possibly some bedroom to parking space ratios/standards.

We would also want to consider the impacts on the existing shortage of housing stock that is available to rent and buy for local people as well and the potential impacts on protected areas.

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.

This would be helpful from an enforcement point of view and the management of any complaints. Furthermore, it's important for all Local Planning Authorities to be notified of any changes, so that that the housing stock within the authority's area (and more locally) can be monitored effectively. This would be particularly important if it was necessary to seek an Article 4 Direction.

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

Yes.

In our opinion there would be some merit in a new use class being created. This would provide better opportunities for creating certainty about how a property is being used and this would allow for better monitoring and enforcement if required.

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

Yes.

This makes a useful contribution to the choice and type of accommodation that is available locally and it provides flexibility for owners. However, we think all properties which are let out on a short term should be registered.

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

Up to 90 nights would seem appropriate, being for approximately 25% of the year, and in line with what is currently allowed in London.

Q.13 Should this flexibility be provided through:

- i) A permitted development right for use of a C3 dwellinghouse as temporary sleeping accommodation for up to a defined number of nights in a calendar year
- ii) An amendment to the C3 dwellinghouse use class to allow them to be let for up to a defined number of nights in a calendar year.

The first option would appear simpler to implement, although both options could create some difficulties for monitoring and enforcement.

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

Yes – to cover the time LPAs will take to record, check and assess applications.

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

No – because the impacts of works/development on neighbours and the area may be different where the property is being used for short terms lets.

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

We think it would be helpful for clear definitions to be added to Class C3 and C4 uses and to distinguish between student and holiday lets.

The overall impact short term lets have on the local housing market is uncertain. We would prefer an approach to short term lets that supports gathering additional data to inform local planning decisions, rather than one that is allowed through the use of permitted development rights and would be reactive (with an Article 4 Direction needing consideration) once an issue has been identified.

Additionally, relevant regulations concerning developer contributions should be updated to include reference to the new use class C5, to ensure CIL and other financial contributions including for affordable housing, can be sought from this form of development where it is viable to do so.

Q.17 Do you think that the proposed introduction of the planning changes in respect of a short term let use class and permitted development rights could give rise to any impacts on people who share a protected characteristic? (Age; Disability; Gender Reassignment; Pregnancy and Maternity; Race; Religion or Belief; Sex; and Sexual Orientation).

No obvious impacts within our area.

Q.18 Do you think that the proposed introduction of the planning changes in respect of a short term let use class and permitted development rights could impact on:

- a) businesses
- b) local planning authorities
- c) communities?

Please give your reasons. It would be helpful if you could specify whether your comments relate to a) business, b) local planning authorities, or c) communities, or a combination.

- a) Inevitably there will be some impact on businesses that may see the introduction of planning controls as red tape and a deterrent to offering short term lets. The proposals have the potential to generate more work for LPAs through the proposed notification process. We have recently commissioned a comprehensive visitor economy study (including an accommodation audit) that will hopefully help us to understand whether availability of short-term lets (such as Airbnb's) deters investment from larger accommodation providers (such as hotel chains) which would have an impact on business rates generation etc. We are also keen to know what impact short-term lets have on the local visitor economy and whether they have comparable economic value to those staying in hotels.
- b) It may provide Local Planning Authorities with a better understanding of how the local housing market functions and provide an opportunity to more accurately monitor changes in the local housing stock. It may result in an additional burden on enforcement and monitoring, but this depends on the how the changes are brought forward. It may provide benefits to Local Planning Authorities if it provides the opportunity to identify potential issues before they become a significant

challenge, and as long as we have the powers to proactively address them rather than retrospectively try to limit further harm.

- c) In areas with high housing need and acute affordability issues are evident, we want to ensure dwellings are provided that meet the local housing need. The changes can have a direct impact on local communities where the supply is already limited. If dwellings are occupied by full time residents rather than on a short-term basis this can have wider community benefits through promoting social cohesion, supporting the local economy and the provision of services and facilities.

I trust these comments are helpful.

Yours sincerely

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