



Reference: FOI-638

Request:

Please could you advise me as to any planning requirements for permission to operate a short-term holiday let in your area. For example, properties and rooms that may appear on online portals such as Airbnb, Booking dot com etc.

This is also often known as Serviced Accommodation. It is generally full furnished rooms or properties with cooking facilities etc.

It may be let out for a single night, or it could be let for a much longer period of time.

This question excludes apart-hotels, hotels, hostels, bed and breakfast and similar properties clearly defined in the Use Class Order.

1. Which planning use class should the property be operating in?

Should it be C1, C3 or Sui Generis for example? Or can it operate in more than one?

2. Is planning permission required? if the property is not operating in that Use Class?
3. Does that Use Class change if a certain number of nights are occupied during the year? Or is planning permission required if a certain number of nights is exceeded per annum even if operating in the correct Use Class?
4. Does your answer vary if it is a full unit such as a house or flat, as opposed to an annexe or a room or two within a C3 dwelling? If yes, how would the partial or full holiday let differ?
5. Are there any other rules that serviced accommodation or short stay holiday let providers advertising on Airbnb etc., adhere to in addition to any number of nights per annum (question 3) within your area?

Response:

1. Use of a property as a holiday late is not specifically covered by any of the referenced Use Classes. The Authority will consider each case on its own merits. In some circumstances the partial use of a property for holiday letting may not result in the change of use out of Class C3 dwelling house but in some instances, there may be a material change of use so that the use would be regarded as sui generis. Planning permission would be required to build a new property for holiday letting purposes and for any new structure in the curtilage of a dwelling house which is to be used for that purpose (and not incidental to the enjoyment of the dwelling).

The information supplied to you is owned by the council unless otherwise stated and may be protected by copyright. You are free to use it for your own purposes, including any non-commercial research or for the purposes of news reporting. Any other re-use of a commercial nature will require the permission of the Council. Further enquiries in this respect should be directed to Head of Law and Governance, North Tyneside Council, Quadrant The Silver Link North, Cobalt Business Park, North Tyneside, NE27 0BY



Reference: FOI-638

2. Planning permission would be required if there is a material change of use out of Class C3 dwelling house. There is no definition of what constitutes a material change. With reference to relevant case law this will be based on assessing the following main factors:
 - The number and frequency of guests
 - The likely characteristics of the behaviour of guests and other visitors compared to those more likely to be associated with the occupation of a dwellinghouse by a family e.g. Guests arriving and departing at unusual / unsocial hours of the day; frequent social events / parties; frequent visits from commercial suppliers (e.g. Cleaning; deliveries)
 - The parking associated with the use – including guests and commercial support

As noted above, planning permission would be required for a new building to be used solely for holiday letting purposes. The local planning Authority (LPA) is more likely to take the view that a material change of use has occurred where a dwelling house is used solely as a holiday let.

3. Whether a material change of use has occurred is not based solely on the number of nights each year that a property is used as a holiday let. It is based in each case on the question of fact and degree having assessed the characteristics and impact of the holiday letting use.
4. It is considered a change of use is more likely to have occurred where a property is used solely and fully as a holiday let.
5. The above advice is based on national planning legislation and case law. There are no local planning rules relating to the use of property as a holiday let. Each case would be considered on its own merits.