

Short-term Let and Planning

The introduction of the licensing scheme will require Short-term Let operators to interact with the Planning Authority to establish if they have the necessary planning permissions to operate as a Short-term Let.



Our current advice is that planning permission is required for the use of a property as a short-term let if a material change of use occurs. This is determined on a case-by-case basis.

In general terms planning permission is likely to be required if:

- The property is a flat with a shared entrance door or access to the property requires to be taken through a shared or communal space.

Planning permission will not be required if:

- The property (dwelling house or flat) has its own separate access and its use as a short-term housing let does not impact on the amenity of neighbouring properties.

In cases where planning permission is not required, we would strongly recommend that an application for Certificate of Lawfulness (CoL) is applied for to confirm the current planning position. Applications can be submitted via www.eplanning.scot

- A Certificate of Lawfulness provides you with evidence that an existing or proposed development is lawful and does not require planning permission. Quite often documents of this sort are required when you wish to sell your property or land.
- Please note that if the use is current then you should submit a CoL 'Existing Use or Development' but if your enquiry relates to a proposed use etc. then you should complete the CoL 'Proposed Use'.

Scottish Government Mandatory Licence Conditions

If a short-term let licence is granted the host must comply with all conditions listed on the licence. Mandatory licence condition 13 which refers to Planning is noted below:

Planning - Licence Condition 13

13. Where the premises is in a short-term let control area for the purposes of section 26B of the Town and Country Planning (Scotland) Act 1997(c) ("the 1997 Act"), the holder of the licence must, where the use of the premises for a short-term let requires planning permission under the 1997 Act, ensure that either—
- a) an application has been made for planning permission under the 1997 Act and has not yet been determined, or
 - b) planning permission under the 1997 Act is in force.

Condition 13 is only relevant where a Control Area is in force. Fife Council Planning Services has currently not designated any short-term let Control Areas although that position may change through the review of the Local Development Plan. This condition would only apply to Secondary Let premises within the boundaries of a Control Area and excludes Home Letting and Home Share licence types.

STL Licensing and Planning Regimes

STL Licensing and Planning are two different legislative regimes, and STL premises that may require Planning Permission out with mandatory licence condition 13 can still be issued a licence under the STL Licensing regime.

- Where STL activity may breach planning regulations this is for Planning to enforce.

We recommend you review guidance and application requirements prior to completing your application. Details can be found at www.fife.gov.uk/planning

Guidance relating to STL licensing is available at [Short term lets](#)

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