

58726 Short-Term Lets Planning Permission, Compensation and Related Legal Costs

This request concerns cases where short-term let (STL) owners or operators were informed by the Council that they required planning permission (or a related planning application/certificate) for use as a short-term let, and where this advice or requirement was later found, accepted or treated as incorrect or not required — in particular in light of the Court of Session decisions in 2023 regarding Edinburgh's STL control area and STL policies.

Please provide the information for the period 1 September 2022 to the date of your response, or for the most recent period for which data is held.

Refunds / compensation / ex-gratia payments

The total number of cases in which the Council has refunded, in whole or in part, any planning application fees, certificate of lawfulness fees or other planning-related charges to STL owners/operators because it was determined that planning permission (or the relevant application) was not in fact required.

There were none in this period.

For those cases, the total monetary value refunded or paid, broken down by financial year.

Not applicable.

If available, a breakdown of such payments into:

- refunds of fees/charges; and
- any additional compensation, ex-gratia payments or payments for costs (e.g. professional fees).

Not applicable.

Complaints and maladministration findings

The number of formal complaints received by the Council from STL owners/operators alleging that they were wrongly told they required planning permission (or a related application) due to the STL control area or related STL policy.

159

Of those complaints, how many were:

- upheld in full;
- partially upheld;
- not upheld.

None were upheld.

Where complaints were upheld or partially upheld, the number of cases in which any financial redress (refunds, compensation or ex-gratia payments) was offered or paid.

Not applicable.

Policies / guidance

Copies of any internal policies, guidance notes or instructions issued to planning or licensing staff since 1 September 2022 which deal with:

- when planning permission is, or is not, required for existing short-term lets in the Edinburgh Short-Term Let Control Area; and
- how to handle requests or claims for refunds/compensation where owners/operators were previously told they required planning permission, but this is later found not to be the case.

There are no such internal policies, guidance notes or instructions issued to these staff.

Please refer to the information published on our website at:

<https://www.edinburgh.gov.uk/planning-13/short-term-lets-planning>

Legal costs relating to court cases about short-term let planning

For each court case (including judicial reviews in the Court of Session) since 1 September 2022 in which the City of Edinburgh Council was a party and where one of the issues was the interpretation or lawfulness of:

- the City of Edinburgh Short-Term Let Control Area; and/or
- any requirement for planning permission for short-term let use

Please provide, for each case:

- a) The case name and court reference (e.g. [Party] v City of Edinburgh Council, case number).
- b) The total legal costs incurred by the Council in relation to that case, including (where held) solicitors' fees, advocates' or counsel's fees, external legal advice, court dues and any other related legal expenditure.
- c) Any sum recovered by the Council from another party by way of expenses/costs in that case.
- d) Any sum paid by the Council to another party by way of expenses/costs in that case.

Details of eight cases are listed below.

I.

- a) COS-P585-23 - Muirhead & another Judicial Review v City of Edinburgh Council
- b) Total - £59,565
- c) Not applicable
- d) £46,008.04

II.

- a) EDI-A813-23 - Sheriff Court Interdict Action – The City of Edinburgh Council v Mohamed Shoaira

- b) Total - £16,157.50
- c) Not applicable
- d) Not applicable

III.

- a) COS-XA62/25 – Thomas Middlemiss v The Scottish Ministers and others
- b) Total - £4,620.83
- c) Not applicable
- d) Not applicable

IV.

- a) COS-XA38-25 - Quarter Mile Serviced Apartments Ltd v The Scottish Ministers and others
- b) Total - £10,123
- c) Not applicable
- d) Not applicable

V.

- a) COS-XA36-25 - S Parthasarathy v The Scottish Ministers and others
- b) Total - £10,051.67
- c) Expenses awarded in favour of the Council – sum still to be confirmed
- d) Not applicable

VI.

- a) COS-XA64-25 - Veronica Nicholson v Scottish Ministers and others
- b) Total - £3,480.00
- c) Not applicable
- d) Not applicable

VII.

- a) COS-XA71-25 – Carina Buchanan v Scottish Ministers
- b) Total - £6,329.17
- c) Not applicable
- d) Not applicable

VIII.

- a) COS-P774-25 - The Petition of the City of Edinburgh Council for Interdict in respect of 3F2, 11 Royston Terrace
- b) Total - £7,235
- c) Not applicable
- d) Not applicable

The aggregate total legal costs incurred by the Council across all such cases described in 4.1 above, broken down by financial year.

2022/2023 – Nil

2023/2024 – £113,450.54

2024/2025 - £8,280.00

2025/2026 - £41,839.67 (on-going)