



Planning (Scotland) Act 2019

2019 asp 13

PART 3

DEVELOPMENT MANAGEMENT

Meaning of “development”

17 **Meaning of “development”: use of dwellinghouse for short-term holiday lets**

- (1) The Town and Country Planning (Scotland) Act 1997 is amended as follows.
- (2) After section 26A insert—

“26B Material change of use: short-term lets

- (1) A planning authority may designate all or part of its area as a short-term let control area for the purposes of this section.
- (2) In a short-term let control area, the use of a dwellinghouse for the purpose of providing short-term lets is deemed to involve a material change of use of the dwellinghouse.
- (3) For the purposes of this section, the following tenancies do not constitute a short-term let—
 - (a) a private residential tenancy under section 1 of the Private Housing (Tenancies) (Scotland) Act 2016,
 - (b) a tenancy of a dwellinghouse (or part of it) where all or part of the dwellinghouse is the only or principal home of the landlord or occupier.
- (4) The power under subsection (1) includes the power to vary or cancel a designation.
- (5) The Scottish Ministers may by regulations make further provision for the purposes of this section including, in particular, provision about—

Status: This is the original version (as it was originally enacted).

- (a) the procedure a planning authority must follow in order to make, vary or cancel a designation under subsection (1) (which may include requiring the approval of the Scottish Ministers),
 - (b) the form of a designation under subsection (1),
 - (c) what constitutes providing a short-term let for the purposes of this section, and
 - (d) any circumstances in which, or descriptions of dwellinghouse to which, this section does not apply.
- (6) Before making regulations under subsection (5), the Scottish Ministers must consult planning authorities and such other persons as they consider appropriate.”.