



# 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—

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**Changes to legislation:** Planning (Scotland) Act 2019, Section 17 is up to date with all changes known to be in force on or before 03 October 2023. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) [View outstanding changes](#)

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- (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.”.

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**Commencement Information**

**I1** [S. 17](#) in force at 18.5.2020 for specified purposes by [S.S.I. 2020/67](#), **reg. 2**

**I2** [S. 17](#) in force at 1.4.2021 in so far as not already in force by [S.S.I. 2021/101](#), **reg. 2**

**Changes to legislation:**

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**Changes and effects yet to be applied to :**

- specified provision(s) amendment to earlier commencing S.S.I. 2019/377, reg. 9 by [S.S.I. 2019/411 reg. 2](#)
- specified provision(s) amendment to earlier commencing S.S.I. 2021/101, regs. 3, 4 by [S.S.I. 2021/291 reg. 2](#)