

## EXPLANATORY NOTE

*(This note is not part of the Regulations)*

These Regulations amend the Town and Country Planning (Short-term Let Control Areas) (Scotland) Regulations 2021 (“the 2021 Regulations”) which made further provision for the purposes of section 26B of the Town and Country Planning (Scotland) Act 1997 (“the 1997 Act”). Section 26B enables a planning authority to designate all or part of its area as a short-term let control area. Where an area is designated as a short-term let control area a change of use of a dwellinghouse to use for the purpose of providing short-term lets is deemed to be a material change of use and so constitutes development under section 26 of the 1997 Act.

Regulation 2 of the 2021 Regulations makes provision about what constitutes providing a short-term let for the purposes of section 26B of the 1997 Act. This does not include the letting of excluded accommodation. Regulation 2 removes from the list of excluded accommodation in the schedule of the 2021 Regulations dwellinghouses which are, or which are part of, a hotel, a boarding house, a guest house, a hostel or an aparthotel. Regulation 2 also amends regulation 2 the 2021 Regulations to provide that short term letting for the purposes of section 26B does not include provision of accommodation under an “excluded tenancy”. What is an “excluded tenancy” is defined in the changes made to regulation 1(2) of the 2021 Regulations. Regulation 2 also makes it clear that for the provision of accommodation to be a short term let for the purposes of section 26B it must be done in the course of business.