

Self-Catering/ Short -Term Stay Accommodation

Purpose

The purpose of this Information Note is to provide guidance on self-catering/ short-term stay accommodation and applying for planning permission.

What is self-catering/ short-term stay accommodation?

Self-catering accommodation is generally described as a property rented out for a short period of time, ranging from one day to a number of weeks, normally for business, holiday or leisure purposes, and not for use by the guest(s) as their main or permanent home. Short-term stay accommodation additionally includes use of part of a property or room within a property for these purposes. These stays are normally facilitated through online platforms such as Airbnb but sometimes may be managed by the owner themselves.

Ordinarily, the property offered for accommodation is a dwelling house or apartment/ flat. Self-catering/ short-term stays provide accommodation choice for visitors to the Borough as an alternative to hotels and serviced apartments and are an important choice for tourists, including families, groups of friends, sports groups. However, they can raise amenity issues regarding noise, parking and availability of housing for permanent residents.

Legislative Context

For planning purposes, a dwelling or apartment/ flat is defined as Class C1 dwelling house. This is set out in the Planning (Use Classes) Order (Northern Ireland) 2015. Use of a dwelling or apartment/ flat for the purposes of self-catering/ short-term stay accommodation may constitute a material change of use depending on the specific circumstances of the case. Where there is a material change of use, planning permission is required. The crucial test is whether there has been a change in character of the use.

As the Planning (Use Classes) Order (Northern Ireland) 2015 does not identify self-catering/ short-term stay accommodation as a specific use, it is an unspecified use. This is otherwise known as a *sui generis* use.

The Tourism (Northern Ireland) Order 1992 requires all tourism/visitor accommodation to hold a current Tourism Northern Ireland Certificate which is valid for 4 years.

Is planning permission required?

Planning permission may be required to use a house, apartment or other premises for self-catering/ short-term stay accommodation. The need for planning permission will depend on the extent to which the self-catering/ short-term stay use changes the character of the property and the degree to which it impacts on its surroundings, including impact on residential amenity. Generally, use of your main home for this purpose for less than 90 nights a year is exempt from needing planning permission. However, indications that planning permission is required for a material change of use to short-term stay accommodation are any of the following:

- Use of the property for short term stay accommodation in excess of 90 nights in any rolling 12 month period.
- Parking arrangements if guests have more vehicles than would be expected for a typical family- where this creates amenity issues.
- Patterns of arrival and departure if guests are coming and going at unusual hours- where this creates amenity issues.
- If the number of guests staying at the property exceeds that which might be reasonably expected at the property.
- Frequency of party type activities- where these create amenity issues.
- Lack of organisation around waste collection where visible to other residents.

To determine whether planning permission is required, you can seek confirmation of the lawfulness of the use of the property through the submission of a Certificate of Lawful Use or Development (CLUD) application to the Council. This can either take the form of an Existing CLUD application or a Proposed CLUD application depending on the specific circumstances.

Consideration of a Planning Application

A planning application for a material change of use to self-catering/ short-term stay accommodation will take into account several factors including the following:

- The amenity of neighbouring properties.
- The character of the area (or building if an apartment/ flat).
- The ability of the property to accommodate the use in terms of parking and servicing.

Processing of an Application for Change of Use to Self-Catering/ Short-Term Stay AccommodationHow do I apply for change of use to self-catering/ short-term stay accommodation?

You can apply for planning permission by completing an application using the form on Public Access through the Planning Portal at <https://planningregister.planningsystemni.gov.uk>

What is the application fee?

The application fee is based on the floorspace of the property for which the change of use is sought. The fee is set out in the prevailing version of The Planning (Fees) Regulations (Northern Ireland). Category 12 is applicable to such an application.

How does the Planning Department process my application for change of use to self-catering/ short-term stay accommodation?

The Planning Department will assign a reference to your application, acknowledge receipt and allocate it to a case officer for processing. Consultations shall be sent to consultees who have remit relevant to the application. The application shall be advertised in the Coleraine Chronicle and on the Council's website. Neighbour notification shall be carried out in accordance with the requirements of the scheme. The site will be inspected by the case officer before discussion and the formation of an opinion within the Planning Department. From that point, the application would be progressed in accordance with the Scheme of Delegation for the Planning Department.

Does the Planning Department consult with my neighbours?

Yes, if they fall within the requirements of the neighbour notification scheme. In urban areas most immediate neighbours, that is those that abut your property, fall within the requirements of the neighbour notification scheme.

How does the Planning Department take into account comments from neighbours?

Comments or representations are material considerations in assessing an application. However, only planning related issues are taken into account.

Is there a specific planning policy to assess my application?

No, presently in the Borough there is no specific planning policy regarding change of use to self-catering/ short-term stay accommodation. The lead policies are PPS 16 Tourism and paragraphs 4.11- 4.12 of the Strategic Planning Policy Statement for Northern Ireland which set out a range of amenity considerations.

I am aware that my neighbour obtained planning permission for change of use to self-catering/ short-term stay accommodation. I am considering applying for my property. Is there a limit on how many properties in the one street can change use to self-catering/ short-term stay accommodation?

No. There is no set limit. However, in assessing an application, the Planning Department will consider the key factors set out above.

If approved, does the permission limit the number of persons accommodated?

No. This responsibility falls to Tourism NI through their certification of the property.

If refused, do I have right of appeal?

Yes, the applicant has a right of appeal to the Planning Appeals Commission (PAC) within four months from the date of the decision.

If I obtain planning permission for change of use to self-catering/ short-term stay accommodation, can I change back to a dwelling again without further permission?

No. If you obtain planning permission for change of use to self-catering/ short-term stay accommodation and implement that change, further planning permission is needed to change the use back to a dwelling.