

## Appendix A – Recommended consultation responses

### Suggested Consultation responses for the Registration Scheme

#### 1. Should the scheme be Mandatory or opt-in – if opt-in determined by local authority?

*Proposed response - mandatory:*

- *Level playing field for all landlords.*
- *All users of holiday accommodation benefit from registration i.e. certainty of safety measures.*
- *Data can be compared within and between local authority areas.*

#### 2. Should the scheme be Managed by; Local Government, the English Tourist Board or another organisation?

*Proposed response - To be consistent with other forms of holiday accommodation regulation this should be the responsibility of local government.*

#### 3. Should a Registration number accompany holiday let advertisement?

*Proposed response – yes, this will encourage good practice and provide incentive to all landlords to register or risk losing business. It will also give reassurance to customers.*

#### 4. What Unit of registration; Owners, premises/dwellings or part of a dwelling, individual accommodation units.

*Propose registration is by premises/dwelling or part of a dwelling. This will identify all premises/properties that include holiday lets. In the event there is more than one unit at an address these can be shown as separate entries on the same registration. Registration by owner may be difficult to dis-aggregate, for example a single owner may own hundreds of holiday lets across many local authority districts. Requiring registration by unit may become onerous, for example where a landlord has multiple lets on one site.*

#### 5. Scope – what type of accommodation should require registration? The consultation seeks views on what holiday accommodation should be included in addition to permanent structures. Examples include caravans, motorhomes, campervans, tree-houses, mountain bothies, shepherds huts, cars, clamping, yurts, boats and house-swaps.

*It is difficult to know where to draw the line. For reasons of pragmatism we propose to include static and connected to mains services such as caravans and some glamping and yurts but none of the other types of accommodation listed.*

#### 6. What Exemptions should apply? – the consultation proposes that certain types of short-term lets are excluded. Most proposed exclusions are not holiday accommodations e.g. women's refuges, student halls of residence, etc. This list seems sensible and comprehensive. The list also includes licenced hotels and B&Bs and self-catering properties on their premises. Again this seems a sensible exclusion.

*Accept the consultation recommendations.*

The options range from an annual registration to a single 'one-off' registration with the onus on the owner removing the registration if they stop letting the property/unit.

**7. Frequency of Registration.**

*Ideally the registration should be annually as many of the safety certificates required for registration require an annual update. However this may be unduly onerous and costly for both landlords and the registering authority. A reasonable compromise would be three years.*

**8. Information to collect at registration.** The consultation lists quite a few possible options which fall into four main categories; details of the landlord and if appropriate their agent, details of the property, evidence of compliance with regulations, e.g. an up to date gas safety certificate and other miscellaneous information. The miscellaneous information covers; the number of nights let in the previous year and the number of night available to let in the current year, proof that the 'owner' is entitled to let the property and that the owner has obtained planning permission or confirmed that planning permission is not needed.

*Although there is a lot of detail proposed all has potential value. However the process should avoid duplication of information collected by others such as the Valuation Office Agency. In particular the requirement around planning permission is important as it links to the proposals around change of use to short-term let and the potential for local authorities to require planning permission for this.*

**9. Regulations** – the consultation lists a number of regulations that the owner must evidence, e.g. fire safety, food safety, etc. Some may not apply in all cases but the owner can make this clear at the time of registration.

*The list appears comprehensive and necessary.*

**10. Compliance** – the consultation proposes a 'light touch' approach to check on compliance. The options:

- a) An entirely self-certifying process with no element of ongoing physical inspection of documentation or of the short-term let.
- b) Light touch inspections of documentation uploaded as part of the registration process based on a % of all properties to be spot checked at random on an ongoing basis.
- c) Light touch physical inspections of short-term lets based on a % to be spot checked at random on an ongoing basis.
- d) Light touch physical inspections of short-term lets based on an intelligence or risk-based approach on an ongoing basis.

*Option a) relies entirely on the honesty of the landlord and whilst most will be honest some will not. Option c) (perhaps informed by intelligence – option d)) would ensure that landlords who fail to comply face the risk of being caught and facing penalties.*

**11. Penalties** – the consultation provides examples of actions that could result in penalties and the sanctions ties that could result.

Actions resulting in penalties;

- a) Short-term let owners/providers operating without registering.
- b) Failure to provide valid documentation or information.
- c) Failure to renew registration if applicable.
- d) Failure to comply with registration requirements (for example, failure to pay the relevant fee or charge within the specified period).

- e) Falsification of registration documentation.
- f) Failure to grant access to the short-term let to the scheme administrator or relevant authority, if deemed appropriate.

Proposed penalties;

- a) Fines, which could vary according to the severity and duration of a violation.
- b) Revocation of registration, for a period of time or permanently.
- c) Notices requiring a short-term let owner/provider to rectify a violation could be issued in some circumstances before registration is revoked. If the owner/provider fails to take the necessary action within a specified timeframe, then the registration would be revoked.

*The actions that could result in penalties is comprehensive. Each of the proposed penalties would be appropriate in the right circumstances. For example the revocation of registration would be an ultimate sanction for a serious offence or repeated minor offences.*

12. **Fees** – the consultation proposes that the fees cover the cost of administering the registration process. The consultation proposes a range of options including a flat fee per landlord a fee per property or a sliding scale. The consultation also seeks views on whether this is a fee per registration or both a fee for registration and an annual fee.

*A fee per unit registered feels the most equitable and easiest to administer. There should also be an annual fee to cover the cost of updating documents (even if this is not a full registration).*

13. **The consultation asks if the (advertising) platforms should contribute to the cost of setting up the registration scheme.**

*The platforms should be involved in the initial set up – providing advice to landlords on the registration process and making clear which properties are registered. If the scheme is mandatory the platforms could require registration as a requirement before the platform accepts the property. The platforms are likely to pass any recurring costs onto landlords via increased fees so there is little benefit in seeking regular contributions from the platforms as this may add to administration costs (i.e. seeking fees from both landlords and platforms).*

14. **Access to data.** The consultation proposes that a range of organisations have access to collated data, i.e. not data about individual properties or landlords. The list of organisations contains; local authorities, enforcement agencies, commercial organisations, central government, Visit England and academics.

*There is no issue with making the information widely available provided it is at a level that cannot identify individual properties or landlords.*

15. **Minimum threshold.** The consultation asks if single rooms or properties let very occasionally should be included.

*Only self-contained units of accommodation should be included to align with proposed planning class use proposals.*

## **Suggested Responses to the planning consultation**

### **Do you agree with the need for planning controls?**

*North Norfolk agrees that there is a clear rationale and public interest case for the introduction of planning controls in relation to short-term letting accommodation and for other types of residential uses (second homes) not covered in the consultation.*

*These types of uses are materially different to the use of a dwelling as a permanent dwelling and can have significant impacts both as individual proposals and cumulatively.*

### **Do you agree with the introduction of a new use class?**

*Whilst we agree with the creation of a new Use Class government should consider if there is merit in creating a single new Use Class to cover residential occupation of a dwelling for any purpose other than as a principal residence of the occupier. The stated rationale for the new class is that some types of residential use are materially different to others and the consultation identifies both direct impacts (amenity) and wider community impacts (loss of homes, house price escalation, service withdrawal) arising from these differences as the justification for a new class.*

*It is disappointing that the consultation is focussed on short term lets. Arguable the issues identified are equally applicable to other types of residential occupation including the use of a property as a second home. A single new use class to encompass all such uses could avoid excessive complexity.*

*It is assumed that government intends to separately consult on the use of homes as second homes. It is disappointing that this is not happening at this stage.*

### **Do you agree with the definition for the new use class?**

*The specific wording used is potentially confusing. It states:*

*'Use of a dwellinghouse that is not a sole or main residence for temporary sleeping accommodation for the purpose of holiday, leisure, recreation, business or other travel.'*

*There is no reason to include the words 'that is not a sole or main residence'. The inclusion of these words potentially implies that the new Use Class only relates to those dwellings which are not sole or main residences. It is assumed this is not the intention and clarification is desirable.*

*A simpler and clearer alternative should be considered, for example,*

*'Use of a dwellinghouse for temporary sleeping accommodation for the purpose of holiday, leisure, recreation, business or other travel.'*

*Or alternatively, if government were minded to extend the definition to include other non principal residential uses*

*'Use of a dwellinghouse for residential occupation other than as the principal residence of the occupier.'*

**Do you think there should be specific arrangements for different types of temporary letting?**

*The land use issues which arise in relation to short term lets are broadly similar for all types of such accommodation and therefore there would appear to be no underlying rationale for treating some in different ways to others.*

**Do you think there should be a new permitted development right to allow dwellings to be used as letting accommodation without the need to secure planning permission?**

*No - Having identified that temporary letting accommodation is materially different to principal residential occupation and raises land use concerns that justify separate classification including amenity impacts which arise irrespective of the concentration of such uses it is unclear on what basis such uses should then be classed as permitted development.*

*The management of potential impacts, and the degree of local flexibility, should be determined at a local level via the determination of planning applications in accordance with locally derived land use policies. Local Authorities which consider this is not an issue which affects their area, or parts of their areas, would grant permissions or, if they wished, introduce a Local Development Order consenting this type of proposal.*

**Do you agree that there should be a permitted development right to allow temporary letting accommodation to be returned to a dwelling without planning permission?**

*Yes*

**Do you agree that permitted development rights should be available without conditions or limitations?**

*No - North Norfolk objects to the introduction of a permitted development allowance but if such an allowance is introduced it should be subject to limitations and conditions which mitigate potential impacts. These could include:*

*1. controls over intensity of use - our experience is it is not uncommon for small properties, perhaps capable of sleeping two or three people to be advertised as sleeping much higher numbers.*

2. *the provision of on-site car parking.*
3. *the exclusion of permitted development allowances in AONBs and National Parks which tend to have a concentration of such uses. This would avoid the need for Councils such as North Norfolk to rely on Article 4 Directions.*

**Should local authorities be notified before any permitted development rights are used by property owners?**

*Yes - Notification is likely to be an important monitoring mechanism unless the separate proposals for a mandatory registration system is introduced.*

**If a new use class is introduced should home owners nevertheless be able to continue to use their properties for letting purposes but only for a limited number of days?**

*Yes, limited to 30 days per year.*

**Should temporary letting accommodation be allowed to be extended as permitted development in the same way as dwelling houses?**

*No, any increase in size should require planning permission as such proposals could have significant impacts associated with increased intensity of use.*