

# PLANNING (SCOTLAND) ACT 2019

---

## EXPLANATORY NOTES

### OVERVIEW OF THE ACT

#### PART 3 – DEVELOPMENT MANAGEMENT

##### Meaning of “development”

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

133. Section 26 of the 1997 Act defines “development” as “the carrying out of building, engineering, mining or other operations in, on over or under land, or the making of any material change in the use of any buildings or other land”, followed by various exemptions, inclusions and clarifications. Section 28 of the 1997 Act states that (subject to exemptions) “planning permission is required for the carrying out of any development of land”.
134. Section 17 inserts a new section 26B into the 1997 Act. This allows a planning authority to designate all or part of their area as a ‘short-term let control area’. In designated areas, the use of a dwellinghouse for providing short-term lets would be a material change of use of the dwellinghouse and would require planning permission. Subsection (4) provides that the planning authority can vary or cancel a designation as a short-term letting control area.
135. Section 26B(3) establishes that a private residential tenancy in terms of section 1 of the Private Housing (Tenancies) (Scotland) Act 2016 does not constitute a short-term let, nor does a tenancy of a dwellinghouse or part of it where the dwellinghouse is the only or principal home of the landlord or occupier.
136. Subsection (5) provides regulation-making powers for the Scottish Ministers to make further provision regarding the procedure for making, varying or cancelling a short-term letting control area, which may include the approval of Scottish Ministers, and the form of a designation as a short-term letting control area. Regulations may also set out what constitutes providing a short-term let and any circumstances in which, or descriptions of dwellinghouse to which section 26B does not apply. Under subsection (6) the Scottish Ministers are required to consult with planning authorities and such other persons as they consider appropriate before making any regulations under section 26B.