

Appendix 4

Short Terms Lets – Belfast City Council Planning Powers

1. Under Part 2 of the Planning Act (Northern Ireland) 2011, the Local Development Plan (LDP) is comprised of two development plan documents. The first document is the Plan Strategy which sets the strategic policy framework for the plan area. The second document is the Local Policies Plan. It sets out the Council's site-specific proposals in relation to the development and use of land. Belfast City Council adopted its Plan Strategy on 2 May 2023. It is in the process of preparing its Local Policies Plan. The adoption of the Plan Strategy means that it now provides the policy framework to guide decision making in planning applications.
2. As members are aware, short-term lets have grown in popularity in recent years and the rise in number and concentration in some areas of the city impacts on the availability of affordable homes to buy or rent for residents and on the sustainability of communities more generally. This growth in popularity and the challenges it posed led the Council to introduce a new policy approach to short-term let accommodation in its Plan Strategy.
3. The Housing policies in the Plan Strategy must be read together. The aims of the housing policies in the Plan Strategy are set out in full at part 7.1.5. They include the aims of ensuring an appropriate supply of land to accommodate new housing, facilitate city centre living and nurturing the development of balanced local communities by achieving an appropriate mix of house types, sizes and tenures.
4. Related to the Housing policies is the Council's Growth Strategy which supports the Belfast Agenda's ambition to grow the population of the city by 66,000 additional people over the plan period, resulting in a total population of over 400,000 by 2035. It is in that context which policies HOU3 and HOU13 fall to be read and applied.
5. Policy HOU3 is entitled "Protection of existing residential accommodation". It provides a general presumption in favour of the retention of residential stock for permanent occupation. Paragraph 7.1.16 goes on to explain that "This policy therefore seeks to restrict the type of non-residential proposals permitted in established residential areas..."
6. Policy HOU13 is entitled "Short-term let accommodation". It provides that Planning permission will be granted for short-term let accommodation, whether new build or change of use, where among 6 criteria proposals in the case of a change from permanent residential use, part of the property must be retained as permanent residential housing. Policy HOU13 recognises that short-term let accommodation can help strengthen and diversify the overall visitor accommodation across the city but seeks to balance that with the necessity to retain existing permanent housing stock.
7. The LDP Plan Strategy formed the policy context to refuse a number of planning applications and sustained enforcement notices seeking the cessation of their uses. The Planning Appeals Commission (PAC) subsequently overturned a number of appeals against decisions to refuse planning applications for change of use from residential to short term let holiday use.

8. The Council issued judicial review proceedings against the Commission, claiming a misinterpretation of relevant planning policy. The Council contended that the PAC misdirected itself in failing to correctly interpret, and consequentially failing to correctly apply, Policies HOU3 and HOU13 of the Belfast Local Development Plan.
9. On 11 June 2024, the High Court ruled in favour of the Council and quashed two PAC decisions on two applications in the city centre. Mr Justice Humphreys held that the Planning Appeals Commission misinterpreted policy in allowing retrospective change of use for two flats to Short Term Let accommodation. He ordered that a differently constituted Planning Appeals Commission (PAC) must now re-determine the applications.
10. This clarification is an endorsement of the Local Development Plan and provides considerable certainty around the policy and operational approach to addressing this particular challenge.
11. The Council presently has 54 live planning applications for short term let accommodation; 30 of those are applications for change of use of an apartment from permanent residential accommodation to short term let. The Council also has 148 live enforcement investigations relating to unauthorised short-term lets. This is out of a total enforcement case load of 479 cases. Thus enforcement cases relating to unauthorised short term lets represent approximately one third of the Council's enforcement case load.
12. The Planning Appeals Commission and the Council had temporarily paused planning appeals and the assessment of planning applications pending the outcome of the High Court decision. These are now being determined following the clarity provided by the High Court's decision.