

Built Environment Committee House of Lords Palace of Westminster London SWIA 0PW Tel: 020 7219 3140 builtenvironment@parliament.uk

The Rt Hon. Michael Gove MP Secretary of State for Levelling Up, Housing and Communities 2 Marsham Street London SWIP 4DF

16 December 2022

Dear Secretary of State,

Short-term lettings

I write following the Built Environment Select Committee's brief inquiry into short-term lettings in England.

Please find attached a summary of the evidence we received, together with the committee's conclusions and recommendations, and questions seeking clarification.

Since we concluded taking evidence the Levelling Up and Regeneration Bill has been amended to create a power to establish a registration scheme for short-term lets and the Government has announced that it would consult on whether planning permission should be required for new short-term lets, especially in tourist hotspots. We support allowing local authorities to decide whether to introduce a registration scheme in their area and whether to require planning permission for new short-term lets in their area. We would not support making either of these mandatory for local authorities across England. The attached elaborates on this and sets out our views and questions on other matters concerning short-term lets.

I would be grateful if you could respond to the committee's conclusions and questions within one month.

Yours sincerely,

Lord Moylan Chair, Built Environment Committee

SHORT-TERM LETTINGS

- 1. As part of this inquiry into short-term lettings in England we took oral evidence from academics, representatives of local authorities and the Welsh Government, and the platforms themselves. We also received several written submissions.¹
- 2. Digitalisation has led to a significant growth in the short-term lettings sector in recent years. While there is no definitive source of data on short-term lettings in England, between April 2016 and January 2020 the number of active listings on Airbnb (the major short-term lettings platform²) in Great Britain more than tripled, from 76,000 to more than 257,000.³ There is evidence to suggest there has been a further increase since 2020, driven by the covid-19 pandemic and increased working from home. Some areas have seen a dramatic rise in short-term lettings in recent years. In Cornwall, for example, short-term listings went up by 661% in the five years to September 2021.⁴ Between 2014 and 2021 there was a 571% increase in the number of entire home listings in London, with nearly 45,000 entire properties available to rent.⁵
- 3. In England (outside London) there is no prescribed limit on the number of days a property may be let on a short-term basis. It is up to the local planning authority to judge on the facts of the case whether a letting amounts to a material change of use, in which case planning permission must be sought. Since 2015 homeowners in London who wish to use residential premises for short-term accommodation for more than 90 nights in a calendar year must seek planning permission from their local planning authority. A number of other jurisdictions in Europe and the devolved administrations have imposed greater regulation on the short-term lettings sector.

Effect on availability of housing

- 4. Concerns have been raised about the effect of the growth in short-term lettings on private rental markets, with some arguing that an increasing number of properties in the short-term letting sector reduces the amount of accommodation available for longer-term lettings, exacerbating a shortage of housing supply and increasing rents.
- 5. Councillor Judy Pearce, Leader of South Hams District Council, told us that the number of active listings on Airbnb in Devon rose from "10,946 in the second quarter of 2019 ... to 14,000 in the second quarter of 2022". Between the second quarter of 2021 and the second quarter of 2022, "approximately 75% of the new additions to the housing stock required to meet local need, as defined by the planning process, were lost to the short-term letting sector straightaway".⁶ Councillor Matt Noble, Cabinet Member for Climate, Regeneration and Renters at Westminster City Council, told us that the

See appendix 2.

² The other major booking platforms are Vrbo, Tripadvisor and Booking.com <u>Q 35</u> (Huw Maguire)

³ The Guardian, 'Revealed: the areas in the UK with one Airbnb for every four homes', 20 February 2020: https://www.theguardian.com/technology/2020/feb/20/revealed-the-areas-in-the-uk-with-one -airbnb-for-every-four-homes [accessed 14 June 2022]

⁴ CPRE The countryside charity, 'New research: a huge rise in holiday lets is strangling rural communities', 13 January 2022: <u>https://www.cpre.org.uk/news/new-research-a-huge-rise-in-holiday-lets-is-strangling-ruralcommunities/</u> [accessed 14 June 2022]

⁵ The Conversation, 'Entire home Airbnb listings in London have increased by 571% un 5 years: new research', 9 December 2021: <u>https://theconversation.com/entire-home-airbnb-listings-in-london-have-increased-by-571-in-5-years-new-research-172436</u> [accessed 14 June 2022]

⁶ <u>Q 25</u> (Councillor Judy Pearce)

majority of Airbnb properties in Westminster came directly from the private rented sector (PRS), adding "if Airbnb went away, those properties would return to being long-term PRS properties".⁷

- 6. Research published by the University of Manchester found that the average twobedroom flat in Manchester city centre and Hulme could generate between 1.7 and 2.9 times the amount of rent from a short-term let than it could through long-term rent, if it had an 80% occupancy rate.⁸ Propertymark, a professional body for estate and letting agents, told the committee that in its research on short-term lets, of the 23% of landlords who offer short-term tenancies, 12% did so by changing properties from longer-term tenancies to short-term tenancies.⁹ Its survey of landlords who solely rented out long-term lettings found that one in 10 would be very or fairly likely to offer short-term lets in future.¹⁰
- 7. Generation Rent, which represents private renters in the UK, told us it has observed an increase in landlords switching to holiday lets, arguing that short-term lettings have deprived local residents of places to live. It raised concerns about the impact the growth in holiday lets has on affordability for private renters, particularly in popular tourist areas such as Cornwall and Devon.¹¹
- 8. Figure I shows research from 2020 which identified 'hotspots' for Airbnbs in Great Britain. The research found that in some areas, such as Woolacombe, Georgeham and Croyde in Devon, almost a quarter of properties in the area were on Airbnb. In one area of the Lake District (Windermere North, Ambleside and Langdales) there were 19 listings per 100 properties; in Fitzrovia and Brick Lane in London, there were 15 listings per 100 properties.¹² A survey by Selaine Saxby, MP for North Devon, found that there were 360 Airbnb properties to let in her constituency, compared with only one long-term property available for rent on Rightmove.¹³

⁷ <u>Q 26</u> (Councillor Matt Noble)

⁸ Written evidence from Propertymark (<u>STL0004</u>)

⁹ Written evidence from Propertymark (<u>STL0004</u>)

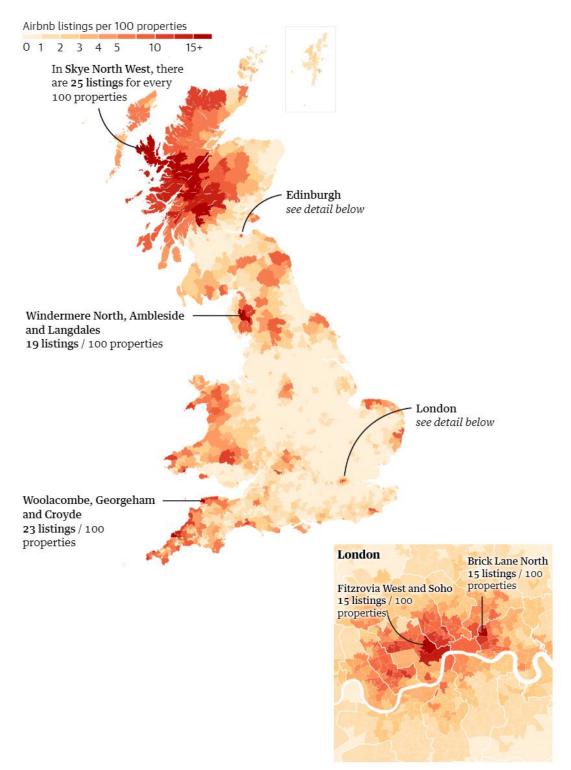
¹⁰ Written evidence from Propertymark (<u>STL0004</u>)

¹¹ Written evidence from Generation Rent (<u>STL0001</u>)

¹² The Guardian, 'Revealed: the areas in the UK with one Airbnb for every four homes', 20 February 2020: <u>https://www.theguardian.com/technology/2020/feb/20/revealed-the-areas-in-the-uk-with-one-airbnb-for-every-four-homes [accessed 29 November 2022]</u>

¹³ HC Deb, 27 April 2022, <u>col 305WH</u>

Figure 1¹⁴



9. Research by Propertymark asked landlords why they sought to switch to short-term lettings. The most cited reasons were the greater flexibility afforded by short-term lets (46%), because regulations on long-term lets are too burdensome (37%) and because

¹⁴ The Guardian, 'Revealed: the areas in the UK with one Airbnb for every four homes', 20 February 2020: <u>https://www.theguardian.com/technology/2020/feb/20/revealed-the-areas-in-the-uk-with-one-airbnb-for-every-four-homes</u> [accessed 29 November 2022] The map demonstrates the prevalence of "hot spots" in the UK but we are not able to verify the data underlying it.

they can charge higher nightly rents (31%).¹⁵ Generation Rent said that government policy has provided an "incentive for landlords to switch from tenants to tourists".¹⁶

- 10. Representatives from the short-term letting platforms suggested that the available evidence base did not conclusively demonstrate that the short-term letting industry was having a detrimental effect on the availability of housing nor that it significantly contributed to the housing crisis.¹⁷ Merilee Karr, chair of the UK Short Term Accommodation Association, suggested that the effect of short-term rentals on the housing market had been shown to be "negligible" according to a 2016 report by the Institute for Public Policy Research."¹⁸ However, the sector has grown rapidly since then.
- 11. While there are no conclusive data on the impact of the sharp rise in shortterm lets on housing markets, we heard clear evidence that in 'hotspot' areas the proliferation of short-term lets is affecting the supply of homes available in the private rented sector.

Registration

- 12. Following a consultation earlier in 2022,¹⁹ on 5 December 2022 the Government announced that it will establish a registration scheme for short-term lets,²⁰ with a further short consultation on the exact design of the scheme.²¹ A new clause added to the Levelling Up and Regeneration Bill implements this undertaking.²² The clause requires the Secretary of State to make regulations establishing such a scheme but leaves open important details, such as whether registration will be mandatory across England or an option available to local authorities to deploy at their discretion.
- 13. Although commenting before the announcement was known, some witnesses in principle supported a registration scheme. The Greater London Authority (GLA) told us that a "register with strong verification of identity and clear penalties for being unregistered, or providing false information, will be a valuable tool for local authorities in England".²³ The GLA thought that a register would help in detecting housing fraud (where social housing is let to tourists).
- 14. The representative of South Hams Council did not believe a registration scheme would go far enough and would prefer a licensing system. Councillor Pearce said it would give

https://www.gov.uk/government/news/communities-put-at-heart-of-planning-system-as-government-

²¹ HC Deb, 6 December 2022, cols <u>11–12WS</u>

¹⁵ Written evidence from Propertymark (<u>STL0004</u>)

¹⁶ Written evidence from Generation Rent (<u>STL0001</u>)

¹⁷ <u>Q 15</u> (Merilee Karr)

¹⁸ <u>Q 17</u> (Merilee Karr)

¹⁹ Department for Digital, Culture, Media & Sport, Closed consultation

Developing a tourist accommodation registration scheme in England, 29 June 2022: https://www.gov.uk/government/consultations/developing-a-tourist-accommodation-registration-scheme-inengland [accessed 26 November 2022]

²⁰ Department for Levelling Up, Housing and Communities, News: Communities put at heart of planning system as government strengthens Levelling Up and Regeneration Bill, 5 December 2022:

strengthens-levelling-up-and-regeneration-bill [accessed 6 December 2022]

²² NC 119 of the <u>Levelling Up and Regeneration Bill</u>, on pages 50–52. The clause was agreed on report in the House of Commons on 13 December 2022.

²³ Written evidence from the Greater London Authority (STL0005)

councils more direct control over safety matters, for instance, and could be selffinancing.²⁴ She thought that a licensing scheme would help prevent relicensing of properties at which anti-social behaviour takes place, "whereas a registration system may not achieve that".

- 15. We welcome the Government's proposed registration scheme for shortterm lets if it is an option available for local authorities in England to introduce at their discretion. That could be especially useful for local authorities in areas with a high density of short-term lets.
- 16. We would not support a scheme which was nationwide or mandatory for local authorities; that would be disproportionate given the low demand in some areas.
- 17. At present there is little detail on the proposed registration scheme; most of the detail will be included in the regulations made under the clause added to the Levelling Up and Regeneration Bill. We identify below issues which will need to be addressed in designing the scheme.
- 18. One issue is the cost of registration. Regulations under the clause may provide for the charging of fees or other charges.²⁵ Airbnb said that a registration system should be "if not free, cheap and … not … a burden to the ordinary everyday people who are homesharing and doing short term rental."²⁶ Amanda Cupples, General Manager (Northern Europe) of Airbnb, said the new licensing scheme in Scotland, which involves a £300 charge for a licence, meant some hosts chose not to list their properties.²⁷ On the other hand, if the registration scheme were to be administered by local authorities they would want to cover the costs of doing so through receipts from the registration fee. If administered centrally by the Government the administering authority may similarly want to recoup its costs.

19. What is the Government's intention for proposed cost of registering a shortterm let property?

20. A second issue is consumers being able to identify properties that are registered. Regulations under the clause may make provision on how the registration of a property "may or must" be publicised.²⁸ Dr Tatiana Moreira de Souza, Lecturer in Planning at the University of Liverpool, noted that in municipalities where registration is required the major platforms show the registration number for the property or host on the listing.²⁹

21. Will platforms and hosts be required to display a registration number?

22. A third issue is whether the property or the owner will be registered. Regulations under the clause may make provision on the form or content of the register.³⁰ Proposals from

²⁴ <u>Q 27</u> (Councillor Judy Pearce)

²⁵ Subsection (8)(a) of NCI19

²⁶ **Q 19** (Amanda Cupples)

²⁷ Q 20 (Amanda Cupples)

²⁸ Subsection (5)(h) of NCI 19

²⁹ <u>Q 10</u> (Dr Tatiana Moreira de Souza)

³⁰ Subsection (5)(g)(i) of NCI19

the sector, including from the UK Short Term Accommodation Association and Airbnb, advocate that it should be the property. But this may not reflect the increased commercialisation of the sector, where companies own a large number of short-term let properties. Many short-term lets are managed by professional agencies who manage the listings, booking and cleaning for short-term lets.

23. Will registered individual properties be linked to the owners and managers of the properties?

24. A fourth issue is enforcement. Again, the clause leaves this to the discretion of the Secretary of State. It allows for prohibiting the letting of a property which has not been registered and for civil sanctions to enforce requirements.³¹ Dr Tatiana Moreira de Souza advised: "We have to ask questions about what resources local authorities have to conduct enforcement" adding that Barcelona had employed a large team of enforcement officers and a "data scraping" team to implement their tight rules on the sector, but this had come at "quite a high price".³² That said, having a register of short-term lets would more easily enable enforcement of pre-existing requirements, such as those on fire safety, and health and safety.

25. How would a registration scheme be enforced?

- 26. A related issue is establishing definitive data on short-term lettings. At the moment there are no definitive data because of the diverse nature of the sector, which can range from commercial visitor accommodation to individuals letting spare rooms through sharing economy platforms, and the fact that providers can offer accommodation across multiple platforms. Witnesses told us of the difficulties in obtaining information about the scale of short-term lets in an area. Councillor Noble said that "if you are not tracking an individual property all the way through to know how many days it has been let out for during a given period, it is impossible to know whether 90 days have been exceeded".³³
- 27. An optional registration scheme which local authorities may opt-in to would allow such authorities to gather reliable data on the prevalence of short-term lets in their areas. We would welcome this.

Requirement for planning permission

- 28. At present in England outside London a local planning authority is required to judge whether a letting amounts to a material change of use, in which case planning permission must be sought. In practice, it is difficult for local authorities to ascertain such information owing to the lack of data. Inside London, planning permission is required if a residential premises is let for more than 90 nights in a calendar year.
- 29. On 5 December 2022 the Government announced that it will "consult on whether planning permission should be required for new short term lets, especially in tourist

³¹ Subsections (5)(k) and (l), (6) and (7) of NCI19

³² <u>Q 6</u> (Dr Tatiana Moreira de Souza)

³³ <u>Q 25</u> (Councillor Matt Noble)

hotspots."³⁴ This would involve reviewing the Town and Country Planning (Use Classes Order) 1987.³⁵ The Government's announcement implies that it would be discretionary for local authorities and will apply only to new short-term lets, not to existing such properties.³⁶

- 30. Speaking before that announcement, South Hams District Council favoured introducing a new planning class, suggesting it would help in the "difficult-to-trace element of online advertisements for properties that at least nine times out of 10 do not have planning permission".³⁷
- 31. We would support giving local authorities in England power to decide whether to require change-of-use planning permission for new short-term lets in their areas. We would not support making this a nationwide requirement.

Threshold for registering or seeking planning permission

- 32. A threshold will need to be set for requiring registration and any requirement for planning permission. As mentioned, in London it has been 90 days for planning permission since 2015; before that the length of lease determined whether a property could be let out. Outside London there is no set threshold.
- 33. What minimum number of days does the Government envisage a property needs to be let out for in order to require registration or planning permission? Will it be the same number of days across England, including in London?

Taxation

- 34. There are concerns about the collection of tax for short-term lettings. Some traditional holiday accommodation providers (such as hotels, guest houses and bed and breakfast accommodation) believe that those letting through sharing economy platforms have an unfair competitive advantage as they are not subject to the same taxation arrangements.
- 35. Many landlords of short-term lets are liable to pay business rates. In practice, many of them claim small business rate relief, meaning they pay no local property tax. Even if they do pay business rates, the revenue does not entirely go to the local authority concerned. By contrast, those in residential dwellings pay council tax (which has a much narrower set of reliefs), the revenue from which goes entirely to the local authority concerned (though it forms only part of a local authority's revenue).
- 36. Business rates in England will soon change. From April 2023 a property must be available to let for at least 140 days over the current and previous tax years and actually be let

³⁴ Department for Levelling Up, Housing and Communities, News: Communities put at heart of planning system as government strengthens Levelling Up and Regeneration Bill, 5 December 2022: https://www.gov.uk/government/news/communities-put-at-heart-of-planning-system-as-government-

strengthens-levelling-up-and-regeneration-bill [accessed 6 December 2022] ³⁵ Town and Country Planning (Use Classes) Order 1987

³⁶ HC Deb, 6 December 2022, cols 11–12WS.

³⁷ Q 25 (Councillor Judy Pearce)

for at least 70 days in the last 12 months to qualify for business rates.³⁸ Previously, there was no requirement for evidence to be produced that a property had actually been commercially let out.

- 37. As noted in Box I (see below), the Welsh Government will increase its business rates threshold significantly from April 2023.
- 38. The system of taxation for short-term lets incentivises landlords to claim small business rate relief rather than pay council tax. The Government should examine the consequences of this incentive and assess the effects of the Welsh Government's different taxation arrangements for short-term lets.

Spare-room lettings

- 39. Whatever schemes that are implemented should be appropriately targeted. Airbnb told us that its data indicate that eight out of 10 hosts are renting out one listing, often in their primary residence. The councillors we heard from agreed that it is not for regulation to preclude the use of spare rooms in a primary residence, "provided that it is not exploitative".³⁹ Such activity provides an important source of additional income, can offer companionship and ensures the housing stock is well-used.
- 40. The new registration scheme and any requirement for planning permission should ensure property owners are not deterred from renting out a spare room in their primary residence.

Platforms' responsibility

- 41. The platforms referred to difficulties with sharing data from their sites, including: 1) listings may be duplicated on different platforms; 2) the nature of accommodation listed may not be clear—for example some listings are spare rooms, others are entire properties and others still may be 'glamping' options or annexes; and 3) some listings are managed by property management companies who receive a commission but are not owners of the property. However, Airbnb published a comprehensive report on the listings on their site in 2018.⁴⁰
- 42. The 'sharing economy' short-term accommodation platforms should provide more data on the listings on their sites, including aggregated data on the number of listings, the type of listings, the number of hosts and the number of nights listings are booked for each month.

 ³⁸ Gov.uk, 'Business rates: Self-catering and holiday let accommodation': <u>https://www.gov.uk/introduction-to-business-rates/self-catering-and-holiday-let-accommodation</u> [accessed 29 November 2022]
³⁹ Q 34 (Councillor Judy Pearce and Councillor Matt Noble)

⁴⁰ Airbnb, 'NEW 2018 DATA: Airbnb grows responsibly and spreads tourism across the country', 2 May 2019: <u>https://news.airbnb.com/new-2018-data-airbnb-grows-responsibly-and-spreads-tourism-across-the-country/</u> [accessed 29 November 2022]

Box I: Regulation in Wales

The Welsh Government is considering or implementing the following measures which apply to second homes and short-term lets.

Statutory licence scheme

The Welsh Government has committed to introduce a statutory licensing scheme for all visitor accommodation, including short-term holiday lets, making it a requirement to obtain a licence. It is intended that this will raise standards in the tourism industry by requiring evidence of insurance, planning status, fire-risk assessment, gas safety and electrical safety. The scheme is intended to help the Welsh Government understand the scale and nature of the sector, with reliable data to support planning decisions.

New taxation rules

The criteria for self-catering accommodation being liable for business rates instead of council tax will change from April 2023. In Wales properties that are available to let for at least 252 days, and that are actually let for at least 182 days, in any 12-month period will be liable for business rates (and so potentially may claim small business rate relief) rather than council tax.

Council tax premiums are currently set at a maximum of 100% of the usual rate for primary residences. From April 2023 local authorities can set council tax premiums on second homes and long-term empty properties up to 300%.

Planning regulations

Changes to planning regulations have introduced three new planning use classes: 1) a primary residence; 2) a second home; and 3) short-term holiday accommodation. From December 2022 local planning authorities will be able to make local amendments to the planning system, allowing them to consider whether planning permission is required to change from one use class to another and to control the number of additional second homes and short-term lets in an area.

Land transaction tax

Following a consultation, work has begun with local authorities to develop a national framework so that they can request increased land transaction tax rates for second homes and holiday lets to be applied in their area.

Visitor levy

A Welsh Government consultation on a visitor levy closes in mid-December 2022. Raised by local authorities, a levy would be intended to generate revenue to support investment in the tourism industry in local areas.

Appendix 1: list of members and declarations of interests

<u>Members</u>

Baroness Bakewell Lord Berkeley Lord Best Lord Carrington of Fulham Baroness Cohen of Pimlico Baroness Eaton (member since 12 October 2022) Lord Grocott Lord Haselhurst The Earl of Lytton Lord Moylan (chair since 12 October 2022) Baroness Neville-Rolfe (member and chair until 20 September 2022) Lord Stunell Baroness Thornhill

Declarations of interests

Baroness Bakewell No relevant interests to declare

Lord Berkeley No relevant interests to declare

Lord Best

No relevant interests to declare

Lord Carrington of Fulham No relevant interests to declare

Baroness Cohen of Pimlico

Owner of house on long-term let

Baroness Eaton

Part-own holiday let properties in North Yorkshire; and an interest in rented properties in Bingley, West Yorkshire

Lord Grocott

No relevant interests to declare

Lord Haselhurst

No relevant interests to declare

The Earl of Lytton

Shared owner (with wife) of two holiday let properties in west Somerset

Lord Moylan

Strategic adviser, Admiralty Arch (UK) Limited (company undertaking transformation of Admiralty Arch into hotel on long lease from HM Government) (interest ceased 24 February 2022)

Lord Stunell

No relevant interests to declare

Baroness Thornhill

No relevant interests to declare

A full list of members' interests is in the Register of Lords' interests: <u>https://www.parliament.uk/mps-lords-and-offices/standards-and-interests/register-of-lords-interests/</u>

Appendix 2: list of witnesses

Evidence is published online at: <u>https://committees.parliament.uk/work/6503/shortterm-lettings/publications/</u> and available for inspection at the Parliamentary Archives (020 7219 3074).

Evidence received by the committee is listed below in chronological order of oral evidence session and in alphabetical order. Those witnesses marked with ** gave both oral and written evidence. Those marked with * gave oral evidence and did not submit any written evidence. All other witnesses submitted written evidence only.

Oral evidence in chronological order

*	Professor Marina Novelli, Professor of Tourism and International Development, University of Brighton	<u>QQ I–I4</u>
*	Dr Tatiana Moreira de Souza, lecturer in planning, University of Liverpool	<u>QQ I–I4</u>
**	Amanda Cupples, General Manager (Northern Europe), Airbnb	<u>QQ 15–24</u>
*	Merilee Karr, chair, UK Short Term Accommodation Association	<u>QQ 15–24</u>
**	Fiona MacConnacher, Public Affairs Manager, UK & Ireland, Booking.com	<u>QQ 15–24</u>
*	Councillor Matt Noble, Cabinet Member for Climate Action, Regeneration and Renters, Westminster City Council	<u>QQ 25–34</u>
*	Councillor Judy Pearce, Leader, South Hams District Council	<u>QQ 25–34</u>
*	Huw Maguire, Head of Second Homes Policy, Welsh Government	<u>QQ 35–45</u>

Alphabetical list of all witnesses

**	Amanda Cupples, Canaral Managar (Northarn Europa)	STL0002
	Amanda Cupples, General Manager (Northern Europe),	<u>31L0002</u>
	Airbnb (<u>QQ 15–24</u>)	
	Generation Rent	<u>STL0001</u>
	Greater London Authority	<u>STL0005</u>
*	Merilee Karr, chair, UK Short Term Accommodation	
	Association (<u>QQ 15–24</u>)	
**	Fiona MacConnacher, Public Affairs Manager, UK & Ireland,	<u>STL0003</u>
	Booking.com (<u>QQ 15-24</u>)	
*	Huw Maguire, Head of Second Homes Policy, Welsh	
	Government (<u>QQ 35–45</u>)	
*	Dr Tatiana Moreira de Souza, lecturer in planning,	
	University of Liverpool (QQ 1–14)	
*	Councillor Matt Noble, Cabinet Member for Climate	
	Action, Regeneration and Renters, Westminster City	
	Council (<u>QQ 25–34</u>)	
*	Professor Marina Novelli, Professor of Tourism and	
	International Development, University of Brighton (QQ 1–	
	<u> 4</u>)	

*	Councillor Judy Pearce, Leader, South Hams District Council (<u>QQ 25–34</u>)	
	Propertymark	<u>STL0004</u>