

	Agenda item	6.4
	Report no	HLC/091/23

THE HIGHLAND COUNCIL

Committee: THE HIGHLAND LICENSING COMMITTEE

Date: 28 November 2023

Report title: Application for the grant of a short term let licence – Cottage 3, Kerrowdown Mill, Drumnadrochit, IV63 6XP (Ward 12 –Aird and Loch Ness)

Report by: The Principal Solicitor – Regulatory Services

1.	Purpose/Executive Summary
1.1	This report relates to an application for the grant of a short term let licence.
2.	Recommendation
2.1	Members are asked to determine the application in accordance with the Council's hearings procedure.

3.	Background
3.1	In terms of The Civic Government (Scotland) Act 1982 (Licensing of Short-term Lets) Order 2022, a licence is required for residential accommodation for use as a short term let.
3.2	<p>Short term let means the use of residential accommodation provided by a host in the course of business to a guest, where all of the following criteria are met:</p> <ul style="list-style-type: none"> • The guest does not use the accommodation as their only or principal home • The short term let is entered into for commercial consideration • The guest is not: <ol style="list-style-type: none"> 1. An immediate family member of the host 2. Sharing the accommodation with the host for the principal purpose of advancing the guest's education as part of an arrangement made or approved by a school, college, or further or higher educational institution, or 3. an owner or part-owner of the accommodation • the accommodation is not provided for the principal purpose of facilitating the provision of work or services by the guest to the host or to another member of the host's household • the accommodation is not excluded accommodation, and • the short-term let does not constitute an excluded tenancy
4.	Application
4.1	On 3 August 2023 (date application was deemed valid) an application for the grant of a short term let licence was received from Marie Elizabeth Eldridge on behalf of the partnership of the said Marie Elizabeth Eldridge and Stuart James Baillie.
4.2	The Premises to which the application relates to is Cottage 3, Kerrowdown Mill, Drumnadrochit, IV63 6XP ("the Premises"). A site plan and floor plan were provided by the applicant as part of the application process and are attached as an appendix to this report (Appendix 1). The Premises are those coloured pink on page 1 of Appendix 1.
4.3	The application for the short term let licence has been made on the basis that the said partnership of Ms Eldridge and Mr Baillie will be the host/operator of the Premises. The applicant has applied for a short term let licence as a 'new host' on the basis that the Premises were not operated by the said partnership of Ms Eldridge and Mr Baillie as a short term let property prior to 1 October 2022.
4.4	The type of short term let which has been applied for is a 'secondary let'. A 'secondary let' involves the letting of a property where the applicant does not normally live.
4.5	The Premises is a terraced dwellinghouse which can accommodate a maximum of two guests. The ground floor of the Premises comprises of an open plan living/kitchen area and hallway, with stairs leading to the first floor of the Premises which comprises of one bedroom and a shower-room.

5.	Process
5.1	The application was circulated to the following Agencies/Services for consultation: <ul style="list-style-type: none"> • Police Scotland; • Highland Council Environmental Health Service; and • Highland Council Building Standards Service.
5.2	All of the above Agencies/Services have confirmed that they have no objections to the licence being issued.
5.3	The Scottish Fire & Rescue Service was not further consulted on the application as the fire safety checklist, which was completed by the applicant, pertaining to the application was deemed satisfactory.

6.	Public representation
6.1	<p>It is open to any member of the public to submit an objection or representation in relation to an application for a licence for a short term let.</p> <p>During the notice of display period, the following timeous objection was received and is attached as an Appendix to this report:</p> <ul style="list-style-type: none"> • Objection letter dated 27 August 2023, received by email on 30 August 2023 from Miss Ade Clark (Appendix 2).
7.	Determining issues
7.1	<p>Paragraph 5(3) of Schedule 1 of the Civic Government (Scotland) Act 1982 states that a licensing authority may refuse an application to grant or renew a licence where:</p> <p>(a) the applicant or anyone else detailed on the application is not a fit and proper person;</p> <p>(b) the activity would be carried out by a person other than the applicant who, if he had made the application himself, would have been refused;</p> <p>(c) where the licence applied for relates to an activity consisting of or including the use of premises or a vehicle or vessel, those premises are not or, as the case may be, that vehicle or vessel is not suitable or convenient for the conduct of the activity having regard to</p> <ul style="list-style-type: none"> (i) the location, character or condition of premises or the character or condition of the vehicle or vessel, (ii) the nature and extent of the proposed activity, (iii) the kind of persons likely to be in the premises, vehicle or vessel, (iv) the possibility of undue public nuisance, or (v) public order or public safety; or <p>(d) there is other good reason for refusing the application.</p> <p>If required, the Principal Solicitor – Regulatory Services will offer particular advice on the criteria relating to this particular application.</p>

7.2 A copy of this report has been sent to the applicant and the objector who, in the terms of paragraph 4(2) of the Civic Government (Scotland) Act 1982, have been invited to attend and will be provided with an opportunity to be heard by the Committee.

Both parties have also been advised of the procedure which will be followed at the meeting which may also be viewed via the following link:

[Licensing hearings procedures | Licensing hearings procedure \(Licensing Committee\) \(highland.gov.uk\)](https://www.highland.gov.uk/licensing-hearings-procedures)

8. Policies

The following policy is relevant to this application:

- Short-term let licensing policy statement (which includes the mandatory and additional licence conditions attached to all Short Term Let Licences):-

A copy of this policy can accessed [here](#) or a hard copy can be supplied where requested.

9. Implications

9.1 Not applicable.

Date: 6 November 2023

Author: Julie Traynor

Reference: [FS533102129](#)

Background Papers:



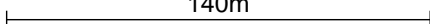
- Civic Government (Scotland) Act 1982
- The Civic Government (Scotland) Act 1982 (Licensing of Short-term Lets) Order 2022

APPENDICES:

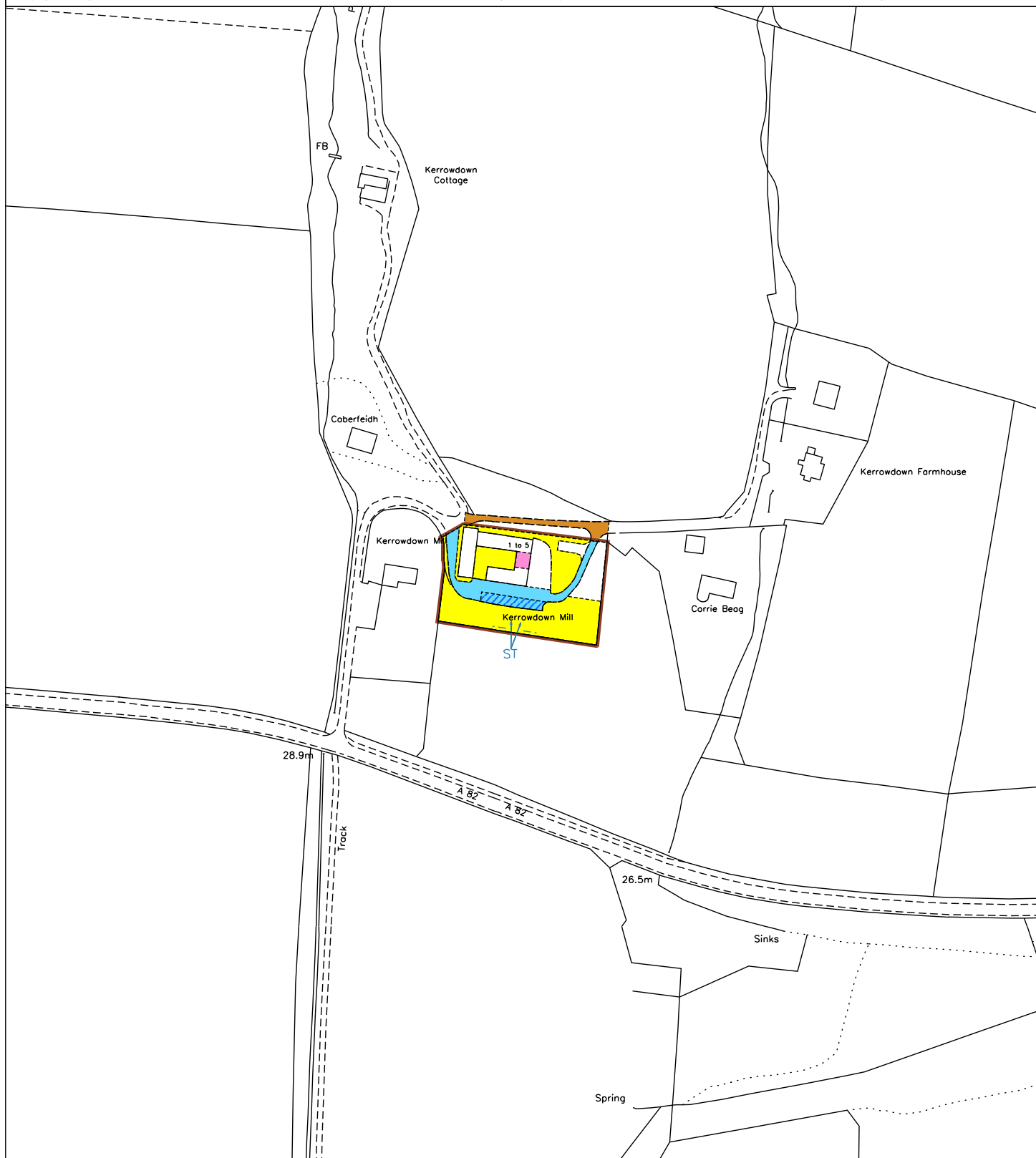
Appendix 1: Site plan, detailing the extent of the Premises and floor plan.

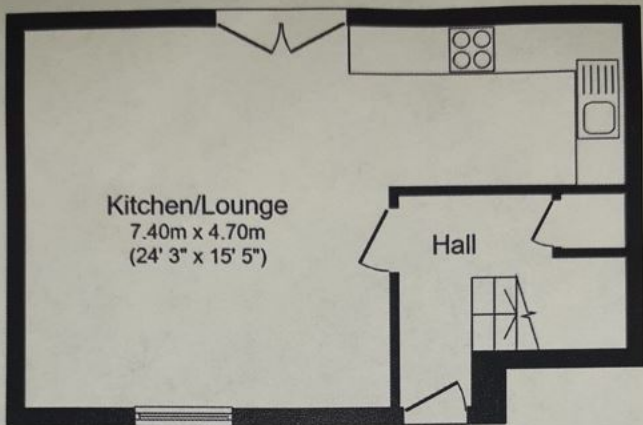
Appendix 2: Objection dated 27 August 2023 received by email on 30 August 2023 from Miss Ade Clark

Appendix 1

 LAND REGISTER OF SCOTLAND	Officer's ID / Date	TITLE NUMBER
	4580 14/12/2009	INV17868
	ORDNANCE SURVEY NATIONAL GRID REFERENCE	140m 
	NH5129 NH5229 NH5130 NH5230	Survey Scale 1/2500

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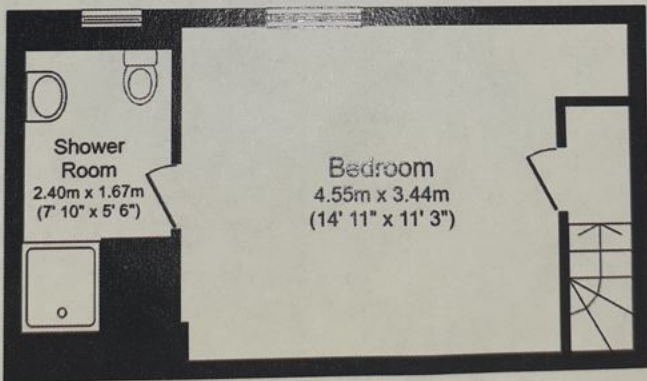




Kitchen/Lounge
 7.40m x 4.70m
 (24' 3" x 15' 5")

Hall

Ground Floor




Shower Room
 2.40m x 1.67m
 (7' 10" x 5' 6")

Bedroom
 4.55m x 3.44m
 (14' 11" x 11' 3")

First Floor

Total floor area 63.2 sq.m. (680 sq.ft.) approx

This floor plan is for illustrative purposes only. It is not drawn to scale. Any measurements, floor areas (including any total floor area), openings and orientation are approximate. No details are guaranteed, they cannot be relied upon for any purpose and they do not form part of any agreement. No liability is taken for any error, omission or misstatement. A party must rely upon its own inspection(s). Plan produced for Your Move. Powered by www.focalagent.com


27/08/23

The Highland Council
Charles Kennedy Building
Achintore Road
Fort William
PH33 7RQ

Dear Sir/Madam,

Re: Objection for a short term let licence for Marie Elizabeth Eldridge, Cottage 3, Kerrowdown Mill, Drumnadrochit, IV63 6XP

I am writing to object to the above application for reasons as follows:

Fly-tipping

On a number of occasions, my general waste and recycling bins have been abused by Airbnb guests even though the number of my property is clearly marked on both bins. I have had to put a notice on each bin asking people not to use them for their own waste, but this has often been ignored. This happened frequently when Cottage 3's bin was not emptied on a regular basis.

On some occasions, dog faeces were placed in my bin, when the previous owner had permitted dogs to stay.

There were several maggot infestations during the summer periods from guests not securing the waste bags properly. My blue recycling bin was often found to have general waste and bottles placed in it.

Parking

Parking at the property continues to be a cause for concern and definitely would not be helped with another short term let property on site. Sometimes, guests bring more than one car to each property. They often park in an inconsiderate manner, inconveniencing other neighbouring properties. On several occasions, a car has parked blocking an entrance/exit. This would be a real issue in the event of an emergency. Please see attached photographs for reference.

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I work long shifts, often doing 13 hour days and occasionally nights in a volatile and often stressful environment. I should not have to worry about getting parked on returning home.

Noise

I have noted several issues with noise before with the short-term let at the above address. Guests have regularly played music and the TV very loudly. There were a couple of occasions when I started work at 7am and was rudely awoken to what sounded like pornography being played from Cottage 3. At the time, I was having to sleep downstairs as my ex husband was unwell and sleeping upstairs. For my job, it is important that I get a good night's sleep to be able to function physically and mentally to meet the demands that my job brings.

When people are on holiday, they are relaxed and out to have a good time. While this is understandable, it does not fit in with the lives of residents trying to go about their daily routines of work etc.

Security

There have been a few occasions when guests have turned up at my door after getting the address wrong. Sometimes, this has happened after I have been on night shifts and am sleeping during the day. I always ensure that my door is locked as I live alone. Occasionally, some guests have arrived late at night and I've heard my door being tried. This is quite unnerving, especially with the frequent turnover of different guests most weeks.

Inappropriate use of the car park

There have been some occasions when Airbnbs guests children have attempted to kick balls around the car park, where cars are parked and could cause damage.

General points

I have lived in Drumnadrochit for over 30 years apart from my time in Edinburgh at university. In the last few years, Drumnadrochit has seen an unparalleled growth in short term let properties which has meant an increasing difficulty for local people like myself to get onto the property ladder. I had to wait several years to secure my property at Kerrowdown. I know of several single people who would have bought Cottage 3 to live in permanently, rather than someone profiteering financially using it as their second home for income. Local people can no longer compete with people from more affluent areas which is a tremendous pity as it means the heart of the village changes. If Cottage 3 is granted a licence for a short term let, it will tip the balance of Kerrowdown Mill from mainly residential dwellings to a high turnover of different people changing weekly, losing an important sense of community.

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On a personal level, this will have a detrimental effect on my health and well-being. I love my home, it is a peaceful sanctuary in beautiful surroundings. With the above issues mentioned, I have seen a decline in my mental health and would not like to see it decline again.

As a final note, I observed Ms Eldridge had placed the notice for intended use of a short term let in the window rather than requesting this be sent out to the residing cottages. The notice states it was displayed from 18/08/23, however I note this was removed on the 23/08/23. I would hardly say that is a sufficient time period to notify neighbours.

I would like the council to take into consideration all of my points raised in this letter and reasons why this should not be granted as a short term let property.

Yours Faithfully

A solid black rectangular box redacting the signature of the sender.

Miss Ade Clark

OFFICIAL

