

THE HIGHLAND COUNCIL

Committee: THE HIGHLAND LICENSING COMMITTEE

Date: 9 January 2024

Report title: Application for the grant of a short term let licence – Longa House, 13 Big Sand, Gairloch, IV21 2DD (Ward 5 - Wester Ross, Strathpeffer and Lochalsh)

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 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:
- 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:
 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 18 April 2023 (date application was deemed valid) an application for the grant of a short term let licence was received from Mrs Brenda Kathleen MacRitchie.
- 4.2 The Premises to which the application relates to is Longa House, 13 Big Sand, Gairloch, IV21 2DD ("the Premises"). A site plan was provided by the applicant as part of the application process and is attached as an appendix to this report (**Appendix 1**). The Premises are those identified as 'Longa House' on Page 1 of Appendix 1.
- 4.3 The application for the short term let licence has been made on the basis that Mrs MacRitchie is the host/operator of the Premises. Mrs MacRitchie has applied for the short term let licence as an 'existing host' on the basis that, in her capacity as the host/operator, she was operating the Premises 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 detached dwellinghouse which can accommodate a maximum of 17 guests. The ground floor of the Premises comprises of a sun porch, lounge, open-plan kitchen/dining room, bathroom, 4 bedrooms, laundry/bootroom and a shower room. The upper floor of the Premises comprises of a mezzanine area, a study, 4 bedrooms (one ensuite) and a bathroom. A floor plan was provided by the applicant as part of the application process and this is found on Pages 2 and 3 of Appendix 1. In addition, there is an external socialising area which comprises of a decking/sauna area at the Premises. These areas are indicated on the site plan found on page 1 of Appendix 1.

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| 5. | Process |
| 5.1 | <p>The application was circulated to the following Agencies/Services for consultation:</p> <ul style="list-style-type: none"> • Police Scotland; • Highland Council Environmental Health Service; and • Scottish Fire and Rescue Service. |
| 5.2 | All of the above Agencies/Services have confirmed that they have no objections to the licence being issued. |

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| 6. | Public objections |
| 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 objections were received and are attached as Appendices to this report:</p> <ul style="list-style-type: none"> • Objection received by email on 3 May 2023 from Graeme Banks (Appendix 2); • Objection received by email on 17 May 2023 from William Fraser and Carol Ann Fraser (Appendix 3); • Objection received by email on 18 May 2023 from James H Aaron and Ann Aaron. |
| 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> |

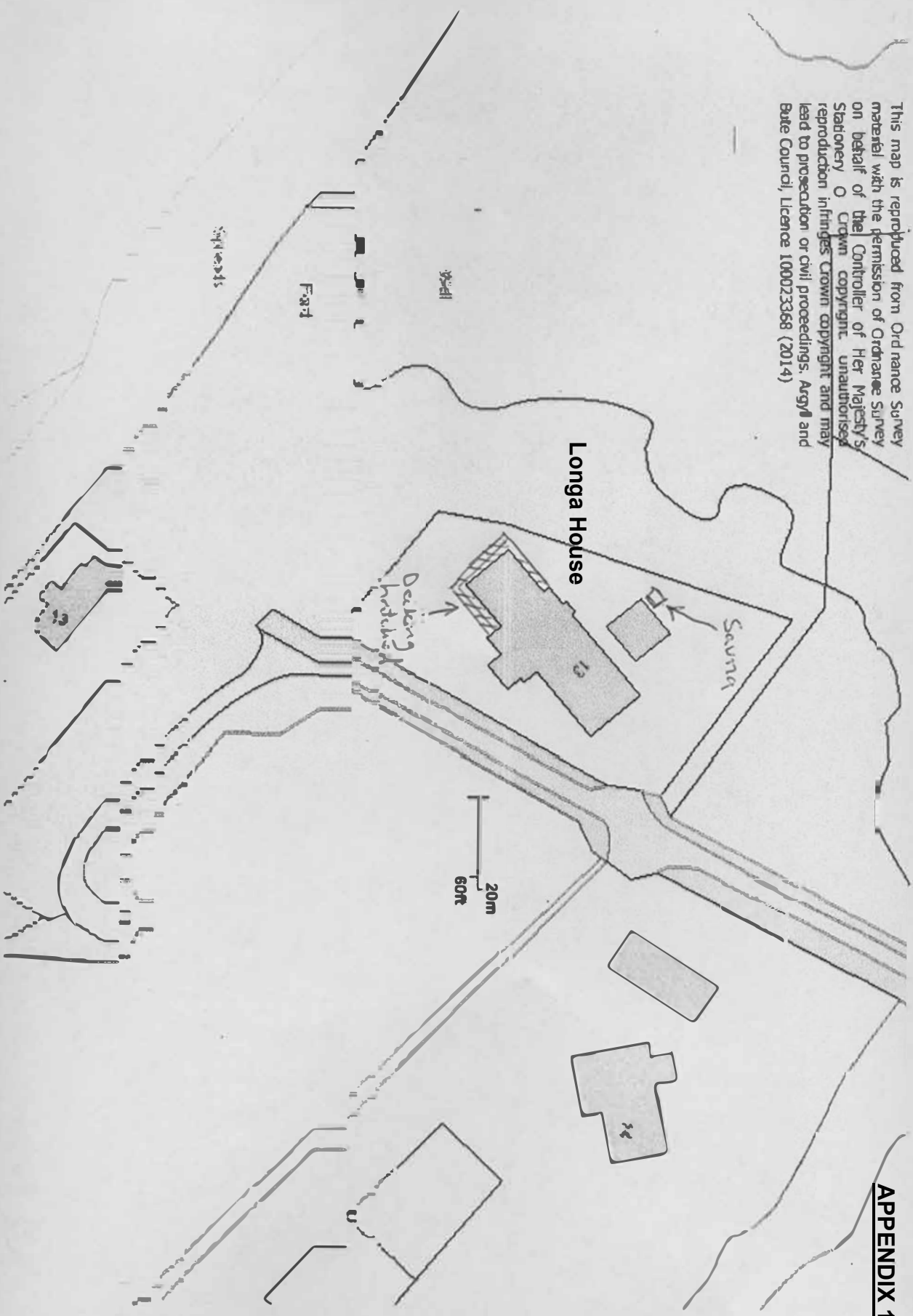
| | |
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| | If required, the Principal Solicitor – Regulatory Services will offer particular advice on the criteria relating to this particular application. |
| 7.2 | <p>A copy of this report has been sent to the applicant and the objectors who, in the 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.</p> <p>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:</p> <p>Licensing hearings procedures Licensing hearings procedure (Licensing Committee) (highland.gov.uk)</p> |
| 8. | <p>Policies</p> <p>The following policy is relevant to this application:</p> <ul style="list-style-type: none"> • Short-term let licensing policy statement (which includes the mandatory and additional licence conditions attached to all Short Term Let Licences):- <p>A copy of this policy can accessed here or a hard copy can be supplied where requested.</p> |
| 9. | <p>Implications</p> |
| 9.1 | Not applicable. |
| <p>Date: 12 December 2023 Author: Julie Traynor</p> <p>Reference: FS503040001</p> <p>Background Papers:</p> <ul style="list-style-type: none"> • Civic Government (Scotland) Act 1982 • The Civic Government (Scotland) Act 1982 (Licensing of Short-term Lets) Order 2022 <p>APPENDICES:</p> <p>Appendix 1: Site plan and floor plan, in respect of the Premises; Appendix 2: Objection received by email on 3 May 2023 from Graeme Banks; Appendix 3: Objection received by email on 17 May 2023 from William Fraser and Carol Ann Fraser; Appendix 4: Objection received by email on 18 May 2023 from James H Aaron and Ann Aaron.</p> | |

APPENDIX 1

13 Big Sand - Map Search
E: 175147.40 N: 879073.30

URL <https://wain.highland.gov.uk/wain/registered/savedSearch1.do?action=run&searchId=293>
Created: 18/02/2019 14:12 Updated: 18/02/2019 14:23

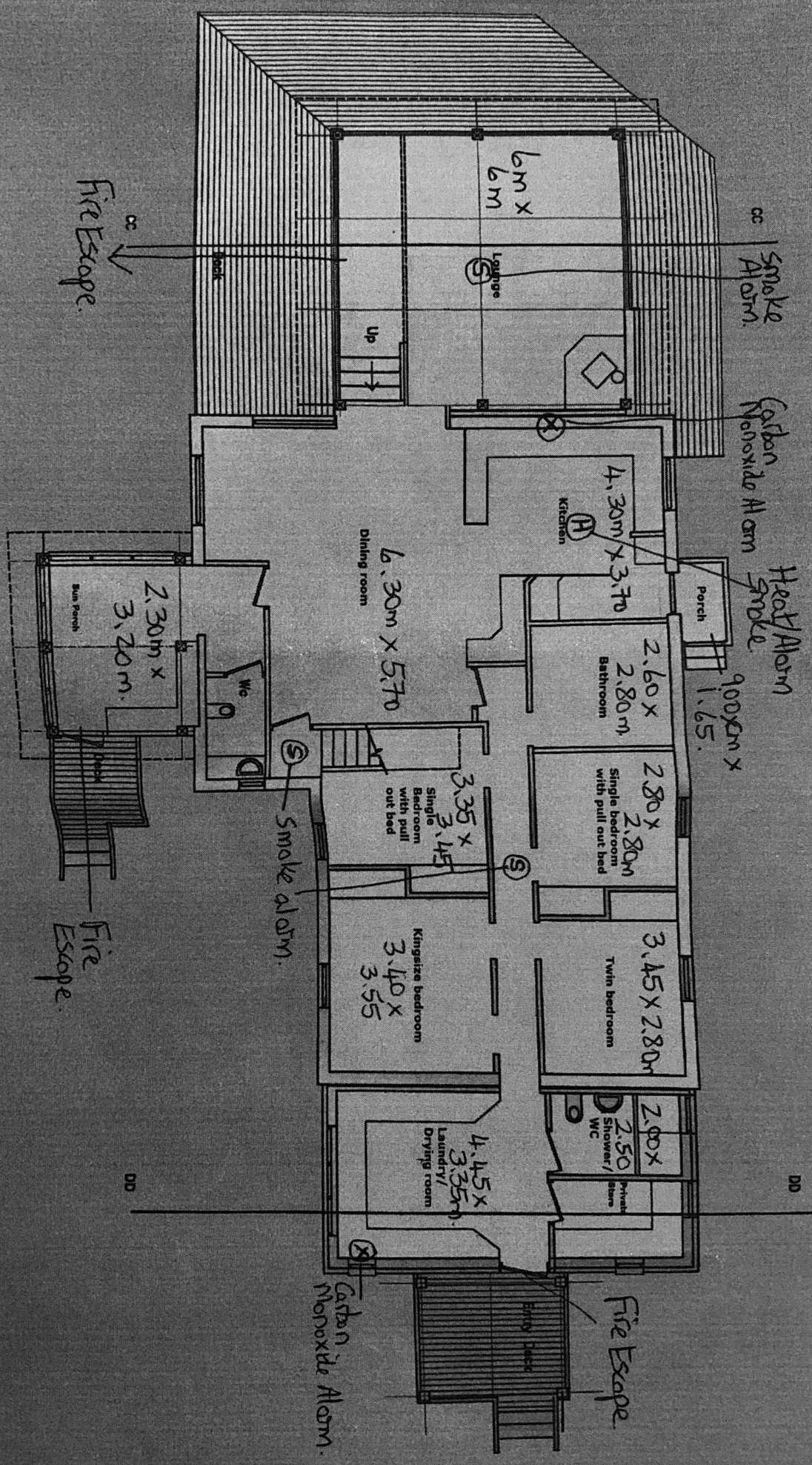
This map is reproduced from Ordnance Survey material with the permission of Ordnance Survey on behalf of the Controller of Her Majesty's Stationery Office. Crown copyright. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceedings. Any/ and Bute Council, Licence 100023368 (2014)



APPENDIX 1

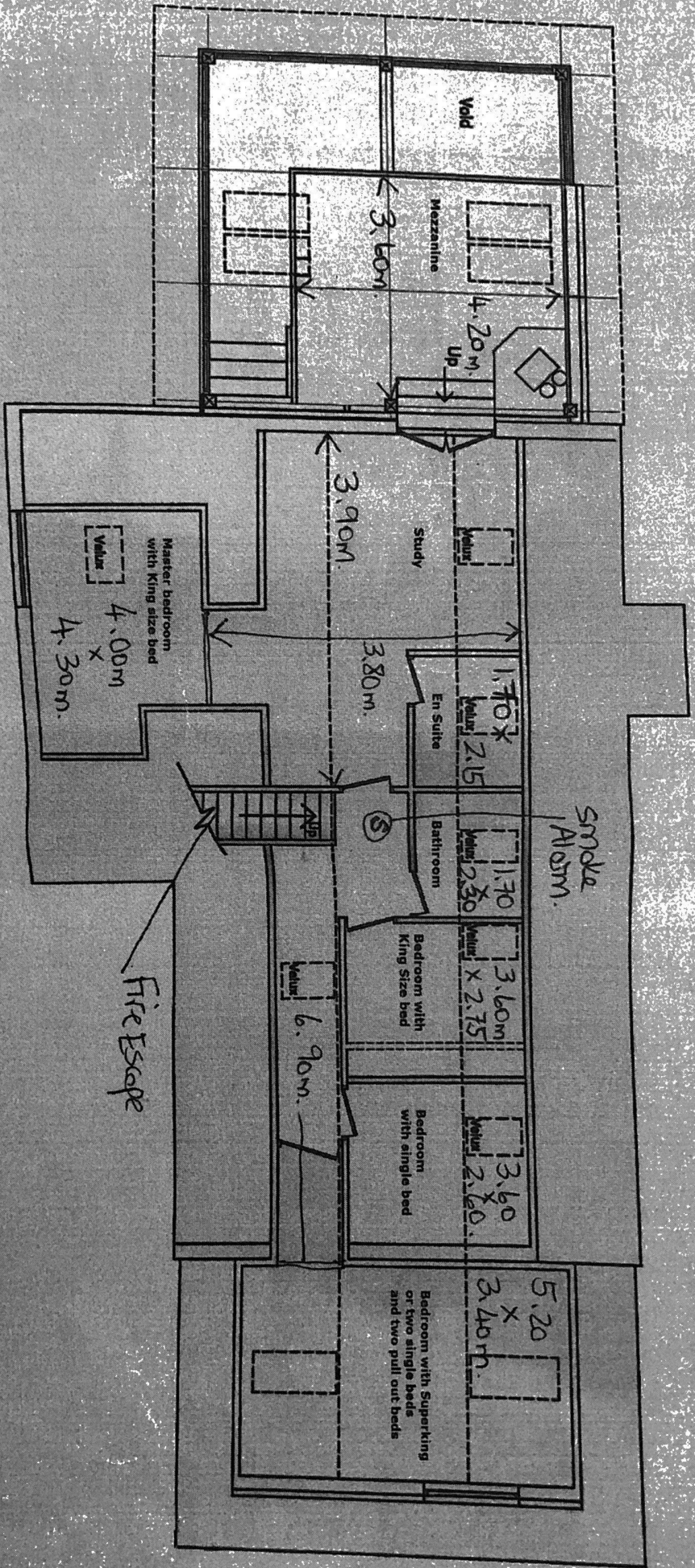
→ 1/10
→ 6/5

LONGA HOUSE - 13 BIG SAND GAIROLLOFF. Ground Floor



LONGA HOUSE - 13 BK SAND GARROCH.

First Floor





3 May 2023

The Highland Council
Tight Na Sgìre
Park Lane
Portree
IV51 9GP

Dear Sirs

**Application for: Secondary letting
13 Big Sand, Gairloch IV21 2DD**

Grounds for objection

Whilst Mrs MacRitchie has been operating the property as a holiday let for a number of years there has been nothing we could do regarding this matter however, now with the new rules being put in place regarding holiday lettings we can object due to the following issues:

1. Access / Vehicle numbers

The property applying for the licence is in a quiet crofting community and is at the end of a single track road. The last section down to the property is on a privately owned section of the road that services three properties, not just the MacRitchies holiday home. One property, our house is a residential property that we live in all year round, the other home is a second home which is normally empty.

Whilst they are now advertising that their guests are only allowed to bring 4 vehicles to the property, with parking for additional vehicles being a mile and a half away, there are often up to seven vehicles present and on more than one occasion more. This has led to the vehicles spilling out of their driveway and have had to park on the private road. The vehicles are not always cars, there are often minibuses and campervans which quickly fill up their limited parking area.

The amount of traffic coming down the private part of the road is wearing away the roadway and damaging the drainage pipes underneath it.

2. Number of individuals / Noise / Unsociable behaviour

- The application for a licence for what is currently used for letting to up to 18 individuals is totally unsuitable for the location, as we have previously made clear to the MacRitchies to no avail. They are clearly more interested in making money from their holiday home rather than the negative effect it has on the local community, especially our household.
- The noise generated by the often multi generations that come to the property, whilst not always, is overwhelming. Whilst we understand that the individuals are on holiday and here to enjoy themselves and it is nice to hear children enjoying themselves, but to hearing screaming and yelling, which is a normal occurrence for when families get together for holidays, week after week is not suitable for a residential situation. We can have a repeat of this situation each week, when families have not seen each other for a while so we have to endure a recurring party house as a neighbour.
- We have in the past found that their guests have been using the top of the slope down to the shore as a base for golf practice and then progressed to aim at one of our son's boat.
- Fireworks being let off with no advance notice, which whilst upsetting our pets and no doubt our pigs, we are sure caused more distress to the sheep and cattle kept by other locals on their crofts.

3. Day-to-day manager

- I have no idea what your criteria to meet this requirement is but Mrs MacRitchie lives in Oxford, and not at the property in Gairloch as the notice appears to indicate. So, I can see no way how she can claim to be acting as such as the day-to-day manager.
- How can she ensure only four cars will be using the property, we are sure when guests realise there is nothing in place to stop them parking there overnight, they will just bring their cars anyway rather than parking one and a half miles away.
Even if they do leave the cars overnight elsewhere it will not stop them traveling to the property during the day and causing the issues raised above.
- We no longer raise any concerns with Mrs MacRitchie as whilst she may say one thing she has shown by her past actions she may say one thing but then do another. When first renting the property out she stated that they were aiming for upmarket lettings and the costs would deter for the better words 'undesirables'. However cramming eighteen beds into the property has made it more like a bunk house / hostel, we have been asked by other visitor if this is what it was due to the number of vehicles there, and has made it an affordable option for large groups and not an upmarket rental as claimed.

Conclusion

Whilst not trying to block having the property being run as a holiday home as the MacRitchies should be allowed to make some income from their investment, we would find it more acceptable to have the licence restricted to it being allowed to hold up to eight guest at any time, this should help solve the issues over the number of vehicles and would restrict the excess noise and the unsociable behaviour and be more in keeping with the area..

Yours faithfully

Graeme Banks

[REDACTED]

From: Ann Fraser <[REDACTED]>
Sent: 17 May 2023 20:47
To: STL Licensing
Subject: Objecion to short term let of 13 Big Sand IV21 2DD

Categories: [REDACTED]

CAUTION: This email was sent from outside of the organisation. Do not click links or open attachments unless you recognise the sender and know the content is safe.

[REDACTED]

We would like to object to the application for a short term lets license, for 13 Big Sand Gairloch, IV21 2DD.

This is a small fragile crofting township and we believe it is not in the interest of the township to have another holiday letting property .

We have a concern that people will not respect our way of life and we already have issues with dog worrying by visitors to our area.

This is a property that could possibly accommodate eighteen people and the eroded track to the property is totally unsuitable for this amount of traffic.

We also think the septic tank is unsuitable for this development as it was originally built for a three-bedroom house and the outflow water contaminates the Common Grazings.

The notice was placed in a public place but placed in the worst place for passers-by to see clearly.

The wording "**The application on the day-to-day managers:** Brenda Kathleen MacRitchie" leads you to believe she lives here. This is misleading. She does not live in the area.

William and Carol Ann Fraser
[REDACTED]

From: Ann Fraser <[REDACTED]>
Sent: 18 May 2023 16:56
To: STL Licensing <STL@highland.gov.uk>
Subject: Objection to short term lets 13 Big Sand.

CAUTION: This email was sent from outside of the organisation. Do not click links or open attachments unless you recognise the sender and know the content is safe.

Objection to short term lets license 13 Big Sand.

Concerning the above application, there are points that lead us to object to it.

- 1.
- 2.
3. Which No 13 do they mean? There are two houses with this No on that
4. croft which could lead guests to be directed to the wrong house.
- 5.

- 2.
- 3.
4. Concerns refuse collection. The collection vehicle does not reach
5. as far as the house, and probably will not in the future, as the garden area has encroached into the original turning area at the end of the passage, making it inadequate and dangerous for a large vehicle. The reduced space is on the lip of a fifty-foot, almost
6. sheer bank down to the shore below.
- 7.

- 3.
- 4.
5. Is the state of the road to the property. There is no maintenance.
6. In one place a run-off sewer pipe from elsewhere is exposed at the surface, with any vehicles using the track running directly on top of the pipe. It is inevitable that this will eventually fracture and send leakage down the track to the applicant's property.
- 7.

- 4.
- 5.
6. Talking of sewerage, is the septic tank capable of coping with a
7. house of this size full of guests?
- 8.

James H Aaron
Ann Aaron

