

	Agenda item	6.2
	Report no	HLC/019/23

THE HIGHLAND COUNCIL

Committee: THE HIGHLAND LICENSING COMMITTEE

Date: 13 February 2024

Report title: Application for the grant of a short term let licence – 62 Holm Farm Road, Inverness, IV2 6BE (Ward 19 – Inverness South)

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 4 October 2023 (date application was deemed valid) an application for the grant of a short term let licence was received from Mrs Sarah Smith.
4.2	The Premises to which the application relates to is 62 Holm Farm Road, Inverness, IV2 6BE ("the Premises"). A site plan was provided by the applicant as part of the application process and this is attached as an appendix to this report (Appendix 1). The Premises are those shaded 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 Mrs Smith will be the host/operator of the Premises. The application was made after 1 October 2023 and, as such, the host/operator cannot operate the premises as a short term let until they have obtained a licence. In addition, Mrs Smith is named on the application as the owner of the Premises.
4.4	The person named on the application as being responsible for the day-to-day management of the Premises is Ms Jillian MacLeod of Ness Holiday Homes Limited.
4.5	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.
4.6	The Premises is described as a flat with a communal entrance which can accommodate a maximum of four guests. The Premises comprises of 2 bedrooms (one ensuite), a kitchen, living room and bathroom. A floor plan of the Premises was provided by the applicant as part of the application process and these can be found on page 2 of Appendix 1.

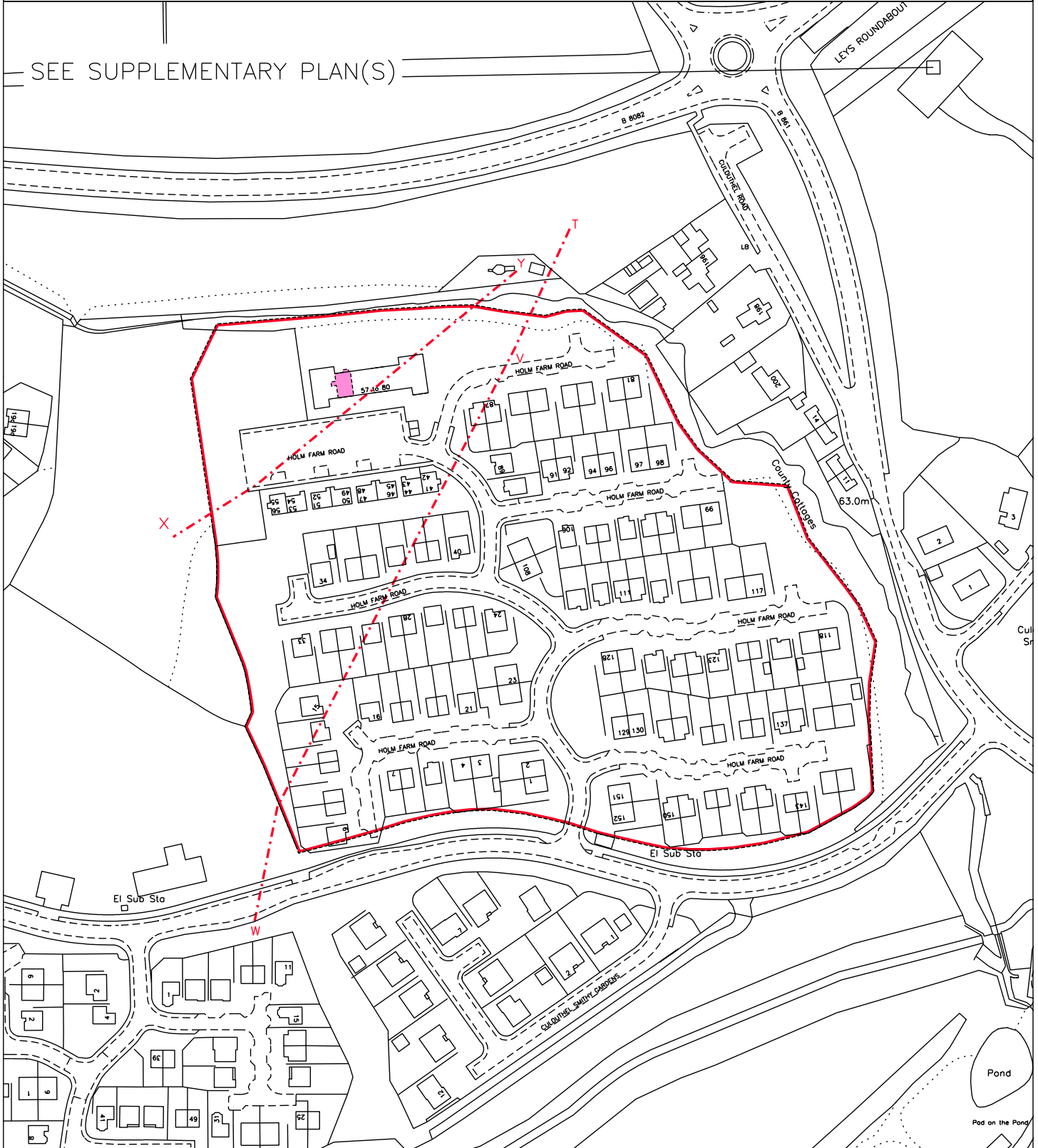
5.	Process
5.1	<p>The application was circulated to the following Agencies/Services for consultation:</p> <ul style="list-style-type: none"> • Police Scotland; • Highland Council Environmental Health Service; and • Highland Council Building Standards Service.
5.2	All of the above Agencies/Services have 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.
5.4	In addition, the applicant has provided a certificate of compliance confirming that a public notice of application for their short term let licence was displayed at or near the Premises for a period of 21 days.
6.	Public representation
6.1	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.
6.2	<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 received by email on 31 October 2023 from Laura Murray and Lewis Graham (Appendix 2).
6.3	The said Ms Murray and Mr Graham provided a further written submission by email, detailing further information regarding the terms of their objection, on 8 November 2023. A copy of such submission is attached as an Appendix to this report (Appendix 3).
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> <ol style="list-style-type: none"> (a) the applicant or anyone else detailed on the application is not a fit and proper person; (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; (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

	<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	<p>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.</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>

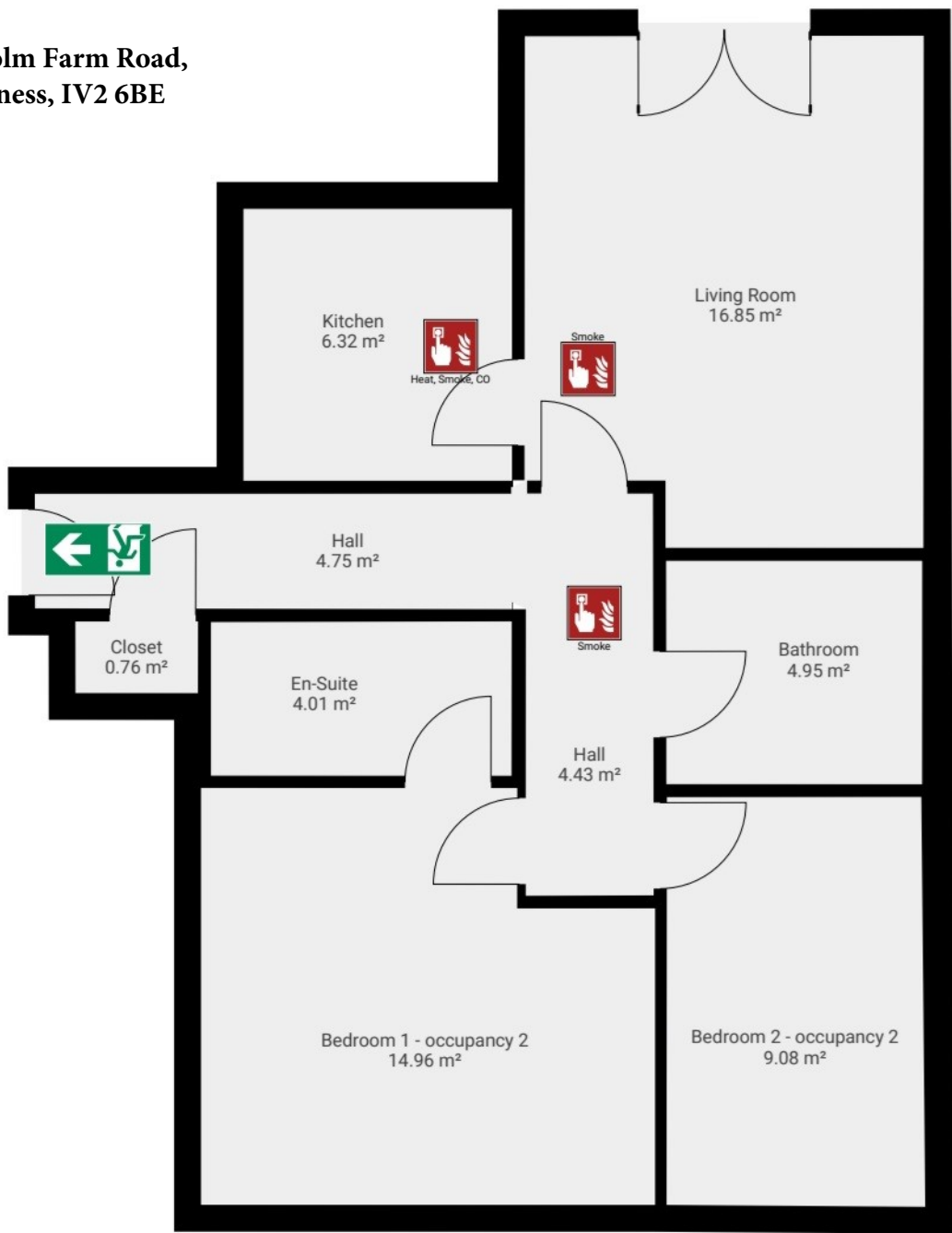
9.	Implications
9.1	Not applicable.
Date:	22 January 2024
Author:	Julie Traynor
Reference:	FS548332921
Background Papers:	<ul style="list-style-type: none">• Civic Government (Scotland) Act 1982• The Civic Government (Scotland) Act 1982 (Licensing of Short-term Lets) Order 2022
APPENDIX:	
Appendix 1:	Site plan, detailing the extent of the Premises and floor plan,
Appendix 2:	Objection received by email dated 31 October 2023 from Laura Murray and Lewis Graham,
Appendix 3:	Written Submission, received by email, dated 8 November 2023 from Laura Murray and Lewis Graham.

 LAND REGISTER OF SCOTLAND	Officer's ID / Date	TITLE NUMBER
	5127 24/2/2015	INV33102
 ORDNANCE SURVEY NATIONAL GRID REFERENCE	140m	
	Survey Scale 1/2500	

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62 Holm Farm Road,
Inverness, IV2 6BE



From: Laura Murray [REDACTED] >

Sent: Tuesday, October 31, 2023 6:32 PM

To: STL Licensing <STL@highland.gov.uk>

Cc: Lewis Graham [REDACTED]; Laura Murray [REDACTED]

Subject: Regarding: Short-Term Lets Application for 62 Holm Farm Road, Inverness, IV2 6BE.

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.

Dear Highland Council and Sarah Smith,

31st October 2023.

Regarding: Short-Term Lets Application for 62 Holm Farm Road, Inverness, IV2 6BE.


Myself and my partner, of [REDACTED], would like to submit an objection to number 62 Holm Farm Road being granted a short-term lets license. Please find our reasoning below:

1. There is already at least one short-term let property in this block of 9 flats alone, and more in the street.
2. Impact on neighbours and communal amenities. Another short-term let in the block would increase the number of people going in and out of the stairway, increasing noise, and disruption by a frequent turnover of strangers. This brings with it a loss in community, and increased safety issues. It will also have an impact on communal bins which are often overflowing in peak season as it stands.
3. The addition of another short-term rental property in this area will restrict the availability of affordable residential housing in the area.
4. Lack of long-term rental properties in Inverness. Earlier this year, Inverness Courier* reported that only 7 long-term rental properties were available to rent in June this year. At the same time, it was reported that 40 short-term rentals were available on AirBnB alone to rent. While I appreciate the benefits that tourism has on the local economy, this needs to be

sustainable and supportive of local residents. We have both experienced firsthand the detrimental impact of the short-term lets issue in Edinburgh – living beside constant party flats, soaring rent prices, and a lack of available housing. This inevitably led us to relocate to Inverness nearly 5 years ago. We were very fortunate that a rental property was available in this block to allow us to move and work in full-time employment right away. We then decided to buy a property in the same building two years later, as it is a beautiful, quiet residential area with affordable housing so I'm sure you can understand our reasoning for the objection. Without the opportunity of being able to rent a property when we first moved, we would not be living and working in Inverness now.

The short-term let property that exists already in the building is vacant for a high proportion of the winter months, while the long-term rental properties that I am aware of in the building have never been vacant. There is a clear demand for long-term rentals in Inverness and I hope this will be considered along with our other points by Highland Council and the property owner. It would be very sad to see Inverness go the way of Edinburgh which has lost a lot of neighbourhood communities and character due to an overabundance of short-term lets.

Yours sincerely,

Signed: Laura Murray and Lewis Graham of 

*Please see articles for reference: [Record number of applications for rental properties in Inverness due to low stock \(inverness-courier.co.uk\)](https://www.inverness-courier.co.uk/news/record-number-of-applications-for-rental-properties-in-inverness-due-to-low-stock)
[Airbnb properties in Inverness increase by 80 per cent over five years \(inverness-courier.co.uk\)](https://www.inverness-courier.co.uk/news/airbnb-properties-in-inverness-increase-by-80-per-cent-over-five-years)

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Kind regards,

Laura Murray

Appendix 3

From: Laura Murray [REDACTED]

Sent: Wednesday, November 8, 2023 5:12 PM

[REDACTED]

Subject: Re: Regarding: Short-Term Lets Application for 62 Holm Farm Road, Inverness, IV2 6BE

Regarding: Short-Term Lets Application for 62 Holm Farm Road, Inverness, IV2 6BE.

Myself and my partner, of [REDACTED] would like to submit an objection to number 62 Holm Farm Road being granted a short-term lets license. Please find our reasoning below:

The primary objection relates to the impact on neighbours and communal amenities. The addition of another short-term let in the block would naturally increase the number of people going in and out of the stairway at all times of the day and night, increasing noise and disruption. Several bedrooms in the building are near the main entrance door, and the noise from this being opened and not closed softly is very notable.

The frequent turnover of strangers brought by a short-term let brings increased safety and security issues to residents as well as a general loss of community. This is a very quiet building and area, and people who have stayed in the area for a while, like ourselves, have gotten to know the majority of our nearby neighbours. The addition of another short-term let property in this building would impact the safety and comfort of knowing who our neighbours are, and the respect we have for one another regarding noise levels and property.

It will also have an impact on communal bin areas in times of high turnover, which are often overflowing as it stands. Overflowing bins are often picked at by birds, increasing litter and mess in the surrounding area which often one of the residents will attend to, or we are charged more by the factor for the removal and additional cleaning of these areas (factor prices are almost on par with council tax rates for the building, so a significant cost for each household per year). There have been several instances where items have been left out with bins in the communal bin areas, mainly glass bottles, which aren't recycled in the street.

We are extremely grateful to live in such a clean, quiet, friendly and safe area, particularly given some experiences we have had living in Edinburgh before we decided to live and work in Inverness. We hope that the Highland Council will take into consideration the points expressed in our objection.

Yours sincerely,

Signed: Laura Murray and Lewis Graham of [REDACTED]