

THE HIGHLAND COUNCIL

Committee: THE HIGHLAND LICENSING COMMITTEE

Date: 13 February 2024

Report title: Application for the grant of a short term let licence –
Craigmore Lodge, 2 Dalfaber Park, Aviemore, PH22 1QF
(Ward 18 : Badenoch and Strathspey)

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 3 August 2023 (date application was deemed valid) an application for the grant of a short term let licence was received from Mr John James Albiston.
- 4.2 The Premises to which the application relates to is Craigmore Lodge, 2 Dalfaber Park, Aviemore, PH22 1QF ("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 edged in red on the plan found 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 Mr Albiston is the host/operator of the Premises. The application states that Mr Albiston has applied for the short term let licence as an 'existing host' on the basis that, in his capacity as the host/operator, he was operating the Premises as a short term let property prior to 1 October 2022. In addition, the person named on the application as the owner of the Premises is the said Mr Albiston.
- 4.4 The person named on the application as being responsible for the day-to-day management of the Premises is Nicola Gray of Highland Holiday Homes (which is a trading name of Highland Property Services (Scotland) 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 a detached, one and a half storey dwellinghouse which can accommodate a maximum of 14 guests. The ground floor of the Premises comprises of a conservatory, open plan kitchen/dining area, lounge (which accommodates a sofa bed), utility room, 2 bedrooms and a shower room. The upper floor comprises of 3 bedrooms (master bedroom ensuite) and a shower room. Floor plans were provided by the applicant as part of the application process and these can be found on pages 2 and 3 of Appendix 1. In addition, there is an external socialising area which comprises of a hot tub, BBQ hutte and picnic tables.

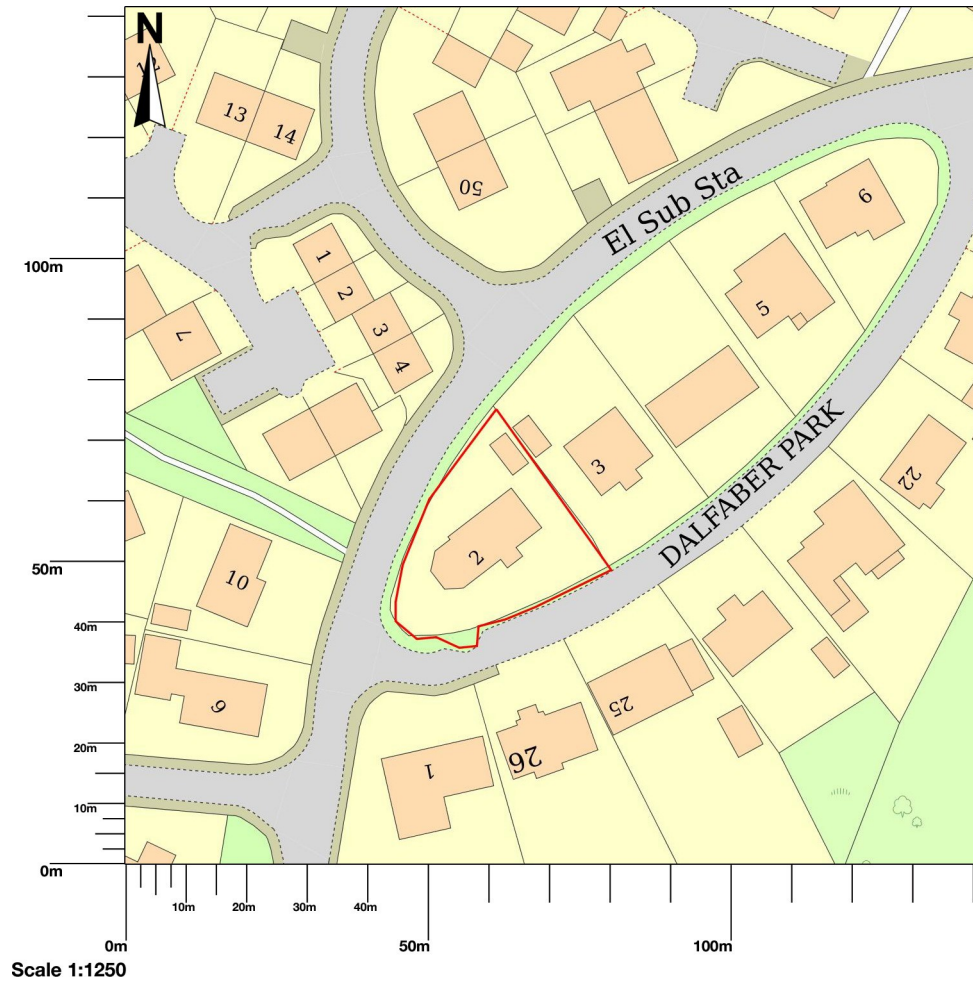
5.	Process
5.1	The application was circulated to the following Agencies/Services for consultation: <ul style="list-style-type: none"> • Police Scotland; • Highland Council Environmental Health Service; and • Scottish Fire and Rescue Service.
5.2	All of the above Agencies/Services have confirmed that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

6.	Public objections
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. During the notice of display period, the following timeous objection was received and is attached as an Appendix to this report: <ul style="list-style-type: none"> • Objection received by email on 23 August 2023 from Jim deBank (Appendix 2).
7.	Determining issues
7.1	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: <ol style="list-style-type: none"> the applicant or anyone else detailed on the application is not a fit and proper person; 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; 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 <ol style="list-style-type: none"> the location, character or condition of premises or the character or condition of the vehicle or vessel, the nature and extent of the proposed activity, the kind of persons likely to be in the premises, vehicle or vessel, the possibility of undue public nuisance, or public order or public safety; or

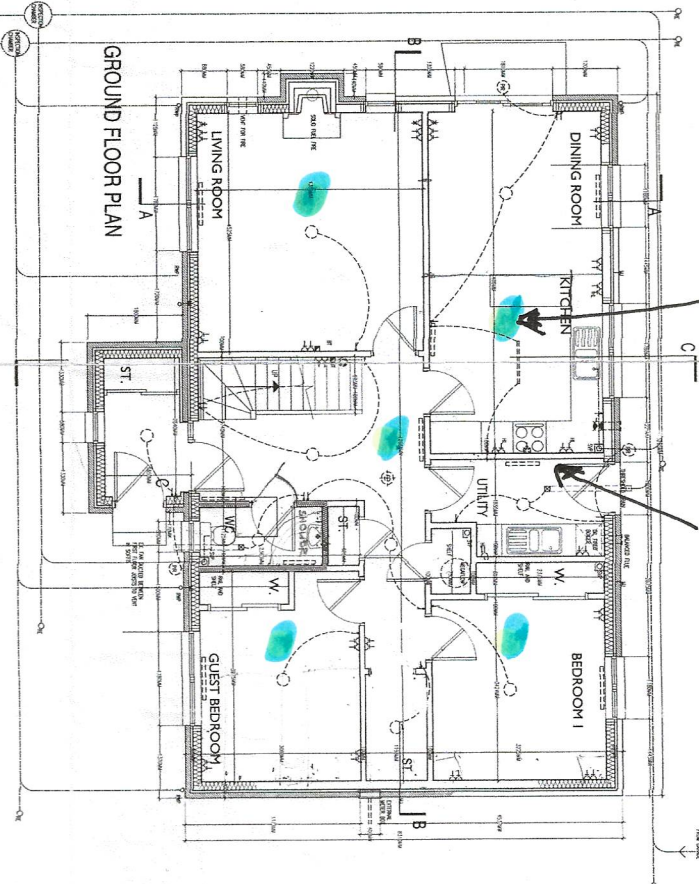
	<p>(d) there is other good reason for refusing the application.</p> <p>If required, the Principal Solicitor – Regulatory Services will offer particular advice on the criteria relating to this particular application.</p>
7.2	<p>A copy of this report has been sent to the applicant and the objector who, 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.	<p>Implications</p>
9.1	Not applicable.
<p>Date: 18 January 2024 Author: Julie Traynor Reference: FS512834980</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: Appendix 1: Site plan, detailing the extent of the Premises and floor plans, in respect of the Premises; Appendix 2: Objection received by email on 23 August 2023 from Jim deBank.</p>	

Appendix 1

2 Dalfaber Park, Aviemore, PH22 1QF



near sensor
Carbon monoxide monitor



GENERAL SPECIFICATIONS

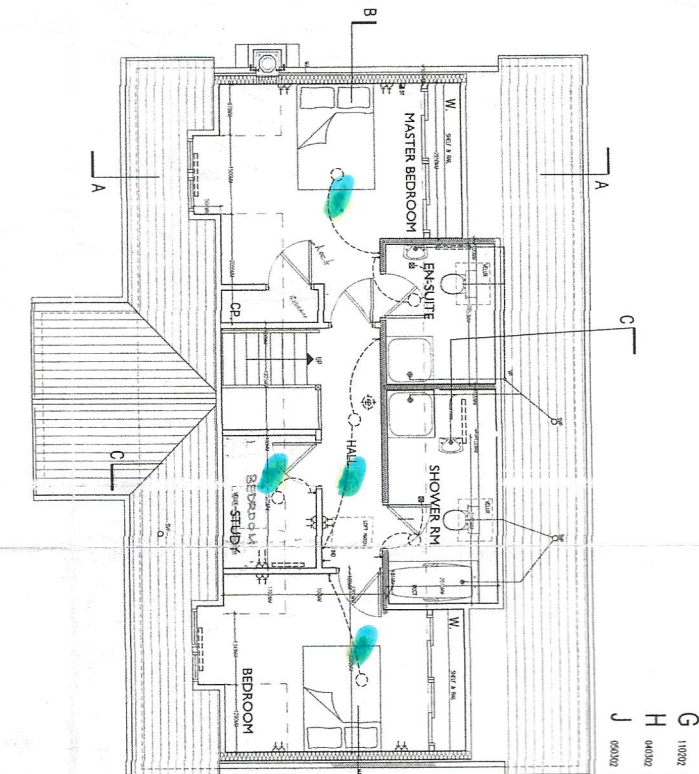
CERAMIC TILES
To be high performance 12" x 12" re-rectified, designed and manufactured in accordance with BS 429
to be laid on a 100mm concrete screed over a 100mm concrete slab. Tiles to be laid on a 100mm concrete
screed over a 100mm concrete slab. Tiles to be laid on a 100mm concrete screed over a 100mm concrete slab.

WOODWORK
Woodwork to be high performance 12" x 12" re-rectified, designed and manufactured in accordance with BS 429
to be laid on a 100mm concrete screed over a 100mm concrete slab. Tiles to be laid on a 100mm concrete
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CONCRETE
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AMENDMENTS

REV.	DATE	DESCRIPTION	BY
E	31/03	Downy altered as discussed with client.	CA
F	07/03	Downy altered and dimensions added.	CA
G	11/02	Ground floor on height increased, chimney floor cut at first floor level.	CA
H	04/02	Ground floor/ first floor dimensions as per meeting 28/01/22.	CA
J	02/02	Amendments to Master Bedroom.	CA

Fire alarms

- ELECTRICAL KEY**
- 1. 200V 16A 3P+N RCD
 - 2. 200V 16A 3P+N RCD
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Client
WILBURN HOMES
Project
PROPOSED 2 HOUSES
DALFABER PARK, AVIEMORE

COLIN ARMSTRONG ASSOCIATES
Chartered Architects

Drawing Title
PLOT 2 FLOOR PLANS

Scale	1:50	DATE	06/2021	CAD FILE NO.	0123CURRENT100
Job Number	100	DRWG. NO.	100	REVISION	1
0123					

Appendix 2

From: [Jim deBank](#)
To: [STL Licensing](#)
Subject: Craigmores Lodge 2, Dalfaber Park, Aviemore, PH22
Date: 23 August 2023 14:01:47

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.

I am writing to object to the application for licencing for secondary letting of Craigmores Lodge 2, Dalfaber Park, Aviemore, PH22

As I close neighbour, I object for the following reasons:

- the property is situated in a residential area within Aviemore which is not suitable for holiday accomodation.
- there is an acute housing crisis in Aviemore and dwellings should primarily be used to accommodate local people living and working in the area. As an employer I have struggled on several occasions to recruit staff due to housing issues and the whole of Aviemore is currently suffering from a lack of properties to rent or buy which is causing a major knock on effect in existing local businesses.
- the current unlicenced use of the property as a holiday home regularly causes a nuisance due late night noise from parties and inappropriate use of outdoor spaces and hot tub in a predominantly residential area.

Regards

Jim deBank