

	Agenda item	6.4
	Report no	HLC/021/24

THE HIGHLAND COUNCIL

Committee: THE HIGHLAND LICENSING COMMITTEE

Date: 13 February 2024

Report title: Application for the grant of a short term let licence – Station Cottage, Corpach, Fort William, PH33 7JH (Ward 11 – Caol and Mallaig)

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.

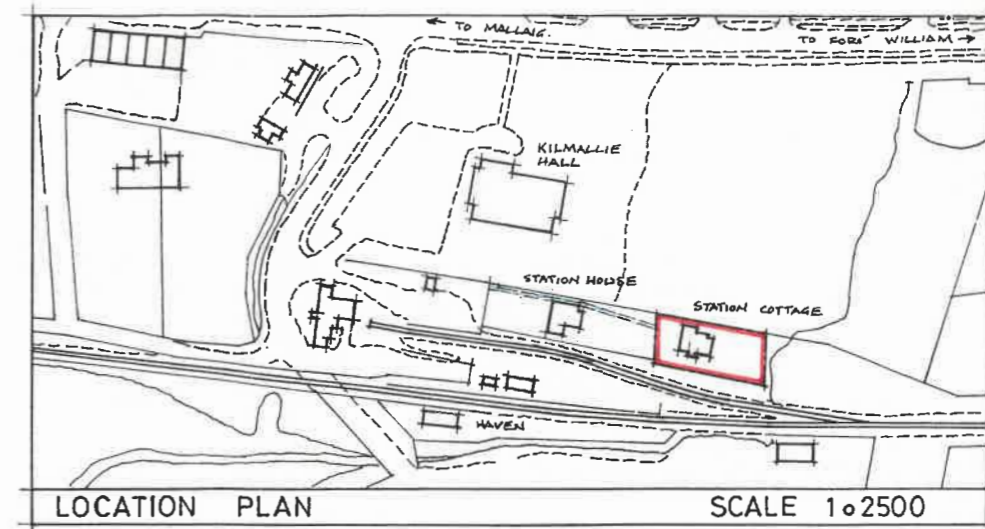
3.	Background
3.1	In terms of The Civic Government (Scotland) Act 1982 (Licensing of Short-term Lets) Order 2022, a licence is required for residential accommodation for use as a short term let.
3.2	<p>Short term let means the use of residential accommodation provided by a host in the course of business 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 20 October 2023 (date application was deemed valid) an application for the grant of a short term let licence was received from Ben Nevis Property Services Limited (Company Number: SC764786), agents acting on behalf of Mr Stuart Smillie.
4.2	The Premises to which the application relates to is Station Cottage, Corpach, Fort William, PH33 7JH ("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 red on page 1 of Appendix 1.
4.3	The application for the short term let licence has been made on the basis that Mr Smillie will be the host/operator of the Premises. In addition, the person named on the application as the owner of the Premises is the said Mr Smillie. 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.
4.4	The persons named on the application as being responsible for the day-to-day management of the Premises are Marc MacMaster and Javier Evora Navarro of Ben Nevis Property Services 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 single storey dwellinghouse which can accommodate a maximum of four guests. The Premises comprises of a bedroom, kitchen, bathroom, living room and sun room. 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	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.

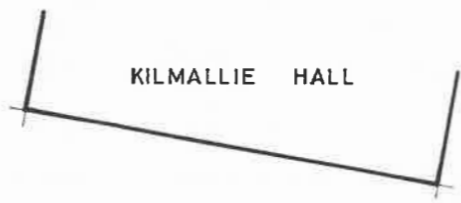
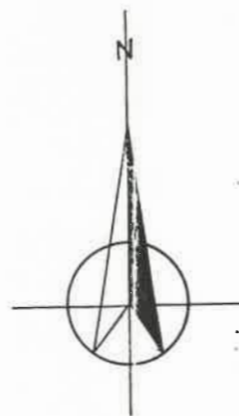
6.	Public representation
6.1	It is open to any member of the public to submit an objection or representation in relation to an application for a licence for a short term let. During the notice of display period, the following timeous objections were received and are attached as Appendices to this report: <ul style="list-style-type: none"> • Objection received by email on 3 November 2023 from Mrs C B Cuthbertson (Appendix 2). • Objection received by email on 17 November 2023 from Shirley and Nigel Patterson (Appendix 3).
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 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>All 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.
Date:	18 January 2024
Author:	Julie Traynor
Reference:	FS547316770
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
APPENDICES:	
Appendix 1:	Site plan, detailing the extent of the Premises and floor plan for the Premises.
Appendix 2:	Objection received by email on 3 November 2023 from Mrs C B Cuthbertson
Appendix 3:	Objection received by email on 17 November 2023 from Shirley and Nigel Patterson.

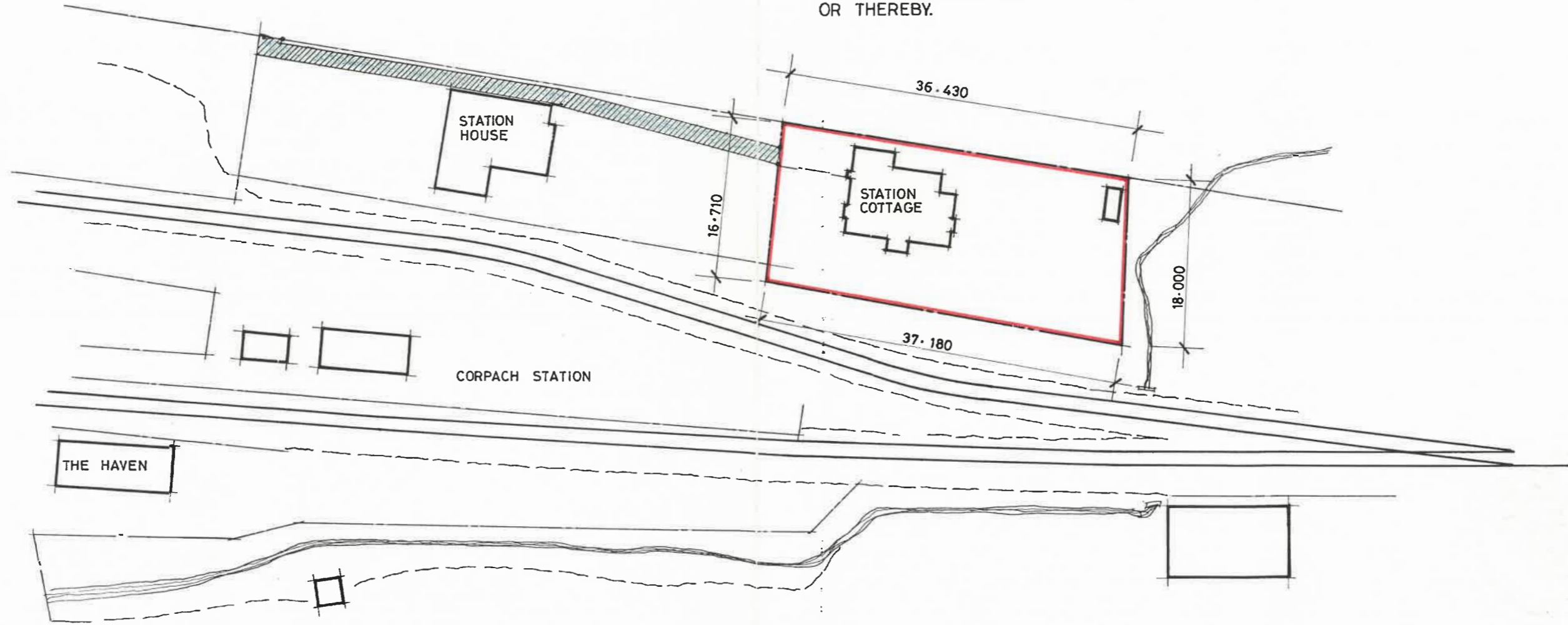
PLAN REFERRED TO:



APPENDIX 1



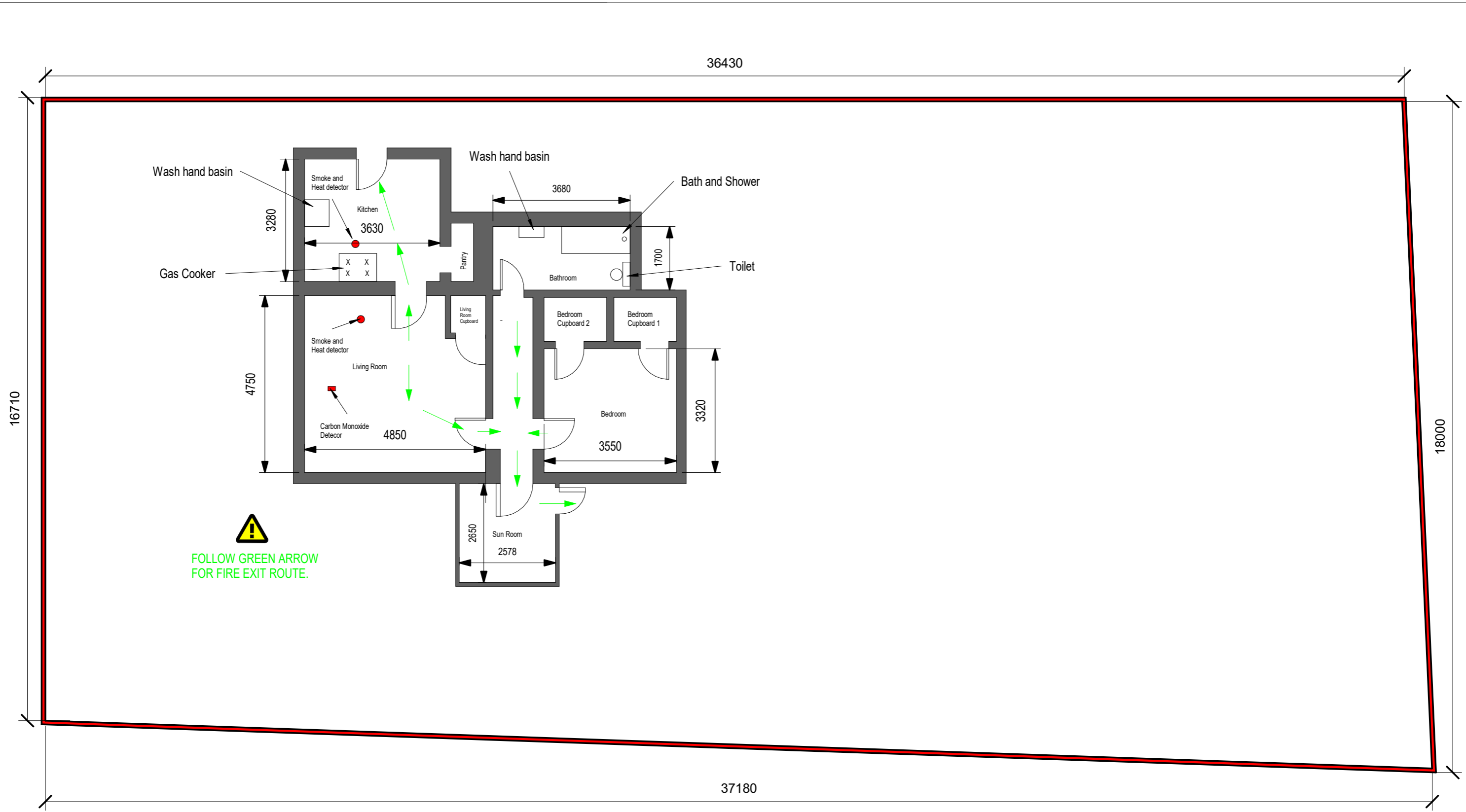
AREA OUTLINED IN RED
= 0.065 HA (0.162 acres)
OR THEREBY.



Ground at Station Cottage, Corpach.
Scale 1:500
Date 25.1.96


James Reekie

44



 FOLLOW GREEN ARROW FOR FIRE EXIT ROUTE.

Floor Plan
1 : 100


IMPORTANT NOTE:
The maximum occupancy capacity is 4 People.

TITLE: Station Cottage, Corpach, Fort William, PH33 7JH	DRG. SCALE(S): AS SHOWN	PAPER SIZE: A3	DRG. STATUS: APPROVED	
	DRAWN BY: SS	DATE: 16/08/23	DRAWING NUMBER: SC-COR-FT-W-D-C-0001	
	CHECKED BY: AR	DATE: 16/08/23		
	CLIENT: Catriona Smillie	REVISION: C01		

APPENDIX 2

Objections to Station Cottage STL application

This objection is made in the name of Mrs C B Cuthbertson of Snowgoose Mountain Centre, Station Road, Corpach, Fort William, PH33 7JH

The application does not meet the requirements for the STL licence application on a number of issues.

Station Cottage is a residential property and does not have planning permission to operate as a commercial self – catering business.

The property at Station Cottage does not have any right of parking for the owners or guests within its boundaries. There is pedestrian access only over part on my land – which in fact passes through another adjoining property at Station House. The only access to the property at Station Cottage is non-vehicular over my property.

An alternative access currently being used by the owner is does not have this right of access.

I am not prepared to allow any parking on my land (other than for my staff, etc) – including on the pedestrian access strip – by either the occupant or owner of Station Cottage, any work men, or potential guests.

Parking which is currently being used by the occupier of Station Cottage is in Kilmallie carpark which has no overnight carparking allowed.

There will be a need for signage to direct clients to the accommodation in Station Cottage. I will not allow any such signage directing visitors over any of my property either by signage on my land or outside of my property boundaries.

Note: the current Public Notice required for the application is not displayed in a clear location relative to the property.

As a long- term operator of a self-catering business I am only too aware of the need to have someone on site or pretty near by to address any issues for guests at any time in order to have the property properly managed. This includes managing any potential disruption to adjoining properties (guest arrivals, parking, noise or disruptive behaviour, security issues which can arise from guests onto adjoining business properties.

It is noted that the agents name on the application is now based in Australia, as is the owner. From the application there is some confusion regarding the actual applicant for the licence – some of whom are based on Kilchoan – some considerable distance away on the Ardnamurchan peninsula

2023.11.2

Appendix 3

From: [nigel](#)
To: [STL Licensing](#)
Subject: STL Application - Station Cottage PH33 7JH
Date: 17 November 2023 15:49:02

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 Sir/Madam

As the property owners adjoining Station Cottage we would like to raise the following concerns about the proposed license application.

- The only recognised access to the property (station cottage) is via a " right of servitude" over our property which we are assured by our lawyer is for domestic use. The current tenant has installed another access on the property but when we checked, this access does not show up on the latest title deeds and not acknowledged as an access.
- We have serious concerns about our home security and families privacy, if the recognised access is to be used by potential renters and/or service providers for the property this would increase the pedestrian traffic through our property dramatically and impact on our daily lives, we have family regularly visiting and this would impact on willingness to visit our home because of safety and privacy concerns.
- The right of servitude is for a pedestrian access along the rear of our property , and does not allow for vehicular traffic access, waiting or unloading in our garden and drive area and as there is no parking in the immediate vicinity and no over night parking at all, we are concerned about our property being used as a carpark ,waiting and loading area something that caused us problems in the past and we see no reason that it will not increase, we have always tried to accommodate the current tenants many requests to utilise our parking area for domestic purposes.
- As the property owner is now living in Australia and the current tenant intends to alternate between Australia and Scotland we have major concerns about who will maintain the property and act as a point of contact should we need to discuss issues that may arise.
- We are also happy to discuss this if it would help.

yours

Shirley & Nigel Patterson

Shirley & Nigel Patterson 