

Agenda item	<b>9.2</b>
Report no	HLC/76/24

## THE HIGHLAND COUNCIL

**Committee:** THE HIGHLAND LICENSING COMMITTEE

**Date:** 6 August 2024

**Report title:** Application for the grant of a short term let licence – Fassifern Bed and Breakfast, 2 Caberfeidh, Fassifern Road, Fort William, PH33 6BF (Ward 21 – Fort William and Ardnamurchan)

**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 4 April 2024 (date application was deemed valid) an application for the grant of a short term let licence was received from Mr Tahir Anwar.
- 4.2 The property to which the application relates is Fassifern Bed and Breakfast, 2 Caberfeidh, Fassifern Road, Fort William, PH33 6BF (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 plans 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 Anwar 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.
- 4.4 Mr Anwar is named on the application as the owner of the Premises and as the person who will be responsible for the day-to-day management of the Premises.
- 4.5 The type of short term let which has been applied for is 'home sharing', which means using all or part of your own home for short-term lets while you are there.
- 4.6 The Premises is described as a semi-detached dwellinghouse, offering bed and breakfast accommodation for a maximum of 4 guests. The applicant initially applied for a maximum capacity of 7 guests but later reduced this to 4 guests following discussion with the Highland Council's Building Standards service.

The part of the Premises proposed to be used as short term let accommodation comprises of 4 guest bedrooms namely, one ensuite bedroom on the ground floor and 3 bedrooms (2 ensuite) and a bathroom on the first floor. Floor plans of the Premises were provided by the applicant as part of the application process, and these can be found on pages 2 and 3 of Appendix 1.

#### **5. Process**

- 5.1 The application was circulated to the following Agencies/Services for consultation:
- Police Scotland;
  - Highland Council Environmental Health Service; and
  - Highland Council Building Standards.
- 5.2 Police Scotland and the Highland Council's Environmental Health Service have both confirmed that they have no objections to the application.
- 5.3 Following the applicant amending their application to reduce the maximum number of guests from 7 persons to 4 persons, Highland Council's Building Standards confirmed that they had no objections to the licence being issued.

- 5.4 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.
- 5.5 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 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 licence.

During the notice of display period, the following timeous objection was received and is attached as an Appendix to this report:

- Objection received by email on 26 April 2024 from Simon Purdon (**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:

- (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
  - (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
- (d) there is other good reason for refusing the application.

If required, the Principal Solicitor – Regulatory Services will offer particular advice on the criteria relating to this particular application.

- 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 \(Licensing Committee\) \(highland.gov.uk\)](#)

## 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: 15 July 2024

Author: Julie Traynor

Reference: [FS593621673](#)

Background Papers:

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

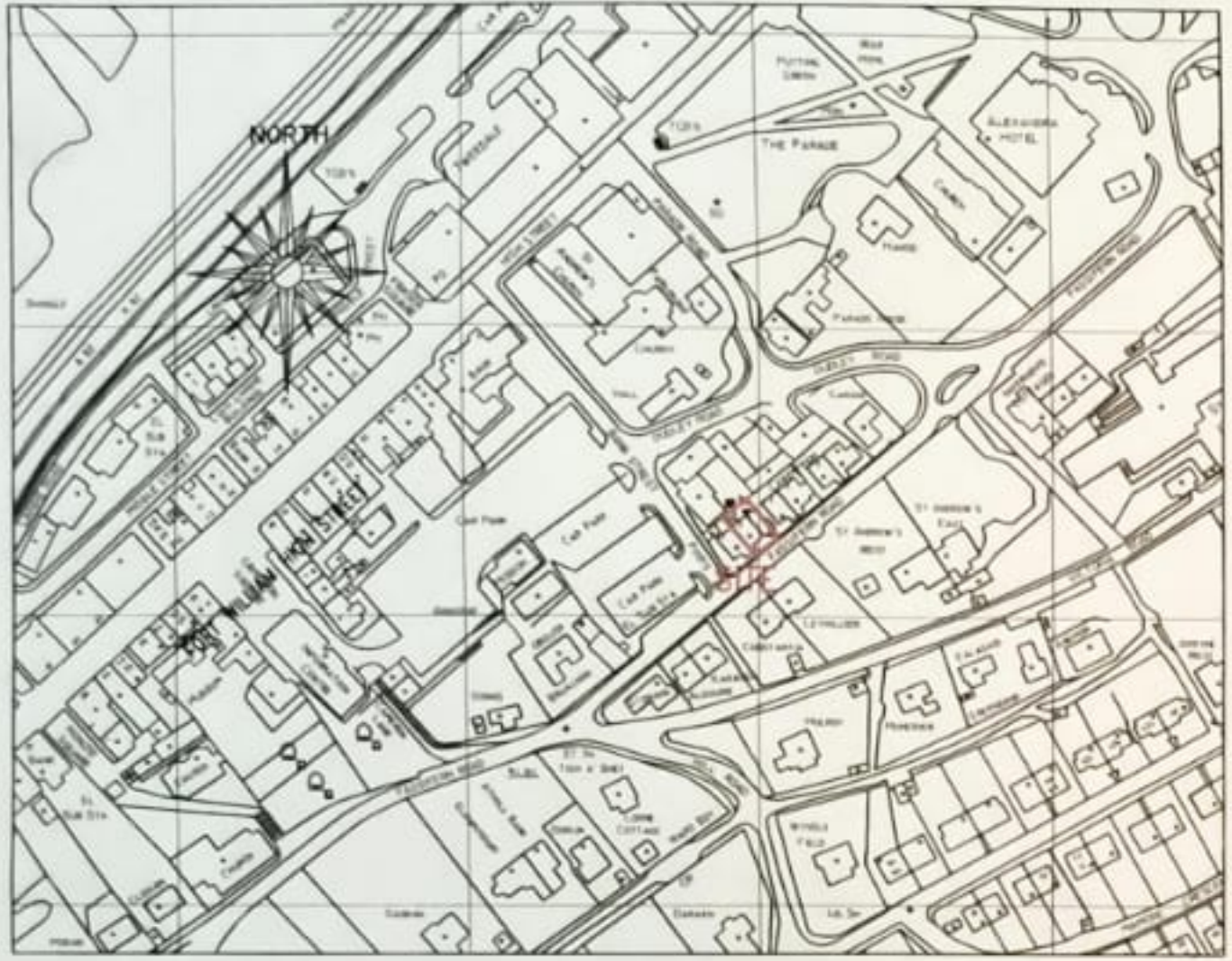
### **Appendix:**

Appendix 1: Site plan detailing the extent of the Premises and floor plans for the Premises;

Appendix 2: Objection received by email on 26 April 2024 from Simon Purdon.



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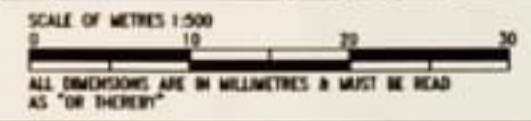


LOCATION MAP 1:2500

THE HIGHLAND COUNCIL  
 PLAN 1 OF 3 APPLICATION REFERENCE  
 12/00636/ALT APPROVED BY THE HIGHLAND  
 COUNCIL AS BUILDING STANDARDS AUTHORITY  
 DATED: 14 June 2012  
 Area Planning & Building Standards Manager



SITE PLAN 1:500



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PLANS BASED ON ORDNANCE SURVEY MAPPING © CROWN COPYRIGHT  
 APPLICATION SITE SHOWN OUTLINED IN RED

Project:  
 2 CABERFEIDH, FASSIFERN ROAD  
 FORT WILLIAM, PH33 6BE  
 RECEIVED  
 PLANNING & BUILDING CONTROL  
 LOCHABER  
 29 MAR 2012  
 title:  
 ALTERATIONS TO FORM HMO  
 SITE AND LOCATION PLAN

Drawn:  
 ALLAN LINDSAY  
 Scale:  
 AS NOTED  
 Date:  
 MARCH 2012  
 Drawing No:  
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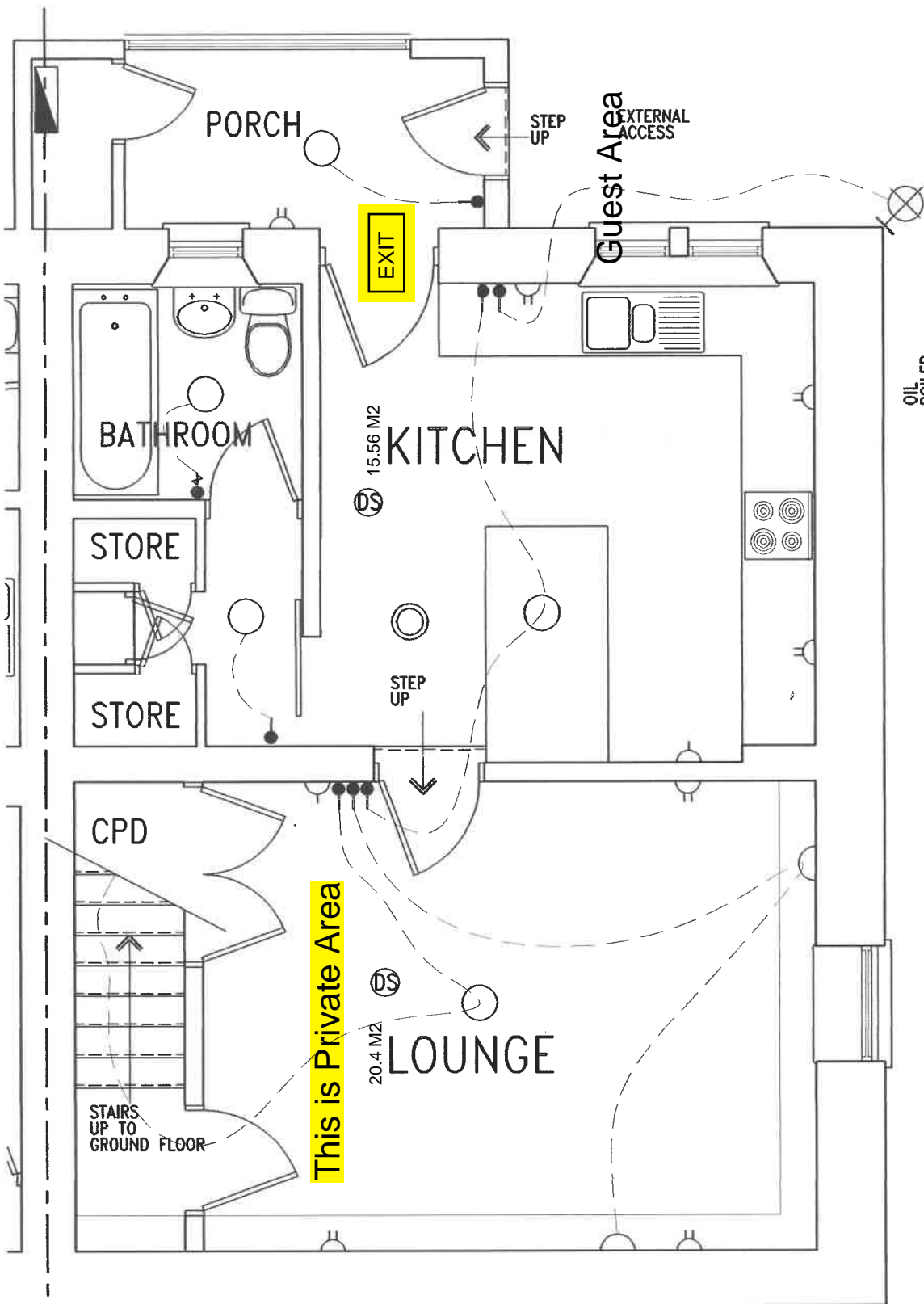
ELECTRICAL KEY	
	LIGHT SWITCH, 2 WAY LIGHT SWITCH OR 2 WAY WITH INTERMEDIATE SWITCH.
	PULL CORD SWITCH
	CEILING PENDANT LIGHT
	CEILING MOUNTED BULKHEAD LIGHT
	EXTERIOR LIGHT
	SINGLE OR TWIN 13A SWITCHED SOCKET OUTLET
	LOW 13 AMP SOCKET OUTLET WITH SEPARATE SWITCH AT WORKTOP LEVEL
	VENTILATION EXTRACT FAN
	ON/OFF/VARIABLE SPEED FAN CONTROLLER
	INCOMING MAINS AND ELECTRICAL DISTRIBUTION BOARD
	TELEPHONE POINT

FIRE ALARM AND DETECTION KEY	
	NON MAINTAINED EMERGENCY LIGHT
	SMOKE DETECTOR
	HEAT DETECTOR
	FIRE ALARM SOUNDER Detecto is have (W/F) Detecto is
	DRY POWDER EXTINGUISHER
	WATER FILLED EXTINGUISHER
	WALL MOUNTED FIRE BLANKET

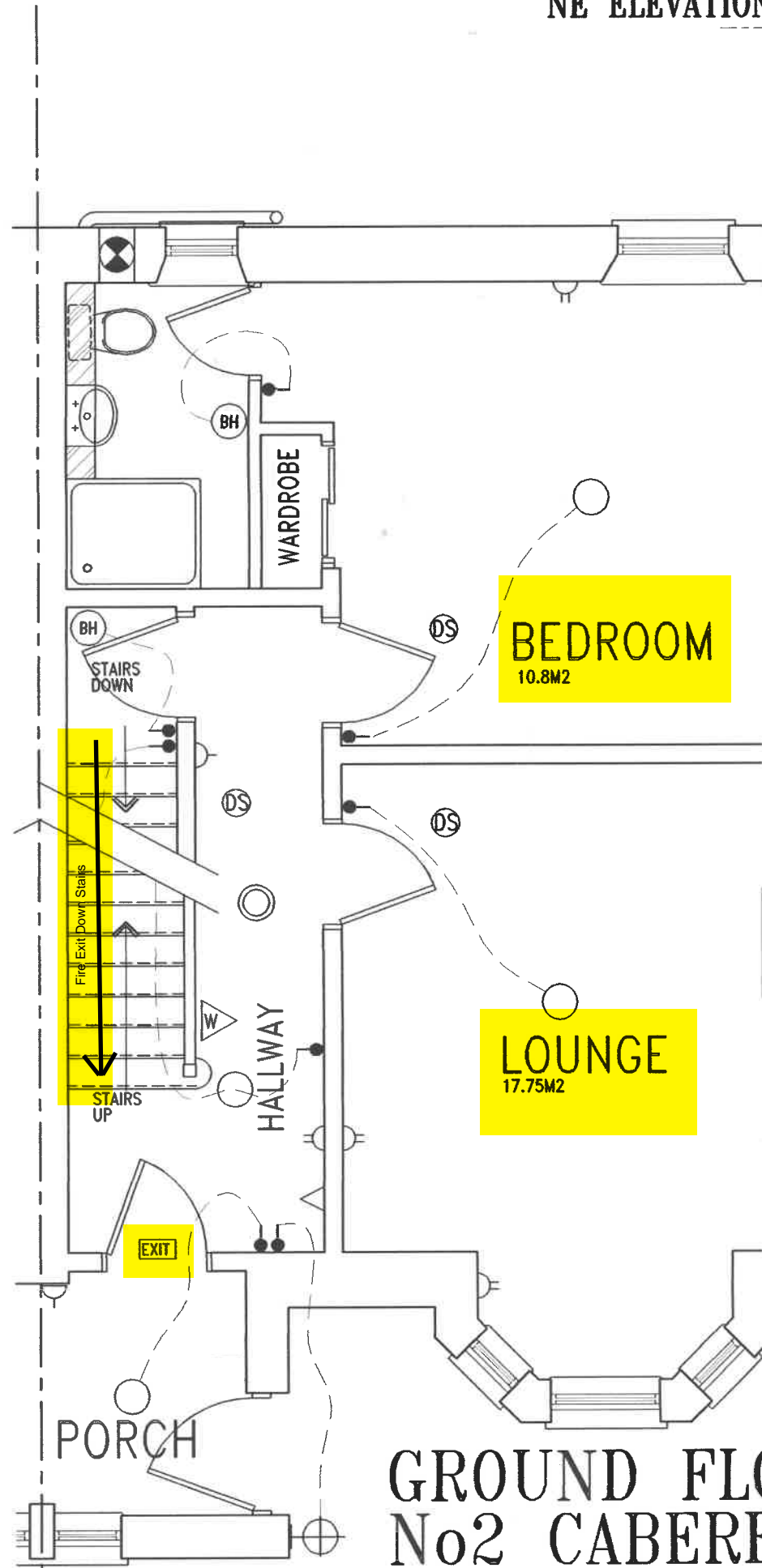


SOUTH EAST ELEVATION

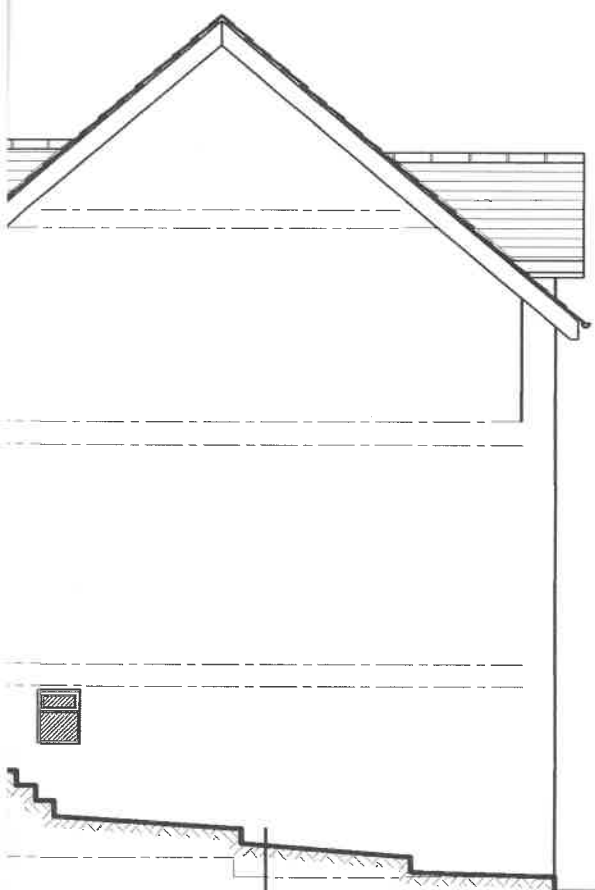
NE ELEVATION



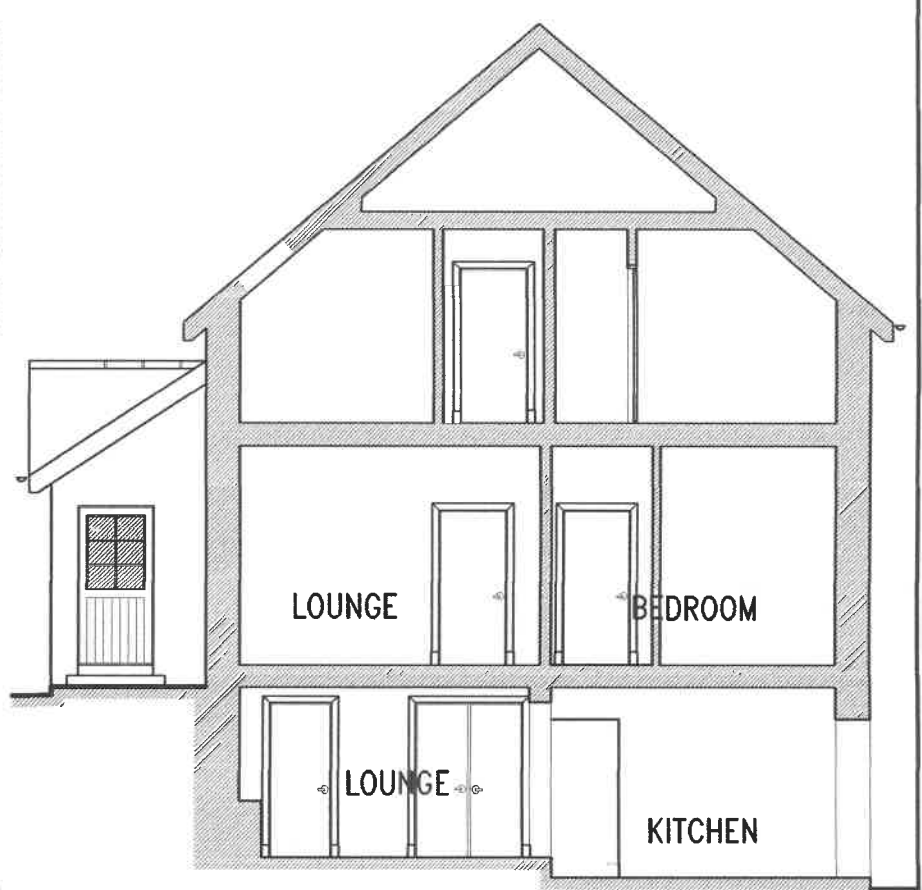
BASEMENT FLAT No2 CABERFEIDH



GROUND FLOOR No2 CABERFEIDH

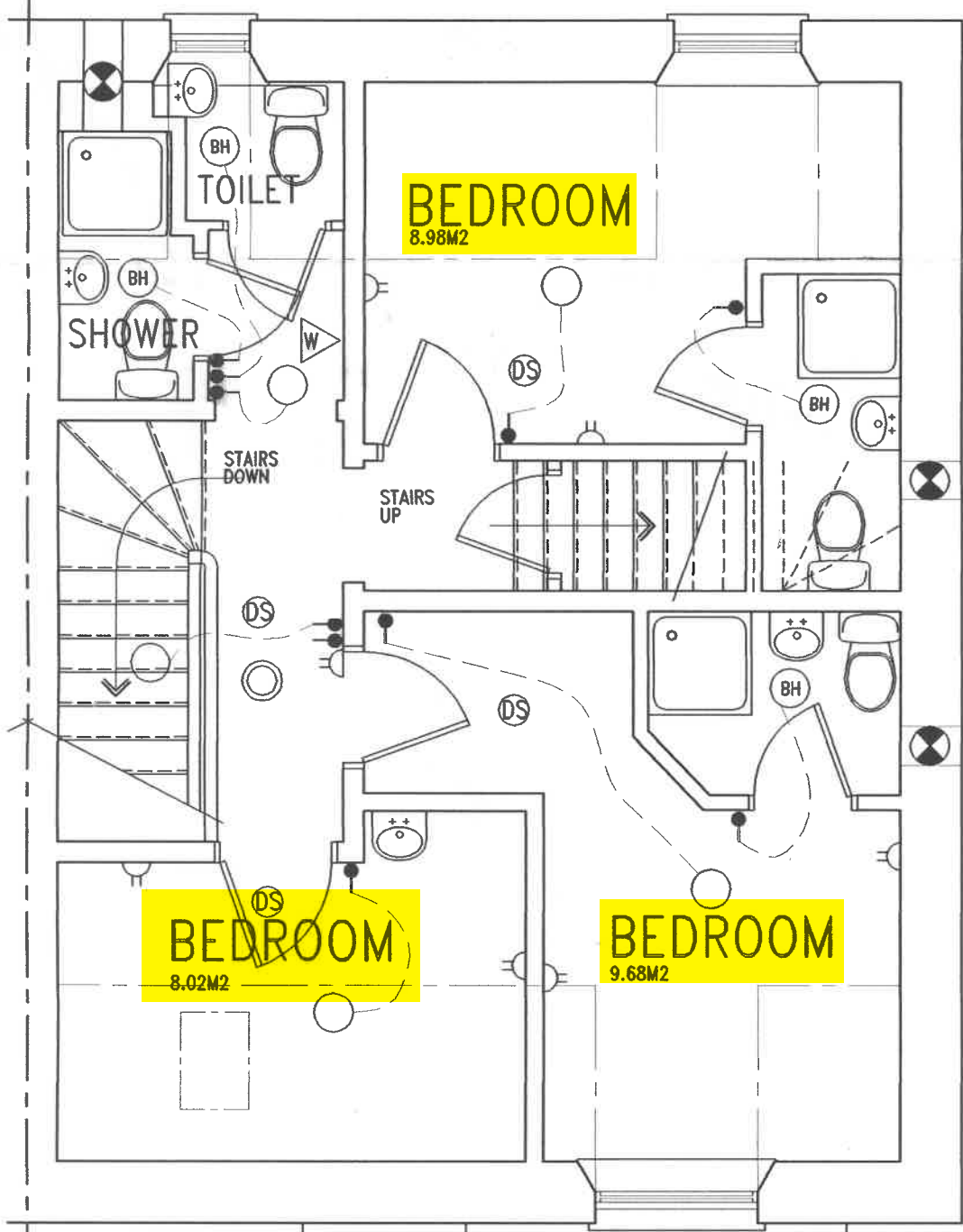


NORTH WEST ELEVATION



TYPICAL SECTION

THE HIGHLAND COUNCIL  
 PLAN 2 OF 3 APPLICATION REFERENCE  
 12/00636/ALT APPROVED BY THE HIGHLAND  
 COUNCIL AS BUILDING STANDARDS AUTHORITY  
 DATED: 14 June 2012  
 Area Planning & Building Standards Manager



FIRST FLOOR  
 No2 CABERFEIDH

RECEIVED  
 PLANNING & BUILDING CONTROL  
 LOCHABER  
 29 MAR 2012


Project  
 No2 CABERFEIDH, FASSFERN ROAD  
 FORT WILLIAM, PH33 6BE  
 AS EXISTING PLANS, SECTION & ELEVATIONS

Client  
 MRS MAIRI MacLEAN

Drawn	ALLAN LINDSAY	Dwg No.
Scale	1:50 1:100	678.03
Date	MARCH 2012	

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The Highland Council  
Short Term Lets

26/04/2024

Dear Sir/Madam

**Application for STL – 2 Caberfeidh, Fassifern Road, Fort William, PH33 6BE**

I am writing to object to the recent application for another Airbnb at Caberfeidh, Fassifern Road following the approval of one at 4 Caberfeidh, Fassifern Road. This will be the 3<sup>rd</sup> Airbnb on Fassifern Road if you approve application, two of which will be either side of my own property at . My reasons for objecting are as follows –

1. Noise – this has already been an issue with the property next to me which was approved towards end of last year when I had to complain to Highland Council about it. Is any consideration given to neighbouring properties when applicants for STLs are being appraised? There is an undertakers adjacent to the applicant's property. Have they been informed of this application? In fact is anyone aware of this application? Should a letter not have been sent to individual neighbouring properties instead of a small A4 sheet stuck on property window which most people will not notice?
2. Parking – parking is already an issue on the street. Will the application be providing the necessary permits for his guests or will I once again be seeing random cars parked on the road without permits such as what is happening with No 2 Caberfeidh (which I have complained about on numerous occasions)
3. This property, if approved, will be the 3<sup>rd</sup> Airbnb on this short stretch of street. At what point do the Highland Council consider the social (not economic) impact of the continuous approval of short term lets to an area. My concerns for number 4 Caberfeidh being turned into an Airbnb seemed to fall on deaf ears with Councillor William MacKay being more concerned about the economic benefits of houses being turned into short term lets.
4. Management of property – the applicant who I believe resides in Glasgow, what are his plans for the management of the property as an absent landlord? How will noise and general behaviour of his guests be monitored
5. Modifications to building – 2 Caberfeidh has an extension on the top floor of building which I believe was previously used as a guest room when property was a B&B. I wrote



previously to Highland Council to ascertain whether planning was approved for this change to the property and got no response so I'm assuming that no planning was applied for. This is an ugly extension which is not in keeping with the rest of the Caberfeidh houses on the street and I would respectfully request that you check whether planning was removed and whether it passed the necessary safety requirements. I have attached photos to show the difference between properties and how out of place it is to other similar buildings. Can you please confirm whether or not Highland Council approved extension and I would also be grateful if you could advise why I did not receive a response to my letter at the time.

I hope you will look favourably at my objection and look forward to hearing the outcome of it.

Yours faithfully

SIMON PURDON





