

Agenda item	<b>3.2</b>
Report no	<b>HLC/142/24</b>

**THE HIGHLAND COUNCIL**

**Committee: THE HIGHLAND LICENSING COMMITTEE**

**Date: 3 December 2024**

**Report title: Application for the grant of a short term let licence – Dunollie House & Byre, Dunollie, Drumnadrochit, IV63 6UA (Ward 12 Aird and Loch Ness)**

**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 15 April 2024 a validated application for the grant of a short term let licence was received from Mr Luke Harrison Tait on behalf of Strathbeg Estates Limited (Company number SC621141) and having their registered office at 10 Abbey Park Place, Dunfermline, KY12 7NZ.
- 4.2 The property to which the application relates is Dunollie House & Byre, Dunollie, Drumnadrochit, IV63 6UA (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 the plan 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 Strathbeg Estates Limited will be the host/operator of the Premises. The host/operator has applied for a short term let licence as an 'existing host' on the basis that the Premises were operated as a short term let property prior to 1 October 2022.
- 4.4 Strathbeg Estates Limited are named on the application as the owners of the Premises.
- 4.5 The person named on the application as being responsible for the day-to-day management of the Premises is a Ms Elanar Kerr.
- 4.6 The type of letting which has been applied for is 'secondary letting', which means the host/operator is letting a property where they do not normally live.

4.7 The Premises is described as a detached self-catering dwellinghouse which can accommodate a maximum capacity of 6 guests. The premises is divided into two separate units, namely Dunollie House and Byre. The ground floor of Dunollie House comprises of a kitchen, dining room, lounge and conservatory and the upper floor comprises of two bedrooms and a shower-room. The Byre, which adjoins Dunollie House, comprises of an en-suite bedroom and lounge. Floor plans of the Premises were 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:

- Police Scotland;
- Scottish Fire & Rescue Service; and
- Highland Council Environmental Health Service.

5.2 Police Scotland, the Scottish Fire & Rescue Service and the Highland Council's Environmental Health Service, have all confirmed that they have no objections to the application.

## 6. Certificate of Compliance

6.1 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.

## 7. Public objections

7.1 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 31 May 2024 from Rachel Nixseaman, Darren Wisniewski, Fiona MacKenzie, Abigail Saunders, Patrick Rowan, Anne Clarke, Samantha Farmer and Matthew Farmer. **(Appendix 2)**.

## 8. Determining issues

8.1 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, where the applicant is not a natural person, any director of it or partner in it or any other person responsible for its management, is either:
  - i. for the time being disqualified under section 7(6) of the Civic Government (Scotland) Act 1982, or;
  - ii. is not a fit and proper person to be the holder of the licence.

- b) The activity to which it relates would be managed by or carried on for the benefit of a person, other than the applicant, who would be refused the grant or renewal of such licence if he made the application himself;
- 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 the 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
  - (iv) 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.

- 8.2 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.
- 8.3 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:

[Licensing hearings procedures | Licensing hearings procedure \(Licensing Committee\) \(highland.gov.uk\)](#)

## **9. Observations on objections/representations**

- 9.1 In the letter of objection found at Appendix 2, points have been made which should not be taken into account by the Committee when determining this licence application, as they are outwith the scope of the grounds that a licensing authority can consider in terms of the refusal of an application to grant or renew a licence, as detailed at point 8.1 of this Report.
- 9.2 If required, the Principal Solicitor – Regulatory Services will offer further advice or clarification on these points.

## **10. 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.

## **11. Implications**

11.1 Not applicable.

Date: 14 November 2024

Author: Julie Traynor

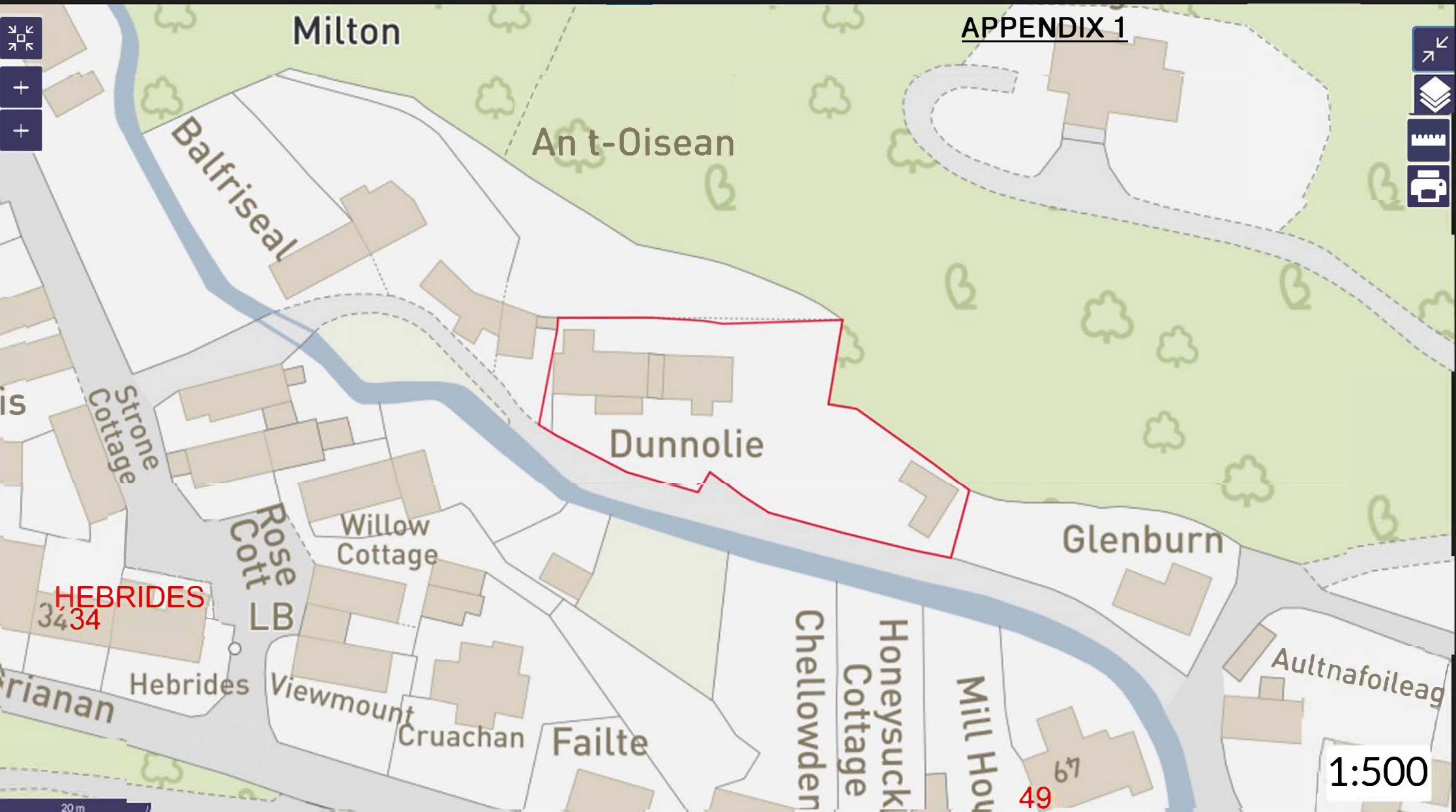
Reference: FS-544139852

### Background Papers:

- 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 plans for the Premises;  
Appendix 2: Objection received by email on 31 May 2024 from Rachel Nixseaman, Darren Wisniewski, Fiona MacKenzie, Abigail Saunders, Patrick Rowan, Anne Clarke, Samantha Farmer and Matthew Farmer .



APPENDIX 1

Milton

An t-Oisean

Balfriseal

Dunollie

Glenburn

HEBRIDES

34 34

Rose Cott LB

Willow Cottage

Viewmount

Cruachan

Failte

Chellowden

Honeysuck Cottage

Mill Hou

49

67

Aultnafoileag

1:500

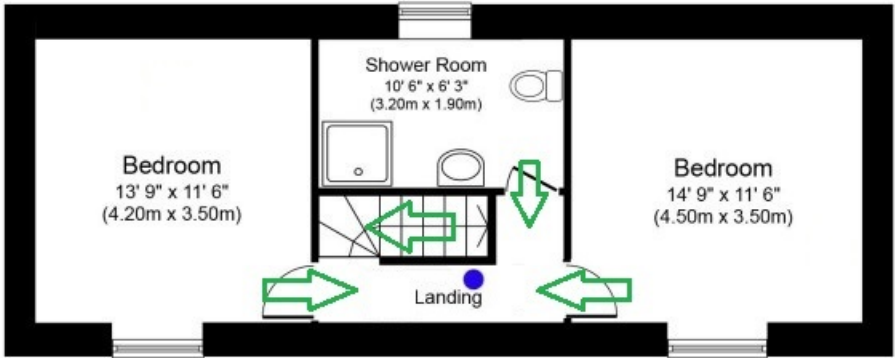
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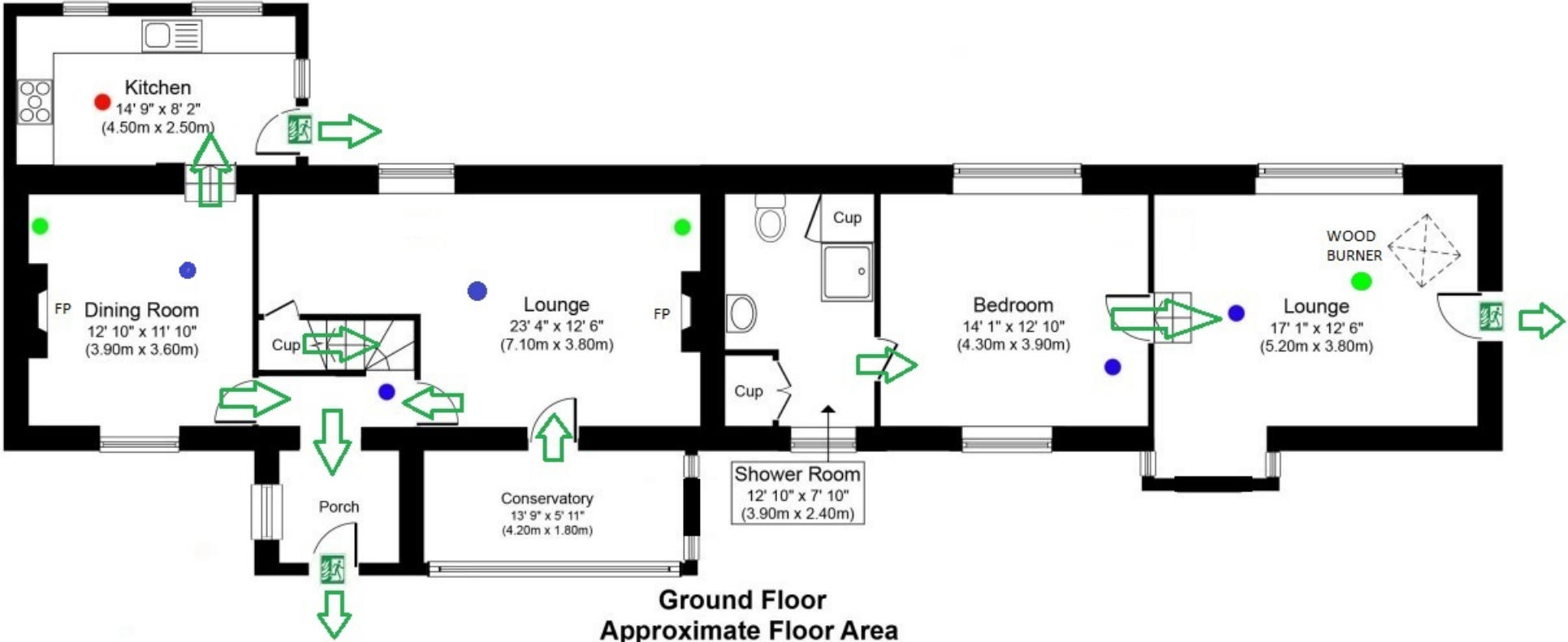
# Dunollie House & Byre, Drumnadrochit

Maximum Occupancy: 6 persons

- KEY**
- Smoke Detector
  - Heat Detector
  - Carbon Monoxide Detector
  - ➡ Fire Escape Route



**First Floor**  
Approximate Floor Area  
**488 sq. ft.**  
**(45.3 sq. m.)**



**Ground Floor**  
Approximate Floor Area  
**1,318 sq. ft.**  
**(122.4 sq. m.)**

Whilst every attempt has been made to ensure the accuracy of the floor plan contained here, measurements of doors, windows, rooms and any other items are approximate and no responsibility is taken for any error, omission, or mis-statement. The measurements should not be relied upon for valuation, transaction and/or funding purposes. This plan is for illustrative purposes only and should be used as such by any prospective purchaser or tenant. The services, systems and appliances shown have not been tested and no guarantee as to their operability or efficiency can be given.

**Subject: Objection to application for short term lets licence for Dunollie, Drumnadrochit, IV63 6UA**

I am a local resident living in the village of Milton (just outside Drumnadrochit) and a neighbour to Dunollie. I am objecting to the application for a short term let on the following basis:

- Over-saturation of short-term rents in the immediate area (with the Highland Council not taking appropriate action to manage this)
- Negative impact on quality of life for long-term residents
- Lack of communication regarding local issues resulting in safety concerns

I explain these concerns in more detail below.

**Oversaturation of short-term rents in the immediate area:**

Airbnb currently lists over [1000 "full home" properties available for rent in the Drumnadrochit area](#). While some of these are purpose-built visitor accommodations (cabins, lodges, etc.), many are homes which could be used for local families to live on a long-term basis.

Milton is a very small village just outside Drumnadrochit, with approximately 50 houses. Of these 50 houses, 6 are listed as entire homes available to rent on Airbnb: [REDACTED]

[REDACTED] This means that **over 10 percent of the village is currently used as short-term lets**. And these are only the homes being made available through Airbnb, there may be other homes using alternative tourist accommodation sites.

While new homes are being built in the Drumnadrochit area, it remains incredibly difficult for locals to purchase homes, especially those who are first time buyers, moving to the area for job opportunities, or young and growing families. This is because of a combination of reduced housing stock and prospective full time residents being priced out of the market. Both of which are also forcing construction of new developments on marginal land and unnecessarily contributing to urban sprawl, thereby negatively impacting nature and the scenic qualities of the area.

**Highland Council needs to make more of an effort to mitigate this concerning oversaturation of short-term lets compared with residential homes.**

**Negative impact on quality of life for long-term residents**

Living in a small village should bring benefits of a tight-knit community. While this is largely the case for long-term residents, also having a large transient population of incoming and rapidly departing tourists impacts the community and our ability to come together to address local concerns.

A large tourist population swelling local numbers in summer and then departing for winter has a huge knock-on effect on local services, much to the detriment of residents.

- The main Drumnadrochit bus to Inverness (Stagecoach 17) operates on summer and winter timetables



- During summer travel to the city and our nearest large social hub is fairly straight forward as long as you are travelling during the day (no evening service runs) and book a ticket well in advance due to tourist demand and insufficient service provision
- Commuting during summer is challenging but not impossible
- During winter, due to the reduced population, a reduced timetable is in operation making travel to Inverness incredibly challenging for local residents
- This results in increased costs as it is almost impossible to live locally without a car
- Social businesses close over winter
  - Empty homes over the winter months result in fewer people making use of local businesses, many of which have to shut during the tourist off-season
  - This means local residents lose spaces where they can gather and socialise
  - [Ness Deli](#) and [Fiddler's](#) are just two examples of businesses which close their doors over winter, and have stated that it is because the change in population density and therefore custom is the direct cause
- Lack of services willing to move into the area
  - The high numbers of tourists and therefore reduced numbers of local residents means that day-to-day services which would not be used by tourists do not deem Drumnadrochit a viable location to operate
  - We do not have any of the following businesses and have to travel for: vets, hairdressers, bakery, butcher, greengrocers, clothing stores

Large numbers of tourists during part of the year, and then reduced numbers during the off-season has a huge negative effect on those of us who live here year round. We want regular access to services, and a vibrant community, rather than passing neighbours or empty homes. The quality of community offered by long term residents should not be underestimated in providing a strong local economy in comparison to the current extractive tourism model observed across much of the Highlands and Islands.

### **Lack of communication regarding local issues resulting in safety concerns**

Milton is made up of very narrow, winding roads, not all of which have been adopted by the local authority. The road that Dunollie is located half-way up is one of those private roads and is currently in desperate need of repairs. The road has started to crumble into the bordering burn and has resulted in a number of accidents in the last year, including a recent incident where a delivery van got stuck in Dunollie's driveway and another neighbour had to remove the fence-posts and gate to enable the driver to exit without going into the burn. (images included as appendices).

The owner does not share contact details with local residents, and the businesses through which he rents his property are uncommunicative. Repairs which need to be arranged, planned for, and paid for, by local residents, cannot progress without his input which is currently non-existent. While local residents have all collectively agreed to not get deliveries to our front doors (so as not to put additional pressure on the road), the Airbnb property has continued to have large vehicles coming and going on a regular basis. Tourists are often unaware of the long-term impact they have on local infrastructure, and the owner is unaware of these consequences as he is unreachable.

While the local residents are changing their day-to-day behaviour and considering options to address this safety concern, we are doing so without the input of one of the homeowners. The presence of a tourist property on this road is continuing to cause damage to the road and making it less functional for those who live here year round.

**Overall grounds for objection**

As stated, the presence of yet another short-term rental property managed by third-party tourism businesses has a significant negative impact on the quality of life of local residents. Our access to services is reduced, our community ties are minimised, our local infrastructure is not maintained and not fit for purpose, and our access to and enjoyment of our homes is limited.

**I am asking that Highland Council reject this application to protect this village from further negative impacts.**

Kind regards,

[Redacted]

Rachel Nixseaman

[Redacted]  
[Redacted]  
[Redacted]  
[Redacted]  
[Redacted]

Fiona MacKenzie

[Redacted]  
[Redacted]  
[Redacted]  
[Redacted]

[Redacted]

Patrick Rowan

[Redacted]  
[Redacted]  
[Redacted]  
[Redacted]

[Redacted]

Samantha Farmer

[Redacted]  
[Redacted]  
[Redacted]  
[Redacted]

[Redacted]

Darren Wisniewski

[Redacted]  
[Redacted]  
[Redacted]  
[Redacted]  
[Redacted]

Abigail Saunders

[Redacted]  
[Redacted]  
[Redacted]  
[Redacted]

[Redacted]

Anne Clarke

[Redacted]  
[Redacted]  
[Redacted]  
[Redacted]

[Redacted]

Matthew Farmer

[Redacted]  
[Redacted]  
[Redacted]  
[Redacted]

Appendices:

Photos of recent safety incidents arising due to road damage:



My small van skidded on ice and went off the road where some of the bank had collapsed



A delivery driver got stuck trying to exit Dunollie due to the proximity of the burn – fence and gate posts had to be removed to allow them to leave