

Agenda item	3.3
Report no	HLC/143/24

THE HIGHLAND COUNCIL

Committee: THE HIGHLAND LICENSING COMMITTEE

Date: 3 December 2024

Report title: Application for the grant of a short term let licence - Drovers Lodge, Upper Lennie, Drumnadrochit, IV63 6XF (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 9 September 2024 a validated application for the grant of a short term let licence was received from Mr Darren Patrick Breen.
- 4.2 The property to which the application relates is Drovers Lodge, Upper Lennie, Drumnadrochit, IV63 6XF (the "Premises"). A location and site plan were provided by the applicant as part of the application process and are attached as an appendix to this report (**Appendix 1**). The Premises are those edged black on the plan on page 2 of Appendix 1.
- 4.3 The application for the short term let licence has been made on the basis that the said Mr Breen 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 Breen is named on the application as the owner of the Premises.
- 4.5 The person named on the application as being responsible for the day-to-day management of the Premises is the said Mr Breen.
- 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 self-catering, detached dwellinghouse which can accommodate a maximum capacity of 10 guests. The ground floor of the premises comprises of 2 ensuite bedrooms, a cinema room, open plan living/dining area and kitchen. The upper floor comprises of 3 bedrooms (2 ensuite) and a bathroom. The floor plan provided by the applicant also identifies two separate buildings located adjacent to the premises, namely a garage with a utility room and W/C and a games room. Floor plans of the Premises were provided by the applicant as part of the application process, and these can be found on page 3 of Appendix 1. In addition, there is an external socialising area which comprises of a sheltered paved area and a wooden decking area.

5. Process

5.1 The application was circulated to the following Agencies/Services for consultation:

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

5.2 Police Scotland, the Highland Council's Environmental Health Service, the Highland Council Building Standards have all confirmed that they have no objections to the application.

5.3 The Scottish Fire & Rescue Service have been consulted on the application and, at the time of writing, a response is awaited. If available, a verbal update can be provided to the Committee by the Principal Solicitor – Regulatory Services.

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 objection/representation

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 representation was received and is attached as an Appendix to this report:

- Representation received by email on 3 October 2024 from Vicky Millar (**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 representors 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 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 \(Licensing Committee\) \(highland.gov.uk\)](https://www.highland.gov.uk/licensing-hearings-procedures)

9. Observations on objections/representations

- 9.1 In the emails of representation found at Appendix 2 and 3, 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 be 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: [FS638420658](#)

Background Papers:

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

Appendices:

Appendix 1: Location and site plans detailing the extent of the Premises and floor plans for the Premises;

Appendix 2: Representation received by email on 3 October 2024 from Vicky Millar.

Nearby hotels

Restaurants

Things to do

Bars

Coff >

Sign in

Urquhart Cas

APPENDIX 1

Drover's Lodge, Upper Lennie, Drumnadrochit, IV63 6SF

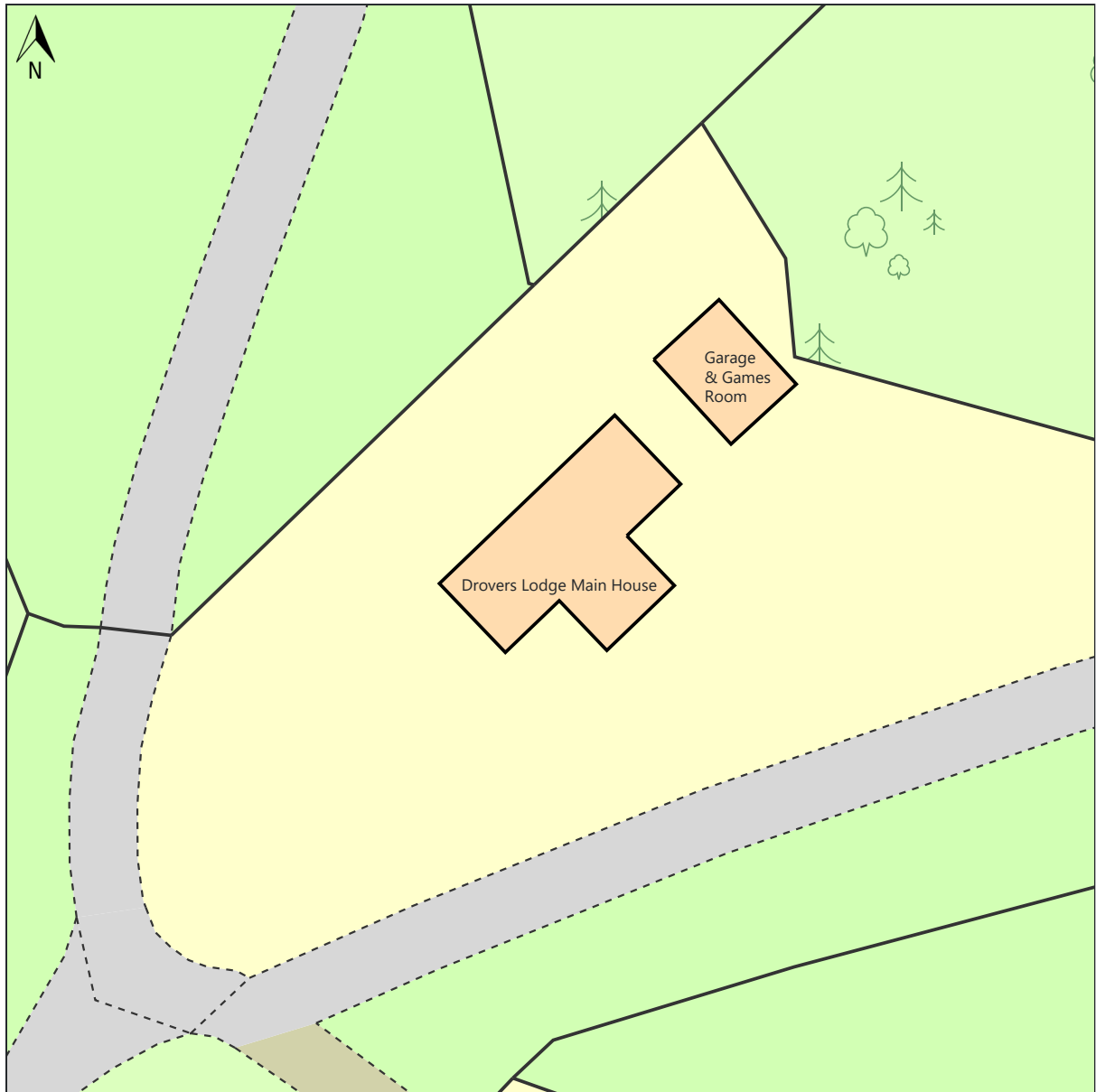
Drovers Lodge



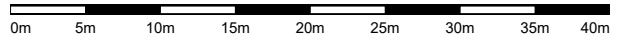
Google



DROVERS LODGE, UPPER LENNIE, BUNLOIT ROAD, DRUMNADROCHIT, HIGHLAND, IV63 6XF



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Scale: 1:500

Paper Size: A4

Notes:

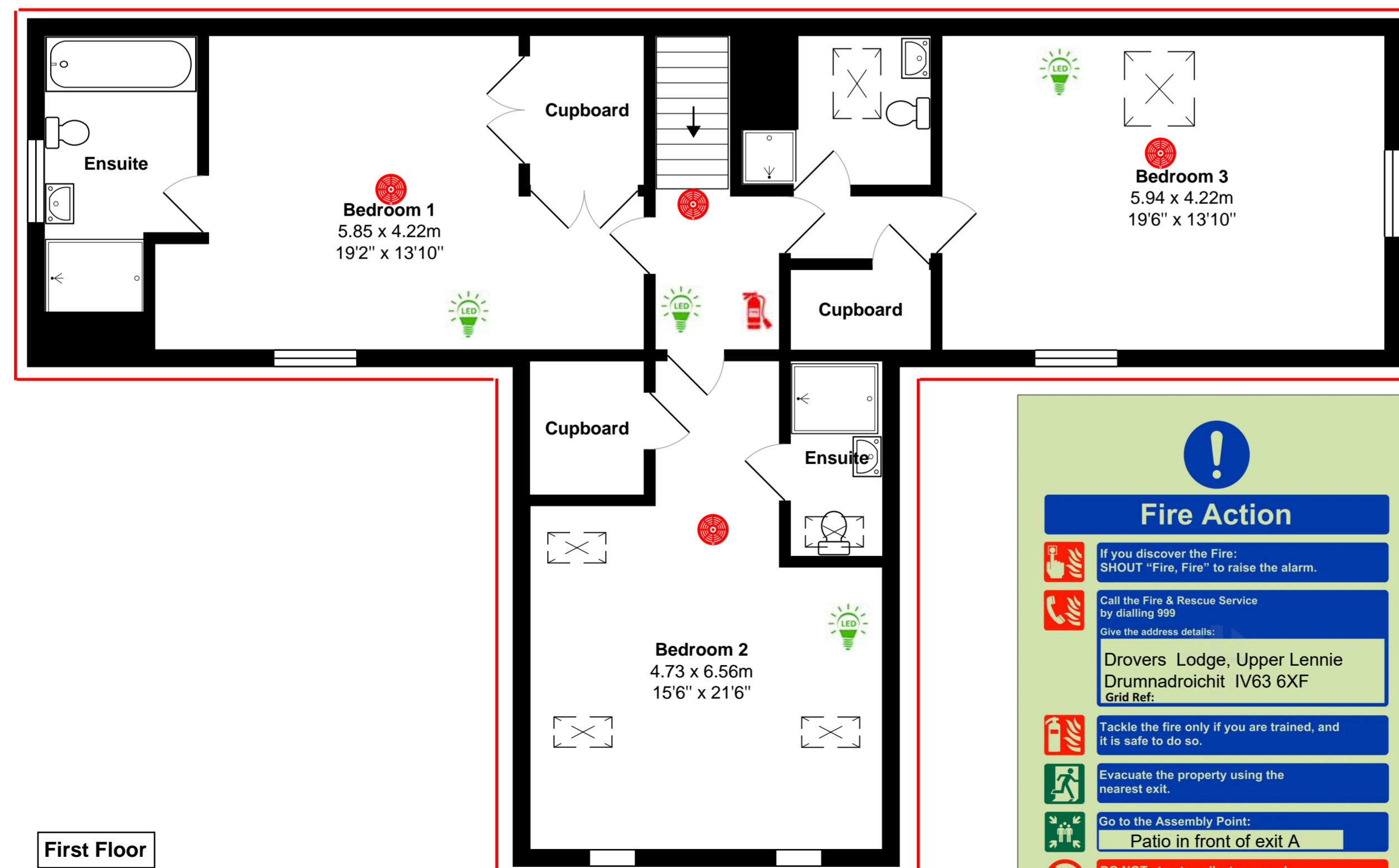
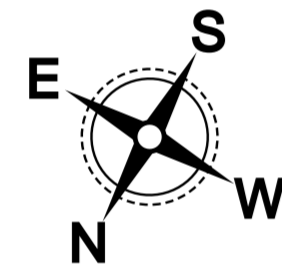
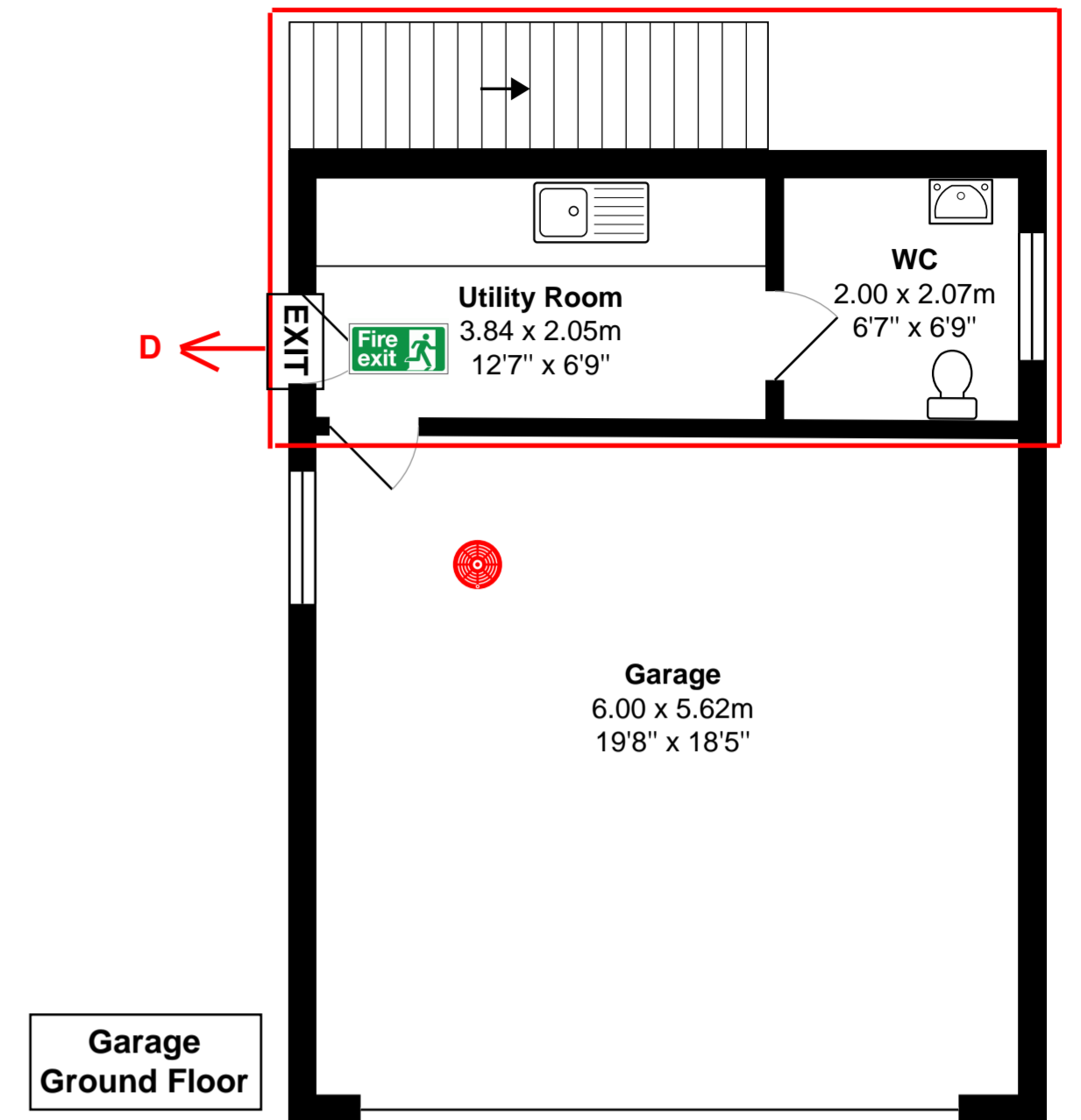
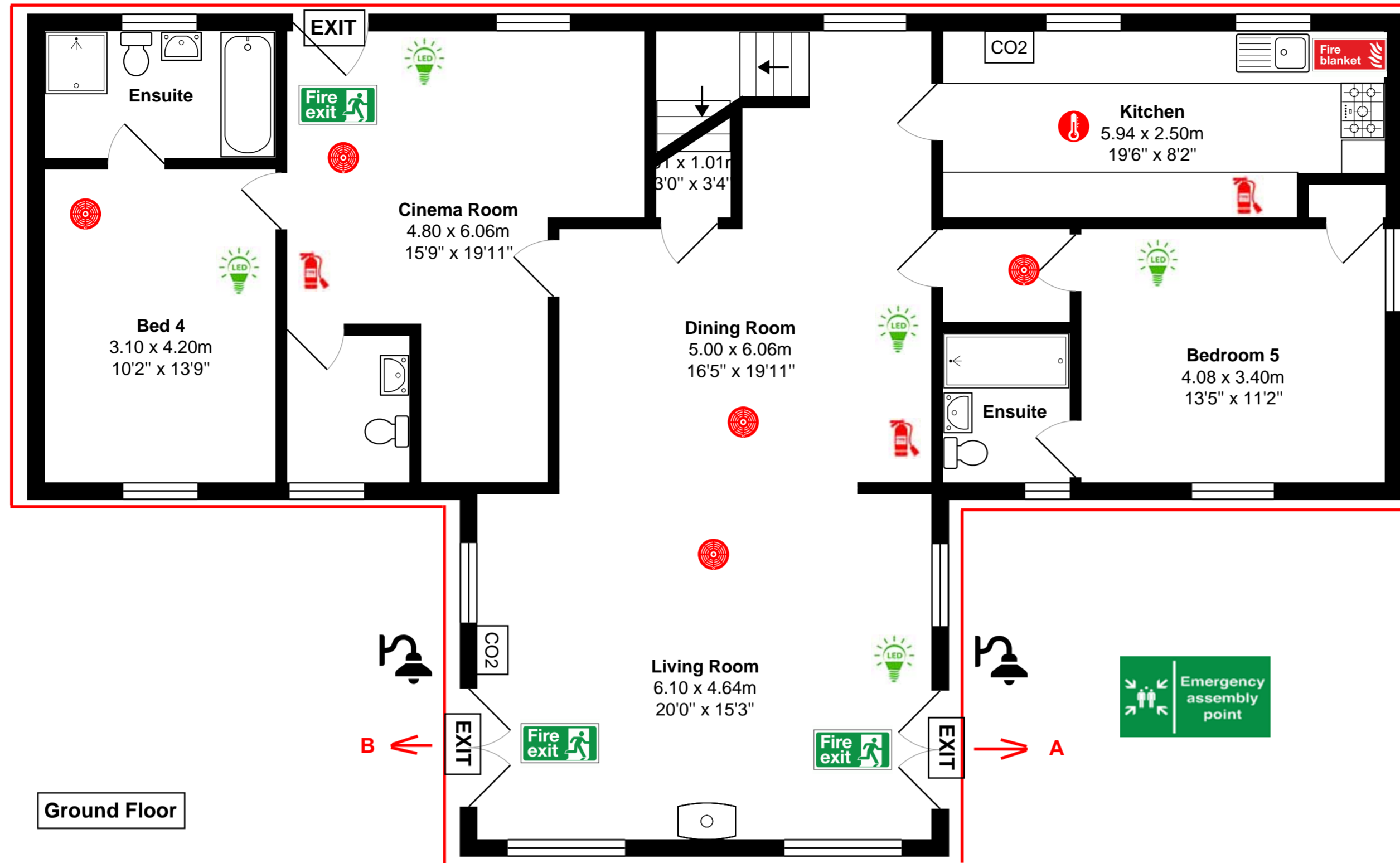


**Drover's Lodge
Upper Lennie
Drumnadrochit
IV63 6XF**

Maximum Occupancy: 10

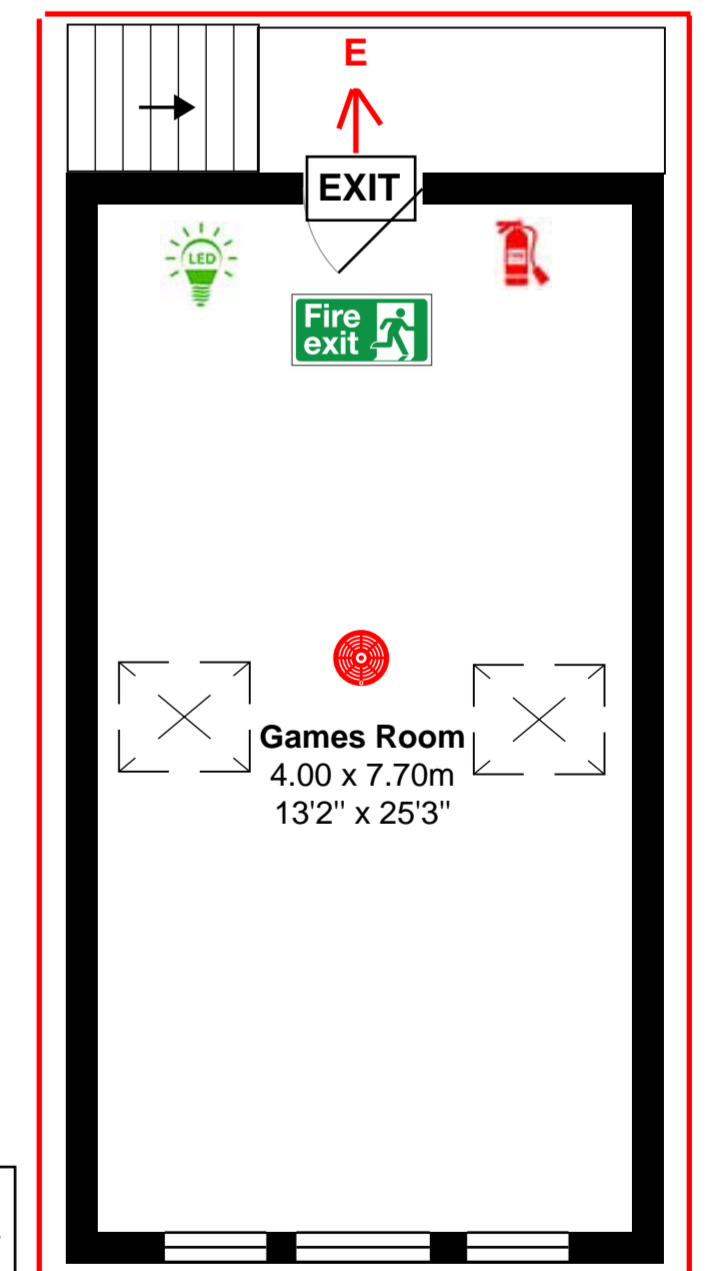
KEY

- Smoke Detector**
- Heat Detector**
- CO2 Detector**
- Fire Exit**
- Limits of Letting Area**
- Fire Extinguisher (powder)**
- Motion Activated**
- Fire Blanket**
- External Lighting**



Fire Action

- If you discover the Fire: SHOUT "Fire, Fire" to raise the alarm.
- Call the Fire & Rescue Service by dialling 999
Give the address details:
Drovers Lodge, Upper Lennie
Drumnadrochit IV63 6XF
Grid Ref:
- Tackle the fire only if you are trained, and it is safe to do so.
- Evacuate the property using the nearest exit.
- Go to the Assembly Point:
Patio in front of exit A
- DO NOT stop to collect personal belongings



From: vicky.millar <[REDACTED]>
Sent: Thursday, October 3, 2024 2:44 PM
To: STL Licensing <STL@highland.gov.uk>
Subject:

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.

Hi

I am writing to inform you of my concerns regarding the application for secondary letting of the Drover's Lodge Upper Lenie by Darren Patrick Breen.

The house has a potential of being occupied by up to 12 people. The house is situated at the end of a narrow poorly maintained dirt track with limited sight lines for exiting onto main road.

The house has 6 potential bedrooms and we are also concerned about capacity of the septic tank and soak away to deal with this number.

All the neighbours at the end of this track have bore holes for domestic water supply.

Which in dry spells can become severely depleted resulting in lack of water for the houses. This has been an issue on several dry summers. The additional increase in consumption resulting from possible 12 people occupancy during this period would be impact on the neighbours.

Another concern is the disposal of all rubbish and recyclables. At present the bins are for domestic households not commercial enterprises and would not cope with the an additional house hold of 12 people. A commercial refuse system would need to be put in place for the Drovers.

A binding assurance that the issues will be addressed would ease our concerns

Vicky Millar

[REDACTED]

[REDACTED]

Sent via BT Email App