

	Agenda item	<b>3.9</b>
	Report no	<b>HLC/149/24</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 – Lily Lodge, 5 Diabaig, Torridon, IV22 2HE (Ward 5 – Wester Ross, Strathpeffer and Lochalsh.)

**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 In terms of the abovementioned Act, the Licensing Authority have twelve months from receipt of the application from an existing host to determine the same, therefore this application must be determined by 11 December 2024. Failure to determine the application by this time would result in the application being subject of a `deemed grant' which means that a licence would require to be issued on 11 December 2024 for a period of 12 months. The application is before this Committee as this is the last meeting before the determination date expires.
- 3.3 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 12 December 2023 a validated application for the grant of a short term let licence was received from Mr Michael Joseph Johnson.
- 4.2 The property to which the application relates is Lily Lodge, 5 Diabaig, Torridon, IV22 2HE (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**).
- 4.3 The application for the short term let licence has been made on the basis that the said Mr Johnson will be the host/operator of the Premises. The applicant has applied as an 'existing host' and, as such, the host/operator can operate the premises as a short term let whilst their application is pending.
- 4.4 Mr Johnson and a Mrs Karen Johnson 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 the said Mr Johnson.
- 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 are comprised of a self-catering, detached, two storey, five bedroom property, which can accommodate a maximum capacity of 12 guests. Floor plans of the Premises were provided by the applicant as part of the application process, and are attached as an appendix to this report (**Appendix 2**)

## **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 and the Highland Council Building Standards have all confirmed that they have no objections to the application.

## **6. Late Representation**

6.1 A representation was received on 10 April 2024 from the Scottish Fire and Rescue Service. This was received after the 28 day period for objections/representations had elapsed and therefore cannot automatically be considered by the Committee.

6.2 At the meeting Scottish Fire and Rescue Service will be invited to address the Members as to the reason why the representation was submitted after the required timescale. The applicant will be invited to address the Committee on the same and thereafter Members will require to determine whether there were sufficient reasons for the late representation and whether it should be heard.

6.3 If the Committee are minded to accept the late representation a copy will be circulated at the meeting. If not, the application will be determined in its absence.

## **7. Certificate of Compliance**

7.1 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 from 15 December 2023. No public objections have been received in respect of the application.

## **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 Scottish Fire and Rescue Service 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. 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.

## 10. Implications

10.1 Not applicable.

Date: 12 November 2024

Author: Maureen Duffy

Reference: [FS548736384](#)

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 of the Premises.

Appendix 2: Floor plans of the Premises.

# Notes

**APPLICATION SITE:**

- Site Area - 3185m<sup>2</sup>

- Application Site Boundary
- Land Under Applicant Ownership

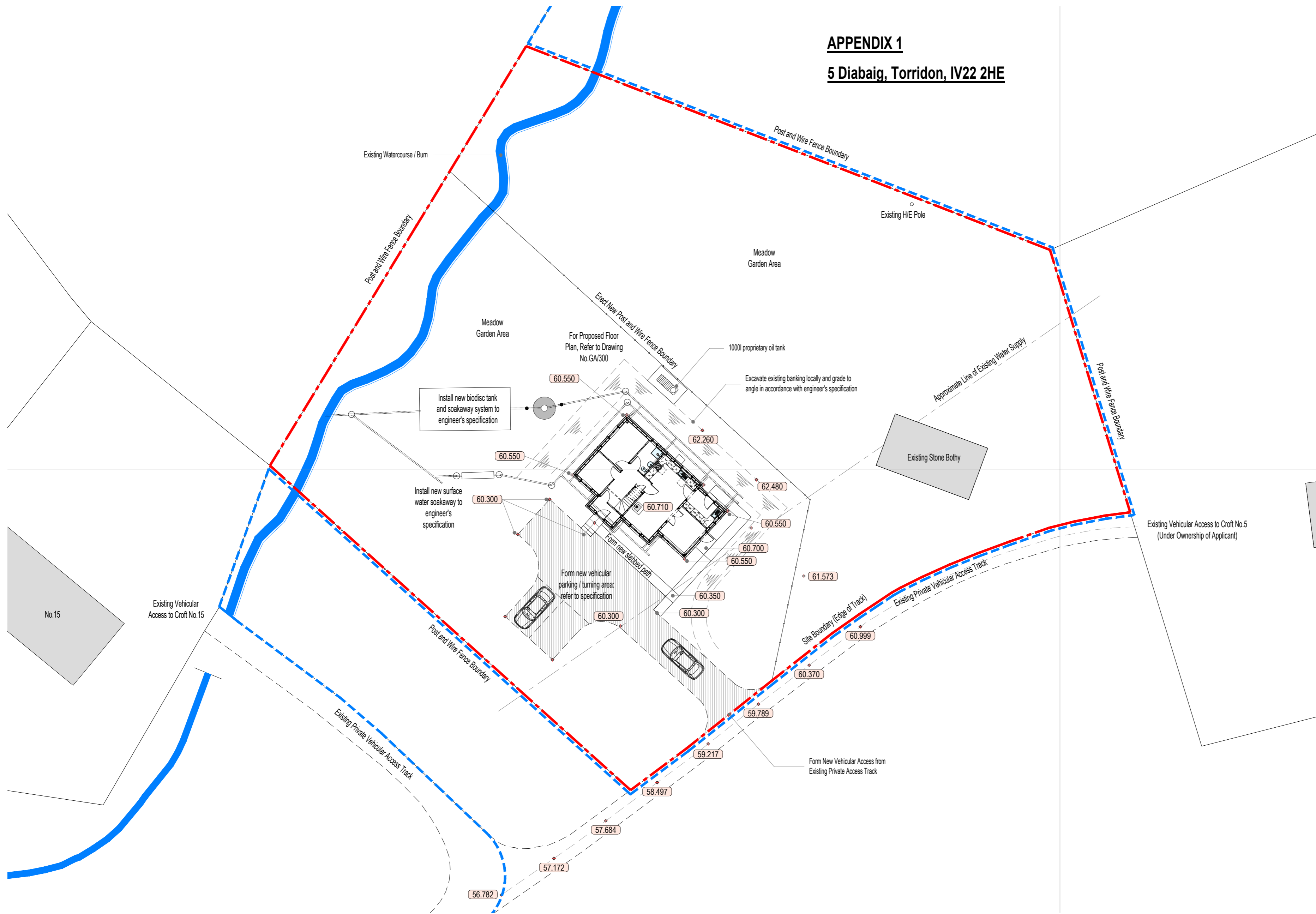
60.370 Proposed and existing spot levels. Note: all levels indicative for purposes of Building Warrant and to be confirmed on site

**GENERAL NOTES:**

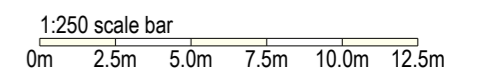
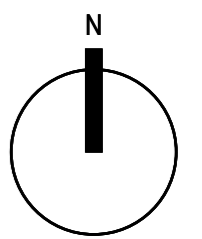
- All external hard landscaping indicative and for the purposes of Building Warrant application only. Final layout and design to be agreed with Client prior to commencement of works on site.

## APPENDIX 1

### 5 Diabaig, Torridon, IV22 2HE



**SITE PLAN**  
1:250 @ A2



**WARRANT**

rev.	date	details	drwn	chkd
A	25.05.15	Assessment report details added	IM	IM

**IMAC Architecture**  
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 W: www.imacarchitecture.co.uk  
 E: ian@imacarchitecture.co.uk  
 T: 01250 873298 M: 07980 720 766

**Job Title**  
 ERECTION OF NEW DWELLING  
 at CROFT No.5, DIABAIG,  
 TORRIDON, WESTER ROSS  
 for MR. MIKE JOHNSON

**Drawing Title**  
 PROPOSED SITE PLAN

**Scale.** 1:250 @ A2      **Date.** DEC. 2014

**Drwn.** IM      **Chkd.** IM

**Appr.** IM

**Drawing No.**  
**045-GA-101B**



# Notes

Do not scale dimensions from this drawing, all dimensions to be verified on site.

General:

- All drawings to be read strictly in accordance with Structural Engineer's drawings and specification.
- For proposed services layout, refer to drawing no's 045/GA300 (current revision)
- Any discrepancies to be reported to Client immediately, prior to commencement of any construction.
- For all loadbearing partitions/walls, refer to Structural Engineer's drawings.

Key:

- RWP - Rainwater pipe and trapped gully
- SP - Soil pipe
- SVP - Soil vent pipe
- AAV - Accessible air admittance valve
- RE - Rooding eye
- IC - Inspection chamber
- DPC - Damp proof course
- FS - Fire stop
- TV - Trickle vent (background hit & miss ducted)
- SHS - SHS steel post to SE spec.
- Angle - Steel angle to SE spec.
- SV - Slate vent (extract, SVP, etc as indicated)
- AB - 215x140mm air brick (200mm<sup>2</sup> per brick)
- MJ - Movement joint to S.E. specification

Activity Spaces to Accessible Sanitary Facilities:

- W.C. - 800x800mm
- W.H.B. - 800x700mm
- BATH - 1200x800mm
- SHOW - 800x800mm

Activity space of 1100x800mm, clear of any obstruction or door swing to be provided within accessible sanitary facility when entered head on.

Star specification:

- Floor to floor - 2.650m (Final height TBC on site)
- Going - 230mm
- Rise - 203.85mm
- No. of going - 12no.
- No. of risers - 13no.
- Pitch - 41.55°
- Effective (clear) width - 900mm
- Actual width (per flight) - 1000mm over face of stringers
- Handrail - To widest side of stair winders at 900mm above pitch line
- Protective barrier - 900mm to outer edge of landing and around head of stair
- Headroom - 2.00m clear over all parts star and landings
- Landing - 900m clear measured along centreline in direction of travel at base and head of stair

Note: all balustrading to stairs to be installed with 99mm max. gap between so as to prevent the passage of a 100mm dia. sphere. All balustrading to be installed vertically to prevent climbability by children.

Gallery balustrading / protective barrier specification:

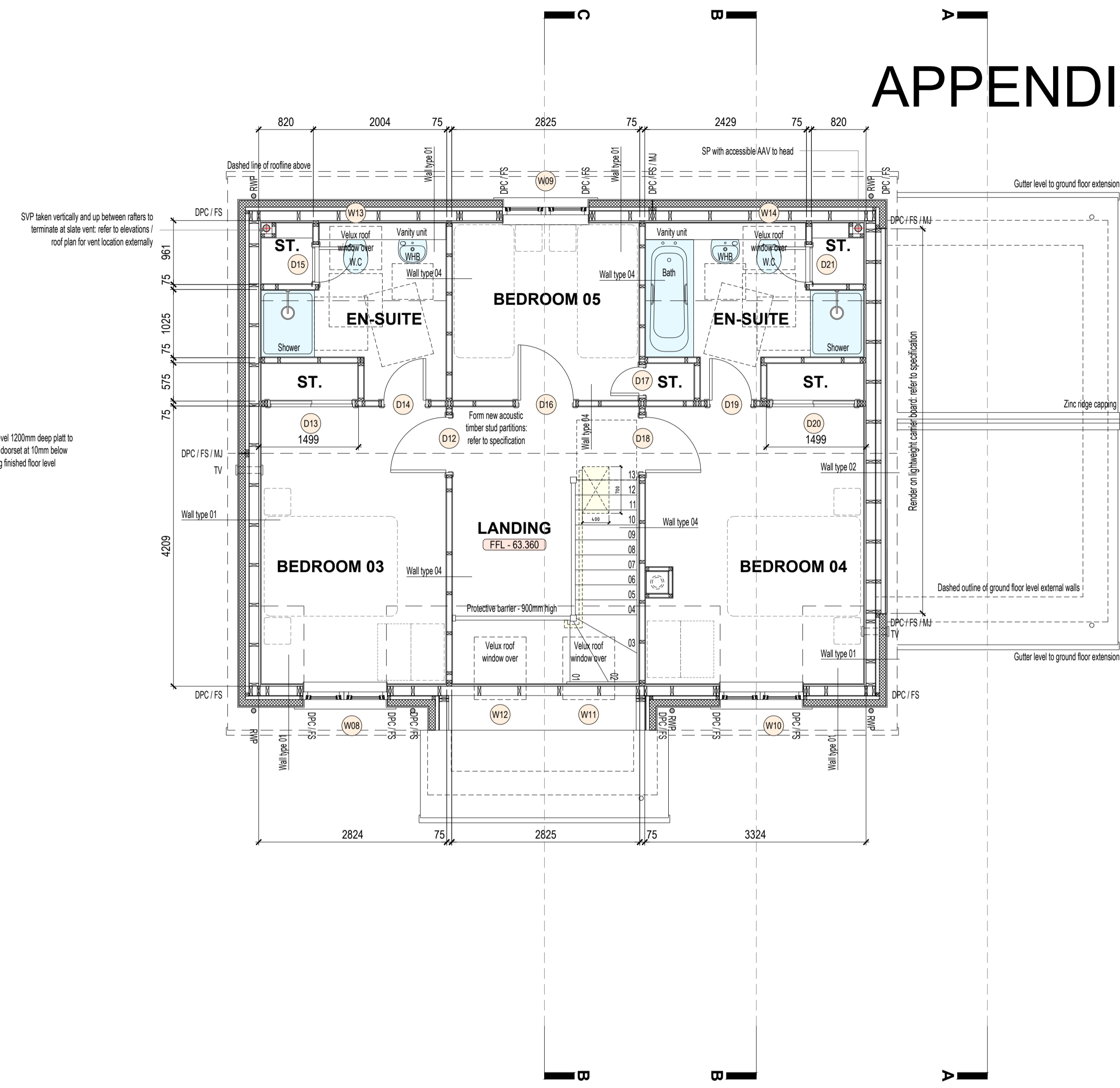
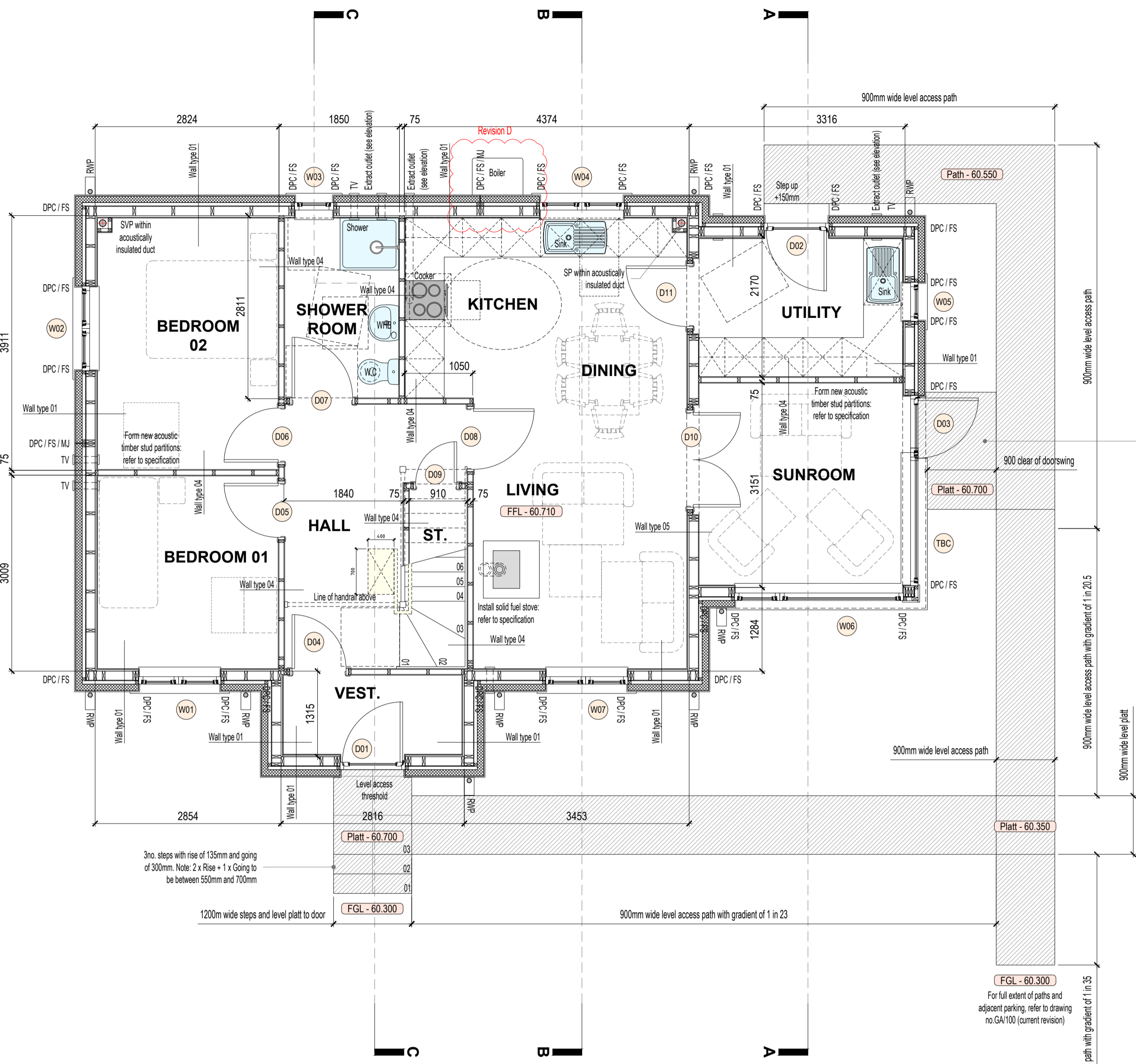
- Protective barrier height - 900mm to outer edge of landing and around head of stair internally

Note: all balustrading to gallery protective barrier to be installed with 99mm max. gap between so as to prevent the passage of a 100mm dia. sphere. All balustrading to be installed vertically to prevent climbability by children.

External Steps:

- All external steps to be 100mm minimum and 170mm maximum in height.
- External steps to have a minimum going of 250mm.
- Aggregate of 2no. step rises and 1no. slip going to be between 550mm minimum and 700mm maximum.
- All external steps to be constructed in accordance with supplementary construction specification.

# APPENDIX 2



**GROUND FLOOR PLAN**  
1:50 @ A1

**FIRST FLOOR PLAN**  
1:50 @ A1

Window:	Type:	Trickle Ventilation:	Size (W x H - TBC On-site):	Notes:
W01	Tilt & turn	6000mm <sup>2</sup>	1300x1500mm	Requirements of 'Secured by Design'
W02	Tilt & turn	6000mm <sup>2</sup>	1300x1200mm	Requirements of 'Secured by Design'
W03	Tilt & turn	6000mm <sup>2</sup>	600x1200mm	Requirements of 'Secured by Design'
W04	Tilt & turn	6000mm <sup>2</sup>	1300x1050mm	Requirements of 'Secured by Design'
W05	Tilt & turn	6000mm <sup>2</sup>	610x1050mm	Requirements of 'Secured by Design'
W06	Tilt & turn	12000mm <sup>2</sup> (2no. vents @ 6000mm <sup>2</sup> )	2600x1500mm	Requirements of 'Secured by Design'
W07	Tilt & turn	6000mm <sup>2</sup>	1300x1500mm	Requirements of 'Secured by Design'

Note: all window and fixed glazing sizes are indicative and for the purposes of Building Warrant only. All window sizes to be verified on site by Main Contractor prior to commencement of any order. Any discrepancies to be reported prior to commencement of works.

Door:	Door size (W x H):	Material:	Notes:
D01 (External)	1000x2100mm	Timber	Level access threshold. Requirements of 'Secured by Design'
D02 (External)	1000x2100mm	Timber	Level access threshold. Requirements of 'Secured by Design'
D03 (External)	1700x2100mm	Timber	Level access threshold. Requirements of 'Secured by Design'
D04 (Internal)	826x2040mm	Timber	Glazed.
D05 (Internal)	826x2040mm	Timber	N/A
D06 (Internal)	826x2040mm	Timber	N/A
D07 (Internal)	926x2040mm	Timber	Lockable. 800mm clear for accessibility.
D08 (Internal)	926x2040mm	Timber	Glazed. 800mm clear for accessibility.
D09 (Internal)	626x2040mm	Timber	N/A
D10 (Internal)	2no. 726x2040mm	Timber	Glazed.
D11 (Internal)	926x2040mm	Timber	N/A. 800mm clear for accessibility.

Note: where 826mm wide doors provided to accessible accommodation, taking into consideration the depth of door stops and width of door leaf, a clear opening of 775mm should be provided.

Accommodation:	Area (m <sup>2</sup> ):	Daylighting Minimum of 1/15th of floor area (m <sup>2</sup> ):	Daylighting Actual (m <sup>2</sup> ):
Bedroom 01	11.47	0.76	1.18
Bedroom 02	10.71	0.71	1.18
Living	10.50	0.70	1.18
Living	10.31	0.68	4.47
Bedroom 03	11.53	0.77	0.99
Bedroom 04	13.61	0.91	0.99
Bedroom 05	7.44	0.50	0.99

Accommodation:	Area (m <sup>2</sup> ):	Ventilation Minimum of 1/30th of floor area (m <sup>2</sup> ):	Ventilation Actual (m <sup>2</sup> ):
Bedroom 01	11.47	0.38	1.18
Bedroom 02	10.71	0.36	1.18
Living	10.50	0.35	1.18
Sunroom	10.31	0.34	3.29
Bedroom 03	11.53	0.38	0.99
Bedroom 04	13.61	0.46	0.99
Bedroom 05	7.44	0.25	0.99

1:50 scale bar  
0m 0.5m 1m 1.5m 2m 2.5m

Rev.	Date	Details	Drawn	Checked
D	12/12/15	Amendment to warrant	IM	IM
C	09/02/15	Purch dimension added	IM	IM
B	25/05/15	Assessment report details added	IM	IM

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Job Title  
**ERECTION OF NEW DWELLING**  
at CROFT No.5, DIABAGA, TORRIDON,  
WESTER ROSS  
for MR. MIKE. JOHNSON

Drawing Title  
**PROPOSED FLOOR PLANS**

Scale:	1:50	Drwn.	IM
Original Size:	A1	Chkd.	IM
Appr.	IM	Dtd.	DEC 2014

Drawing No.  
**045-GA-300D**



