

Agenda item	6.2
Report no	HLC/51/25

## **THE HIGHLAND COUNCIL**

**Committee:** THE HIGHLAND LICENSING COMMITTEE

**Date:** 1 April 2025

**Report title:** Application for the grant of a short term let licence - Culligran Chalets, Kiltarlity, IV4 7JX (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 In terms of the abovementioned Act, the Licensing Authority have twelve months from receipt of the application to determine the same, therefore this application must be determined by 19 April 2025. 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 18 April 2025 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 19 April 2024 a validated application for the grant of a short term let licence was received from Mr Christopher Frank Spencer-Nairn.
- 4.2 The property to which the application relates is Culligran Chalets, Kiltarlity, IV4 7JX (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 coloured 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 Mr Spencer-Nairn and Mrs Juliet Constance Spencer-Nairn are the hosts/operators of the Premises. The hosts/operators have applied for a short term let licence as 'existing hosts' on the basis that the Premises were operated as a short term let property prior to 1 October 2022.
- 4.4 Mr Spencer-Nairn and Mrs Spencer-Nairn are named on the application as the owners of the Premises.
- 4.5 The persons named on the application as being responsible for the day-to-day management of the Premises are the said Mr Spencer-Nairn and Mrs Spencer-Nairn.

- 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 described as comprising of a cottage and four chalets which can accommodate a total maximum capacity of 29 guests. Floor plans of the Premises were provided by the applicant as part of the application process, and these can be found on pages 3, 4 and 5 of Appendix 1.

## **5. Process**

- 5.1 The application was circulated to the following Agencies/Services for consultation:
- Police Scotland;
  - Scottish Fire and Rescue Service; and
  - The Highland Council's Environmental Health Service.
- 5.2 Police Scotland have confirmed that they have no objections to the application.
- 5.3 On 17 May 2024, The Highland Council's Environmental Health Service submitted a timeous email of objection, a copy of which is attached as **Appendix 2**.

## **6. Non-Timeous Representation**

- 6.1 The Scottish Fire and Rescue Service submitted a non-timeous representation, which was received by email on 28 October 2024. This representation was received after the 28-day period for objections or representations to be made had elapsed, namely on 18 May 2024 and therefore it 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 this 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 email of non-timeous representation, copies of same 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 20 April 2024. No public objections have been received.

## **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, the Highland Council's Environmental Health Service and Scottish Fire & 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 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. Policies**

- 9.1 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: 07 March 2025

Author: Alexander Florence

Reference: [FS550981675](#)

Background Papers:

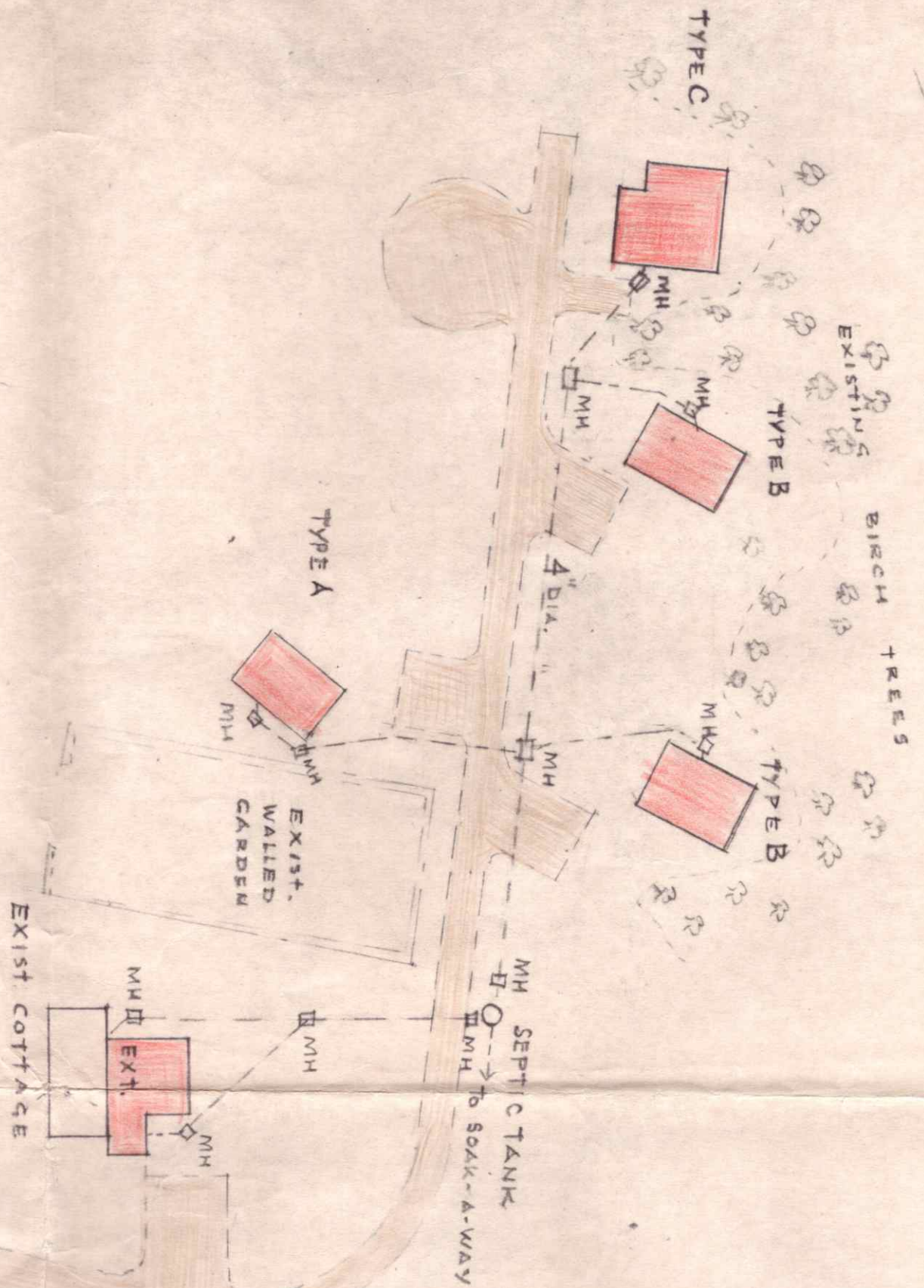
- Civic Government (Scotland) Act 1982
- The Civic Government (Scotland) Act 1982 (Licensing of Short-term Lets) Order 2022

Appendices:

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

Appendix 2: Objection received by email on 17 May 2024 from The Highland Council's Environmental Health Service.

To S.



W 9



**CUSTOMER RESPONSIBLE FOR ALL EXCAVATION WORKS HIGHLIGHTED IN YELLOW AND TO PROVIDE SUITABLE DUCTING FOR SERVICE CABLE.**

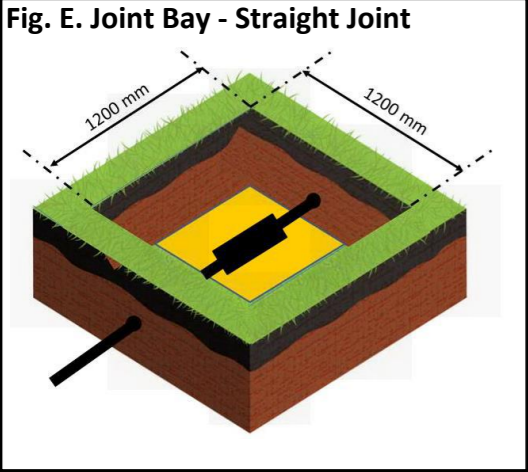
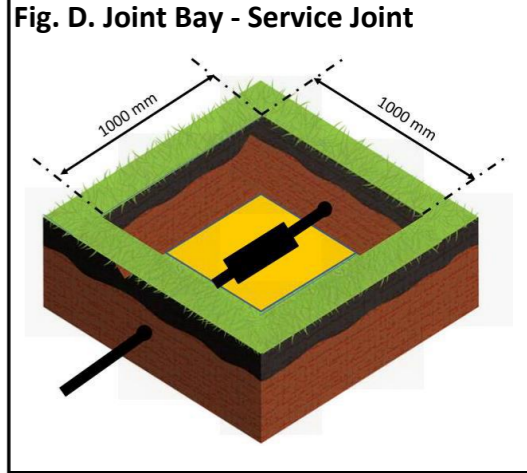
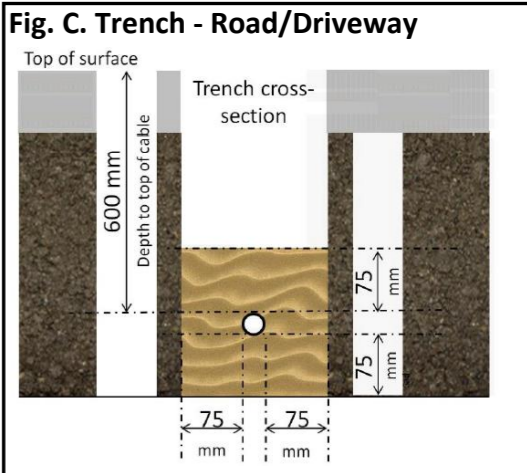
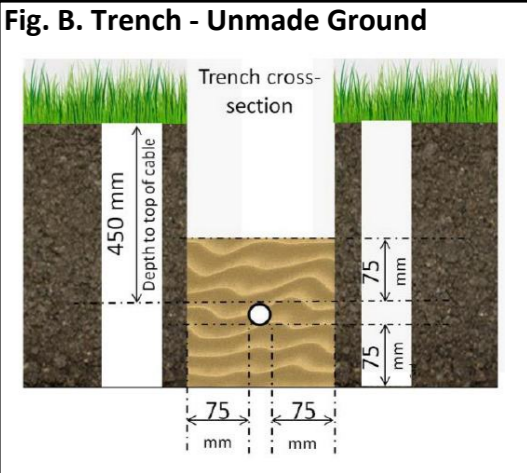
**Three Phase Service Cable. \*ONLY 2 CORES LIVE FOR SPLIT PHASE SUPPLY\***  
 Lay new three phase service cable to the new 100 amp cut out position.  
 1. Customer to dig trench as per Figure B/C.  
 2. Customer to provide ducting for the service cable.  
 3. SSEN to pull the service cable through the duct to the new 100 amp cut out position.

**Straight Joint.**  
 1. Customer to excavate joint bay as per fig. E.  
 2. SSEN to make connections.

**Service Joint.**  
 1. Customer to excavate joint bay as per fig. D.  
 2. SSEN to make connections.

**Reinforcement.**  
 Shutdown 11kV network for safe working. Dismantle existing transformer and install new 50kVA split phase transformer.  
 Run new mains cable to base of pole and reconnect existing mains cable via breach joint.  
 SSEN to carry out all works.

CUSTOMER RESPONSIBILITY TO PRIVATELY SUPPLY CHALETs BEYOND CUT OUT POSITION



**It is extremely important for you to note that your meter/s cannot be installed by Scottish and Southern Electricity Networks.** Although Scottish and Southern Electricity Networks own the cables coming into the premises **we are not an electricity supply company and we do not install the meter/s.** You must arrange a supply contract with the Supplier of your choice. Once you have chosen your preferred Supplier you will need to contact them to register the MPAN(s) associated with the new premises. Once you have registered with your chosen supplier, they will arrange for their Meter Operator to fit the meter(s) and energise the supply/ies. Meter/s cannot be installed until all connection works have been completed by us.

Customer to be responsible for the excavation and permanent reinstatement works, please be aware that customer will be required to provide letters of indemnity from any third party landowners that they are willing for customer/customers contractor to carry out works on their land, and if excavating on council land/public highways Scottish and Southern Electricity Networks will need confirmation that customer/customers contractor is authorised under the New Roads and Street Works Act (NRSWA) (1991).

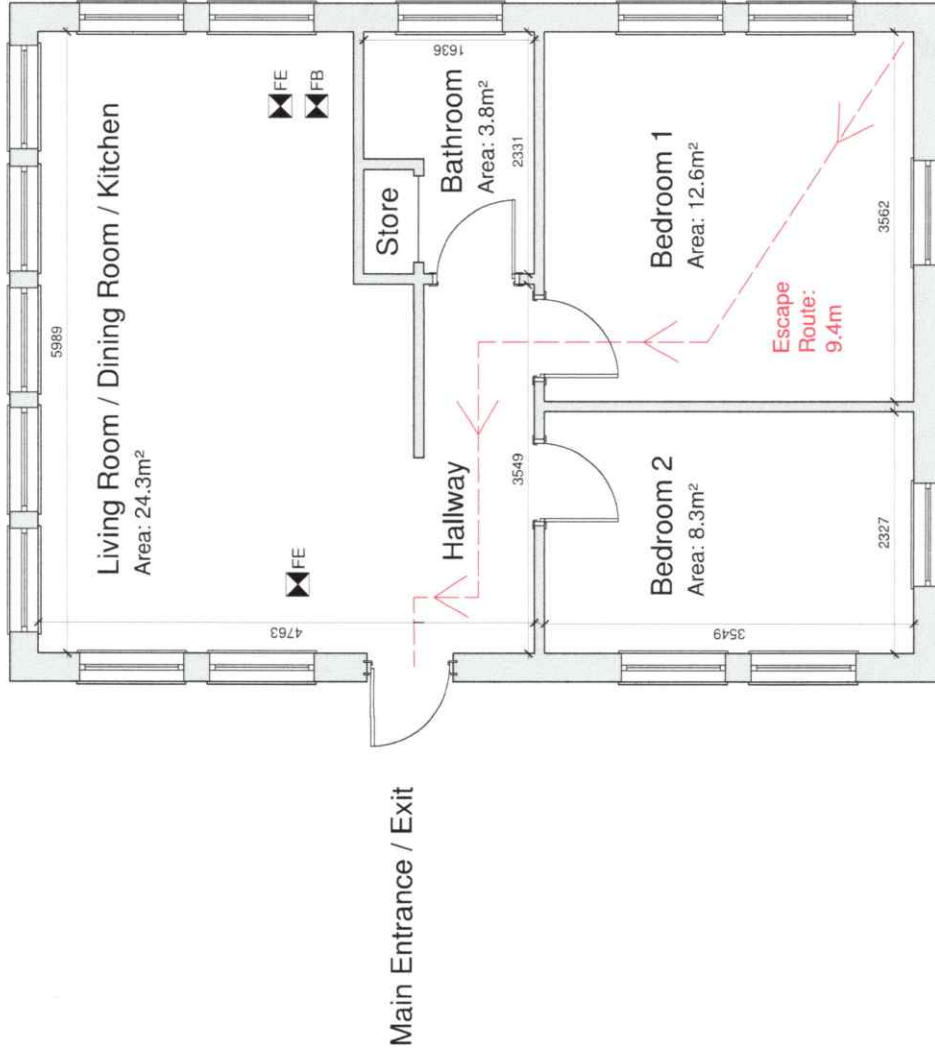
**SAFETY IMPORTANT**  
**Important:- Before undertaking any work which is within 6.0 meters of our underground cable or within 10.0 meters of our overhead lines, you must arrange an on site meeting with a manager to discuss method of work, type of mechanical excavators and how they will be used when working in proximity to our cables, lines and plant. A manager will be appointed to you upon acceptance and payment of your job. Refer to Health and Safety Guidance notes HSG47 Avoiding dangers from underground services and GS6 Avoiding danger from overhead power lines.**

Map Centre: 238346, 840759		Grid Ref: NH38344075				
Scale: 1:500	Page Size: A3	Plot Date: 23/02/2024				
Designer Name: Townsend, Elizabeth (Distribution)		Job Number: FBM833/2				
4 x Chalets at Culligran Cottages, Stur, Beauly, IV4 7JX						
If you are unsure & need to seek advice before commencing excavations please contact;	<b>NORMAL DEPTH TO THE TOP OF THE CABLE WHEN LAID</b>					
		Services	LV	HV	EHV	
	FOOTPATH/UNMADE	0.45m	0.45m	0.6m	0.8m	
	ROAD CROSSING	0.6m	0.6m	0.75m	0.9m	
General Enquiries	0800 048 3516	AGRICULTURAL	1m	1m	1m	1.1m

**Legend**

- Segments [Electric]
  - Cable Segment LV Route - 400.0 V, Existing
  - Joint Installation LV Location - Pole Termination, Existing
  - Line Segment EHV Route - 33.00 kV, Existing
- Transmission Structures [Electric]
  - Pole Existing Location - Single
  - Substation Site [Electric]
    - Substation Existing Location - Pole Mounted Distribution
- Annotations [Electric]
  - Abc Def Cable Annotation LV Annotation 1:500 - Medium
  - Cable Annotation LV Leader Line 1:500 - Assumed Route
  - Abc Def Pole Structure Anno Existing Annotation 1:500 - Medium
  - Abc Def Substation Anno Existing Annotation 1:500 - Medium
  - Common [Electric]
    - Schematic Connector HV Pin2 - Blue Circle
- Non Electrical Item Boundary
  - OS MasterMap Area AR10021 - Building
  - OS MasterMap Area AR10053 - General surface - Multi surface - Normal
  - OS MasterMap Area AR10056 - General surface - Normal
  - OS MasterMap Area AR10111 - Natural environment - Normal
  - OS MasterMap Area AR10172 - Road or track
  - OS MasterMap Line LN10019 - Building - Outline
  - OS MasterMap Line LN10046 - General feature
  - OS MasterMap Line LN10052 - General surface
  - OS MasterMap Line LN10087 - Inland water
  - OS MasterMap Line LN10114 - Closing geometry
  - OS MasterMap Point PT10066 - Height control - Benchmark - 5m
  - Abc Def OS MasterMap Text TN10036 - Buildings or structure
  - Abc Def OS MasterMap Text TN10090 - Inland water

Key:  
 Heat = Heat detector  
 ION = Smoke detector  
 CO = Carbon Monoxide detector  
 FE = Fire Extinguisher  
 FB = Fire Blanket  
 All dimensions in mm



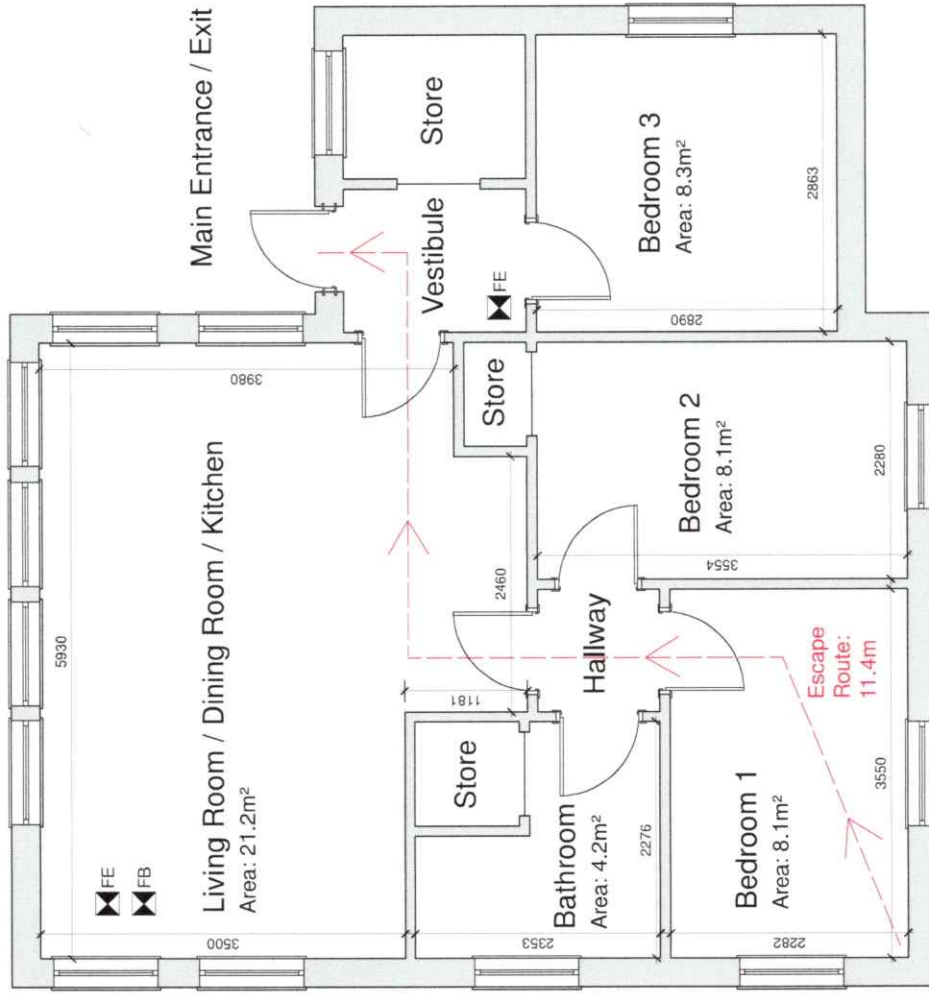
Ground Floor Plan at Scale 1:50

Total Internal Floor Area = 50.4m<sup>2</sup>

REV	DESC	BY	DATE
PROJECT ADDRESS: Aspen Chalet Strathfarrar Beaulieu, IV4 8JX			
DRAWING TITLE: Licensing Plan Floor Plans			
We hereby certify that this is the plan referred to in the foregoing application for Local Authority consent <b>L A REF - N/A</b> Drawing remains property of DM Hall LP			
DATE	DRAWN	SCALE	DRAWING NO
		1:50	1
REF			
FILE NO	PP-23-01068	PLOT NO	A3



Key:  
 Heat = Heat detector  
 ION = Smoke detector  
 CO = Carbon Monoxide detector  
 FE = Fire Extinguisher  
 FB = Fire Blanket  
 All dimensions in mm



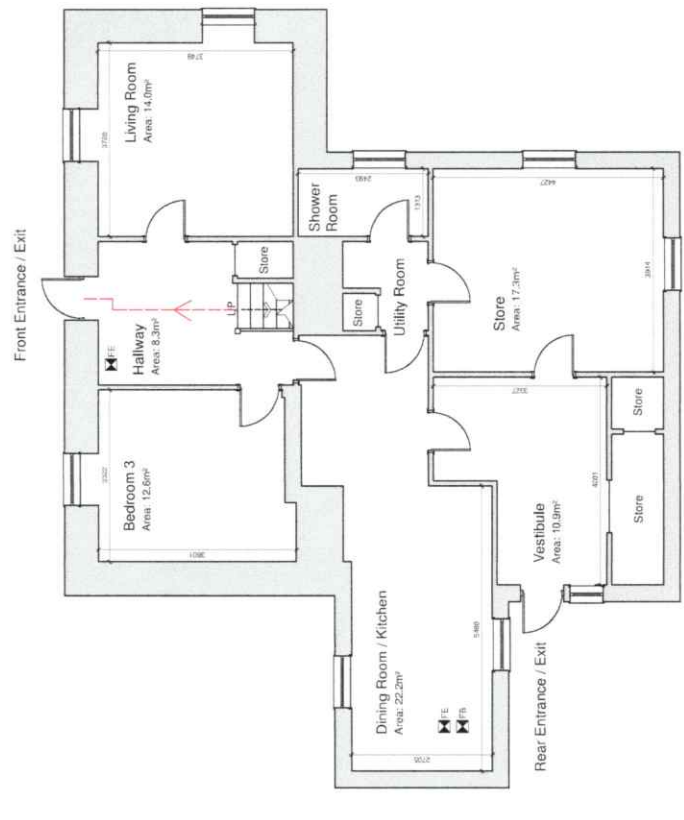
Ground Floor Plan at Scale 1:50

Total Internal Floor Area = 63.5m<sup>2</sup>

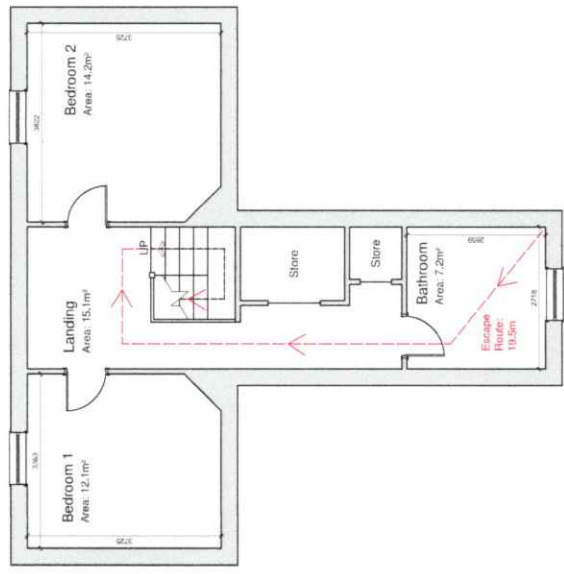
REV	DESC.	BY	DATE
Licensing			
 <b>DM HALL</b> <small>Chartered Surveyors</small> 27 Carrington Street Durham 01380 677 262 architects@dmhall.co.uk			
 <b>RICS</b> <small>Chartered Surveyors</small>			
PROJECT NUMBER			
Birch Chalet Sirathfarrar Beauty, IV4 7JX			
DRAWING TITLE			
Licensing Plan Floor Plans			
We hereby certify that this is the plan referred to in the foregoing application for Local Authority consent			
LA REF - N/A Drawing remains property of DM Hall LLP			
REF	PP-23-01069	FOOT	A3
DATE	11/09/23	SCALE	1:50
	RS	DRAWN	1
		REV	/

Key:  
 Heat = Heat detector  
 ION = Smoke detector  
 CO = Carbon Monoxide detector  
 FE = Fire Extinguisher  
 FB = Fire Blanket  
 All dimensions in mm

Total Internal  
 Floor Area = 152.2m<sup>2</sup>



Ground Floor Plan at Scale 1:100



First Floor Plan at Scale 1:100

REV.	DESC.	BY:	DATE:
Licensing			
<b>DM HALL</b> LIMITED LIABILITY COMPANY			
<b>RICS</b> REGISTERED VALUERS 27 Corporation Street Derbyshire 01382 671 267 architectural@dmhall.co.uk			
PROJECT ADDRESS: Cherry Cottage Stratharrar Beaulieu, IV4 7JX			
DRAWING TITLE: Licensing Plan Floor Plans			
We hereby certify that this is the plan submitted and accepting application for Local Authority consent <b>LA REF - N/A</b> Drawing remains property of DM-Hall LLP			
FILE NO:	PP-23-01070	PAGE SIZE:	A3
DATE:	12/08/23	SCALE:	1:100
DRAWN:	BS	DRAWING NO.:	1
REV.:	1	REV.:	/

From: Iona Cameron (Infrastructure)

Sent: 17 May 2024 11:24

To: STL Licensing

Subject: Short Term Let Licence, FS-Case-550981675, Culligran Chalets, Kiltarlity, IV4 7JX

Attachments: 2024-05-16-icm-sru-200382-01.pdf

Categories: Alex

Hello,

FS-Case-550981675

Please find attached memo for above application.

To note, the applicant stated in the application form that there were no electrical fittings or items within

parts of the property which are for guest use, however, it appears there are.

Thanks,

Iona Cameron

Technical Officer (Short Term Lets)

Environmental Health

# Memorandum

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**To:** Principal Solicitor – Corporate Governance  
**From:** Senior Environmental Health Officer  
**Subject:** The Civic Government (Scotland) Act 1982 (Licensing of Short-term Lets) Order 2022  
**Date:** 17 May 2024  
**Your ref:** FS-Case-550981675  
**Our ref:** SR 200382  
**Please ask for:** Ms Iona Cameron  
**Phone:** 01349 886603  
**Email:** [REDACTED]

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**CASE REFERENCE:** FS-Case-550981675

**SUBJECT:** Short Term Let Application, Culligran Chalets, Kiltarlity, IV4 7JX

I refer to the recent consultation in connection with the above-mentioned Short Term Lets (STL) licence application.

Following consideration of this application and the supporting documentation it would appear that the property does not meet the Licence Conditions for an STL property. I would refer you to the attached schedule in this regard.

In view of our application assessment and findings, I would confirm that the property would **not be considered satisfactory** for occupancy of this nature.

Our Service would therefore wish to **object** to an STL licence being issued in respect of this application until such time as these matters have been suitably addressed.

I trust this information is of assistance to you and that you will notify the applicant accordingly.

Environmental Health

Environmental Health SCHEDULE OF NON-COMPLIANCE			
Premises	<b>Culligran Cottages</b>	Date of Assessment	<b>17/05/2024</b>

No.	Licence Condition	Description
1.	APP1	<p>The floor plans submitted with the application were not in accordance with the Highland Council Short Term Let Guidance. In particular, the following had not been marked on the submitted floor plan:-</p> <ul style="list-style-type: none"> <li>• Accommodation intended for guests with mobility impairment</li> <li>• Smoke and heat detector locations</li> <li>• Carbon Monoxide detectors (if an open flued appliance is fitted)</li> <li>• The maximum occupancy capacity of each short term let property</li> </ul> <p>The applicant should be requested to submit an updated plan.</p>
2.	STL6B	<p>The applicant must arrange for an electrical safety inspection to be carried out by a competent person. Thereafter, a copy of a valid and satisfactory Electrical Installation Condition Report (EICR) relating to the premises fixed electrical installation requires to be submitted.</p>
3.	STL8	<p>The applicant has indicated that the Short Term Let property is served by a private water supply (PWS). Where a property is served by a private water supply, the licence holder must comply with the requirements set out in the Water Intended for Human Consumption (Private Supplies) (Scotland) Regulations 2017.</p> <p>In order for our Service to assess the PWS, the applicant requires to complete and submit the PWS Questionnaire available on the Highland Council STL webpage – available here: <a href="https://www.highland.gov.uk/private-water-supplies">Private water supplies   Private Water Supply Questionnaire (highland.gov.uk)</a>. Questionnaires should be returned within 14 days to allow licence applications to be processed without undue delay</p>