

Agenda item	9.2
Report no	HLC/92/24

THE HIGHLAND COUNCIL

Committee: THE HIGHLAND LICENSING COMMITTEE

Date: 3 September 2024

Report title: Application for the grant of a short term let licence – The Steading, Camas Inas, Acharacle, PH36 4JQ (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 18 January 2024, a validated application for the grant of a short term let licence was received from Mr Michael Romeling.
- 4.2 The property to which the application relates is The Steading, Camas Inas, Acharacle, PH36 4JQ (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 extent of the Premises are those edged red 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 Romeling 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 Mr Romeling 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 letting which has been applied for is 'home letting, which means the host/operator is using all or part of their own home for short-term lets whilst they are absent.
- 4.6 The Premises is described as a detached dwellinghouse, offering accommodation for a maximum of 6 guests. The accommodation comprises of 3 guest bedrooms (1 ensuite), a kitchen, gym, utility room, office, dining/living room, lounge and a shower-room. 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;
- Highland Council Environmental Health Service.

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 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.

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 6 February 2024 from Daniel Bradley (**Appendix 2**).

In addition, a further written submission, to supplement the above objection, was received during the notice of display period, from Daniel Bradley and this is attached as an Appendix to this report:

- Further submission received by email on 13 February 2024 from Daniel Bradley (**Appendix 3**).

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 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.

8.2 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 \(Licensing Committee\) \(highland.gov.uk\)](https://www.highland.gov.uk/licensing-hearings-procedures)

9.0 Observations on objections/representations

9.1 In the email of objection dated 6 February 2024 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 Adopting the same numbering as the said email of objection, the points which should not be taken account and a summary of the reasons for this are as follows:

- **Para 5** : "... property is up for sale and has been since 2022". This is not a matter which can be taken into account when determining a licence application.
- **Para 7** : "...private residential bay, not a right of way". This is not a matter which can be taken into account when determining a licence application.

Matters that are dealt with by other legislation or regulatory regimes, including title deed disputes, boundaries or servitude rights.

9.3 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: 13 August 2024

Author: Julie Traynor

Reference: [FS538446453](#)

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 identifying extent of premises and floor plan;

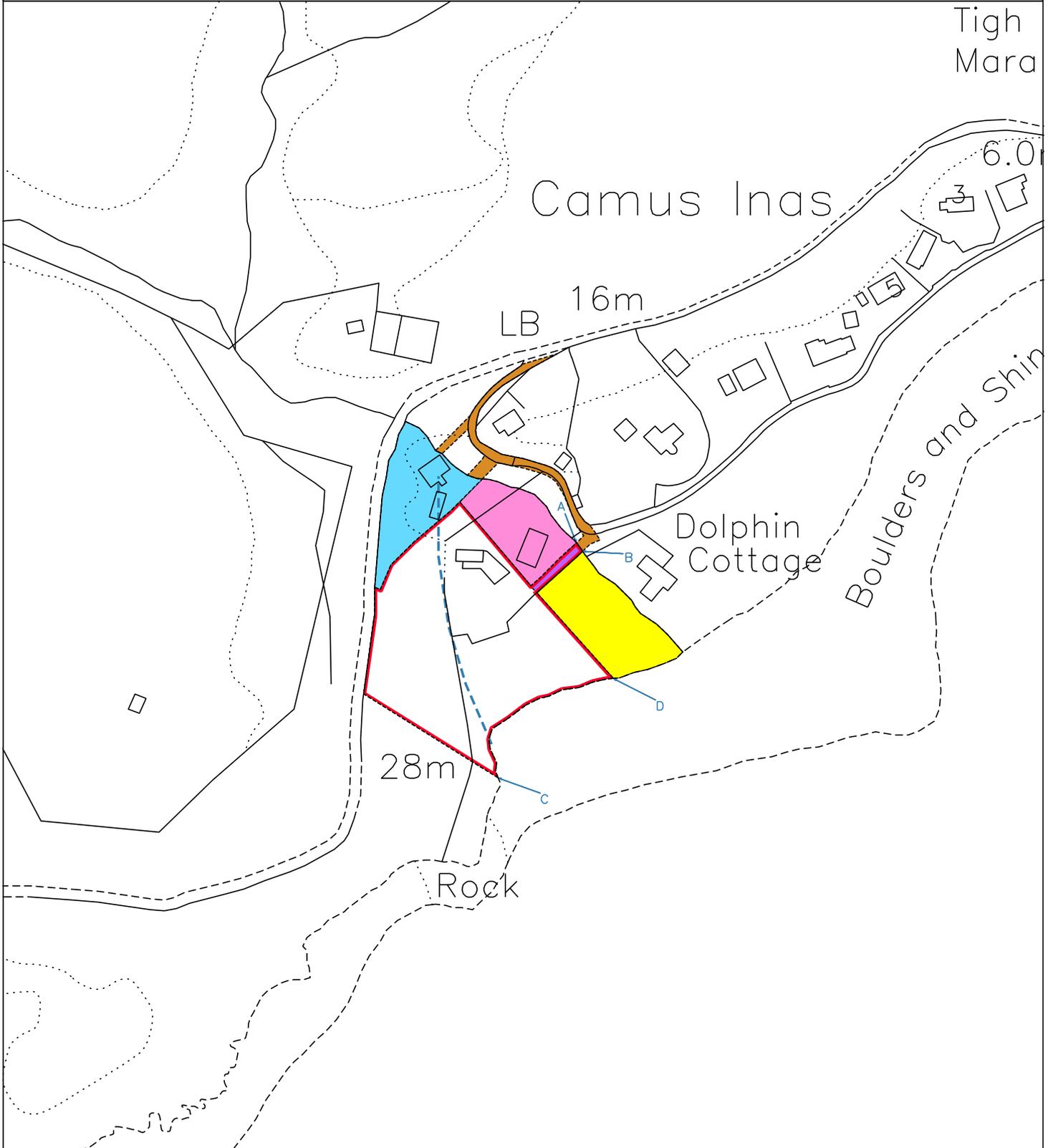
Appendix 2: Objection received by email on 6 February 2024 from Daniel Bradley;

Appendix 3: Further submission received by email on 13 February 2024 from Daniel Bradley.

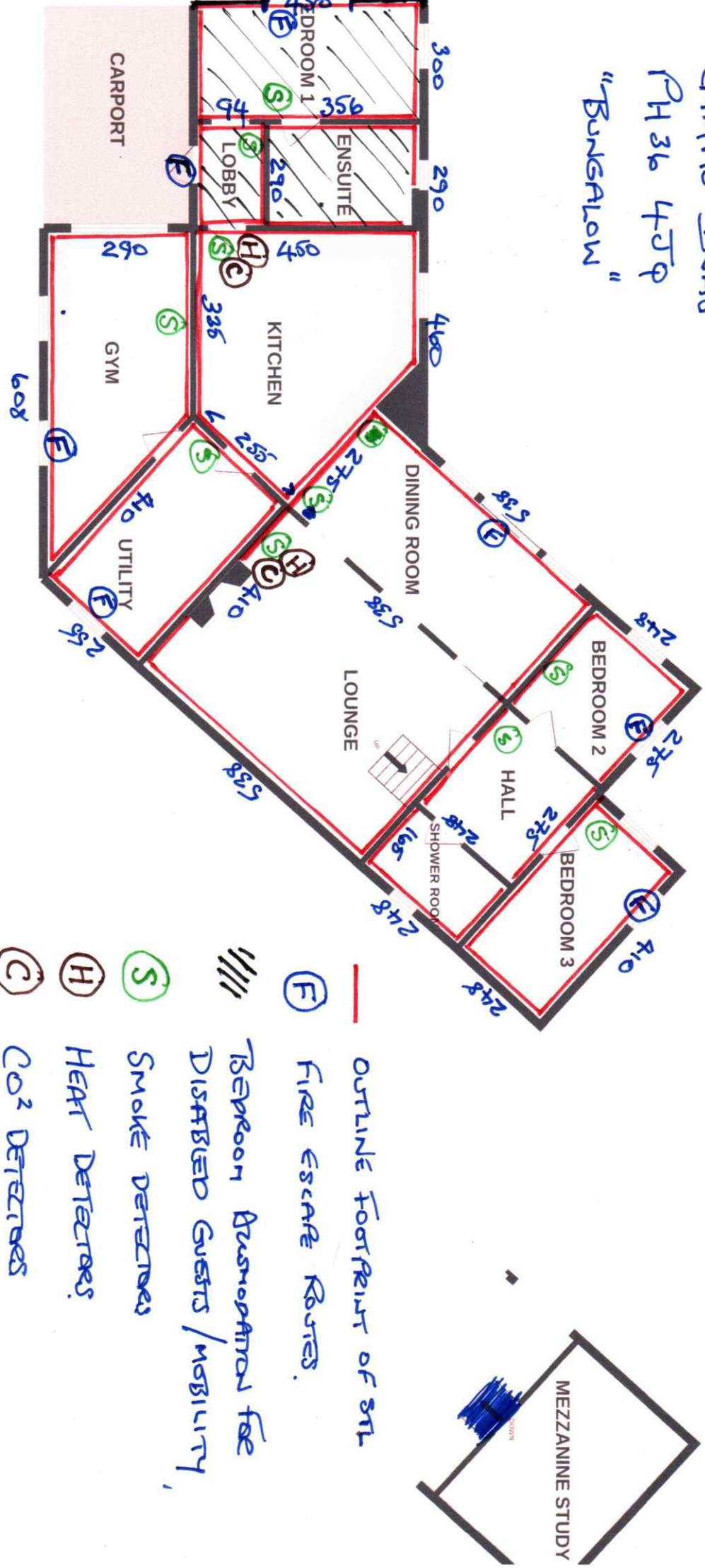
Appendix 1

 LAND REGISTER OF SCOTLAND	Officer's ID / Date	TITLE NUMBER
	4622 25/9/2018	ARG25586
 ORDNANCE SURVEY NATIONAL GRID REFERENCE	140m	
	NM66SE	Survey Scale 1/10000

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THE STADING GAMAS INVAS PH36 4JQ "BUNGALOW"



- OUTLINE FOOTPRINT OF STEEL
- (F) FIRE ESCAPE ROUTES.
- ////// BEDROOM ASSUMPTIONS FOR DISABLED GUESTS / MOBILITY.
- (S) SMOKE DETECTORS
- (H) HEAT DETECTORS.
- (C) CO₂ DETECTORS

(*) MAXIMUM STEEL = 1-3 WEEKS
 SHORTEST LFT, MAINLY WEEKLY.

Whilst every attempt has been made to ensure the accuracy of the floorplan 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. This plan is for illustrative purposes only and should be used as such by any prospective purchaser. The services, systems and appliances shown have not been tested and no guarantee as to their operability or efficiency can be given.

APPENDIX 2

From: Daniel Bradley
To: STL Licensing
Cc: [REDACTED]
Subject: Objection to the granting of a STL License to The Steading, Camas Inas, Acharacle PH36 4JQ.
Date: 06 February 2024 13:50:33
Attachments: [Overflowing Bins.jpg](#)
[Four of the six cars that entered Mr Romeling's property on 17th Oct. 2021.jpg](#)
[20211017_104912.jpg](#)
[20230423_100119.jpg](#)

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.

Dear Sir / Madam,

Please find below details of my objections to the granting of a STL License to the above property and its owner Mr Michael Romeling.

Firstly, I would like to inform you that I have been a permanent resident in Camas Inas since 1983, In fact, I am the longest permanent resident in this bay.

I live here with my partner and our two children, my son works for MOWI on a local Fish Farm and my daughter is attending university in Edinburgh.

On purchasing my property in 1983, I was advised by my solicitor that a deed of covenant existed in the bay preventing the letting of properties and the operation of any businesses within the bay and as you are aware operating an STL is a commercial business.

In 2020 approximately, Mr Romeling and his partner moved out of The Steading and shortly afterwards started a commercial STL business. My family and I were not consulted about their plans despite sharing an access road and wooden bridge over the Camas Inas Burn.

My objections are as follows:

1. Since Mr Romeling and his partner started letting his property, my family and I have been subjected to a severe loss of privacy with numerous vehicles and strangers / guests walking with up to three dogs at a time some on leads and some without, walking within feet of my main lounge and bedroom windows. We also have had to put up with dogs running and fouling on my property. My family are sick and tired of standing in this muck and dragging it into our home and vehicles. I have had to contact the Dog Warden and Police on a number of occasions over the past few years.
2. On the 18th July 2021 I was run at / attacked by three dogs owned by guests staying at the Steading,

fortunately, I was not bitten but badly shaken by the incident. I called the Police and

reported the incident.

3. I object to this STL as it has a materially detrimental impact on the living conditions of me and my family.

4. As previously mentioned, this STL has a significant impact on my family, this includes: loss of privacy, dogs, noise disruption, intrusion, loss of community, loss of security and impacts on bins and damage to the private access road from the B8007.

5. I object to this STL due to the fact that Mr Romeling's property is up for sale and has been since 2022.

6. As part of my objection, I would like to make you aware of an incident that occurred on the 1st March 2022

at 7pm when Mr Romeling knocked on my door. My partner answered the door and I went to see what he

wanted, he then started threatening to have me arrested if I closed the communal entrance gate on the West

access track to the bay, this gate has been in place for probably more than 100 years. This particular gate was

purchased and replaced by myself and my neighbours more than 20 years ago and was in place for security

and to keep the deer out. I informed the Police about Mr Romeling's behaviour and for upsetting me and my partner.

On the 6th March 2022, my family and I returned from visiting my daughter in Edinburgh and we found the

gate missing and twelve deer in my garden. I immediately called the Police and reported the matter.

I found out from the guests in his property that Mr Romeling removed the gate. The gate has not been

replaced and the deer problem has gotten worse.

7. This is a private residential bay and not a public right of way and I object to the letting of properties within

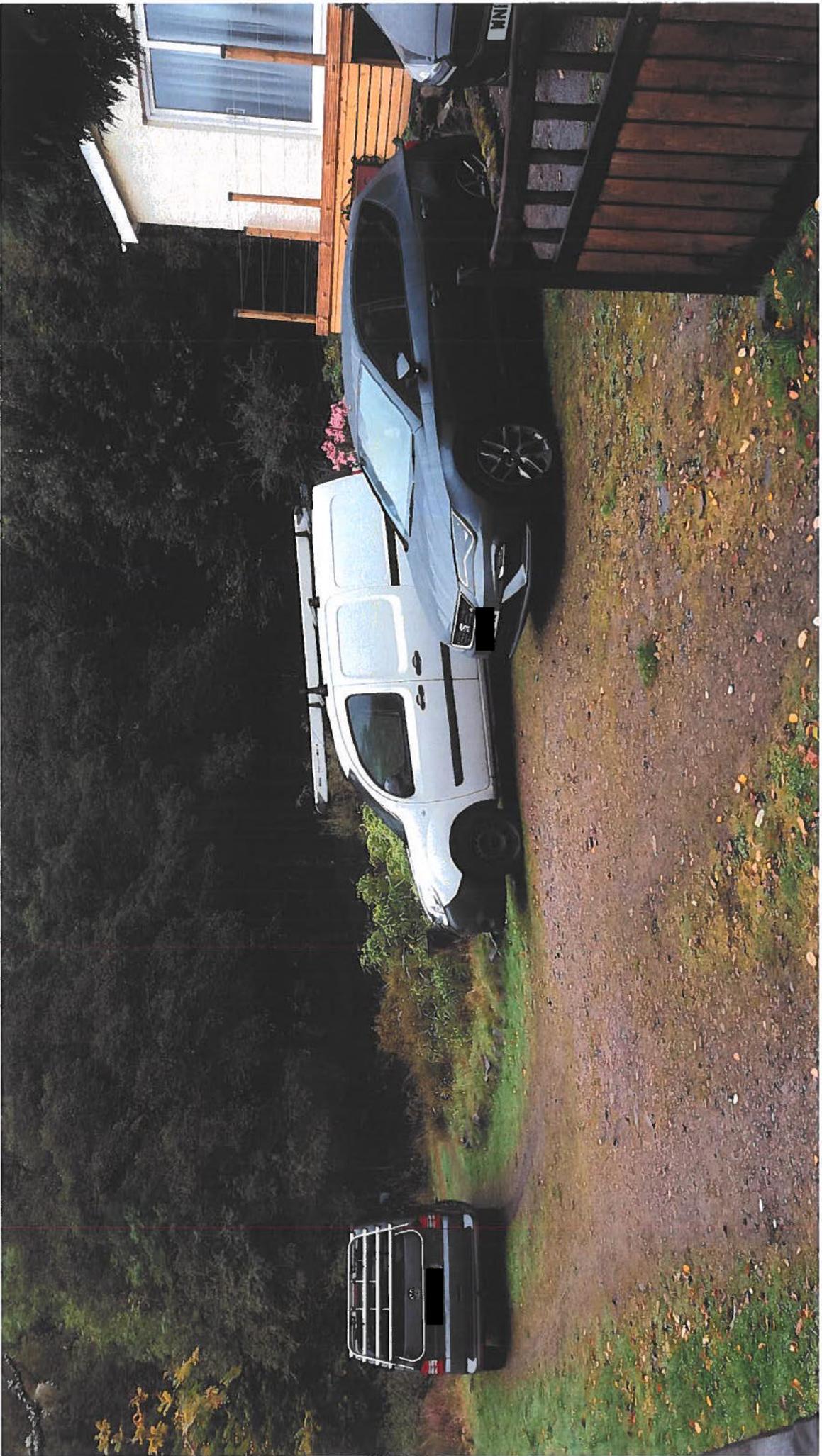
the bay, especially when the residents are having to put up with the problems my family and I are having to endure.

Finally, please be advised that I will be providing additional information relating to this objection and have attached a number of photographs.

Yours sincerely,

Daniel Bradley











[REDACTED]

From: Daniel Bradley <[REDACTED]>
Sent: 11 February 2024 22:58
To: STL Licensing
Subject: Objection to the granting of a STL License to The Steading, Camas Inas, Acharacle PH36 4JQ.
Attachments: 20230425_130502.jpg; 266.jpg; 265.jpg; Damage to track 163.JPG; Damage to track 165.JPG
Follow Up Flag: Follow up
Flag Status: Flagged

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.

Dear Sir / Madam,

Please find attached additional information & photograph's relating to the above objection.

I would just like to make you aware of the problems associated with Mr Romeling's STL business that we have had to put up with.

Prior to Mr Romeling letting out his property and when we were unaware of his plans. During the second Scottish Covid Lockdown, Mr Romeling wrecked the access bridge to our properties while pulling a boat trailer over the bridge. My family and I had returned from a shopping trip to Fort William to find the bridge badly damaged. I found this a bit strange, due to the fact that Mr Romeling had driven over the bridge on numerous occasions with the trailer.

To cut a long story short, I decided to completely rebuild the bridge with the assistance of my son. I sourced all

the necessary materials, some locally but most from Fort William. It took my son and I four days to carry out the repairs, in bitterly cold conditions and working late into the night and at times under floodlight.

While rebuilding the bridge, I decided to widen it by at least six inches onto my property, something I now regret and had I known Mr Romeling was planning on letting his property, I would not have done so. Also, I must point out that Mr Romeling has not paid his share of the rebuild costs and I am owed just under 1000 pounds, a lot of money at the time, especially as I had been made redundant due to Covid.

Mr Romeling has taken full advantage of my extension to the bridge, as you will see from the attached photographs.

Incidentally, caravans / motorhomes are not permitted in the bay.

The attached photographs will also show the damage to the access track caused by the additional vehicles accessing the STL properties.

Yours sincerely,
Daniel Bradley

[REDACTED]

