

**THE HIGHLAND COUNCIL**

**Committee: THE HIGHLAND LICENSING COMMITTEE**

**Date: 3 September 2024**

**Report title: Application for the grant of a short term let licence – Rowan House, Camus 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 16 November 2023, a validated application for the grant of a short term let licence was received from Mr Philip Gray.
- 4.2 The property to which the application relates is Rowan House, Camus 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 the site 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 Gray and a Mrs Helena Gray 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 Philip Gray and Mrs Helena Gray 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 Mrs Helena Gray.
- 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 dwellinghouse, offering accommodation for a maximum of 8 guests. The ground floor accommodation comprises of 2 guest bedrooms, living room, kitchen/dining area, shower-room and a sun room. The first floor accommodation comprises of 2 ensuite guest bedrooms. Floor plans of the Premises were provided by the applicant as part of the application process, and these can be found on page 1 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
- Highland Council Environmental Health Service.

5.2 Police Scotland, Scottish Fire and 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 minimum period of 21 days from 26 November 2023 until 4 January 2024.

## **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. One such objection was received and is attached to this report:

- Objection received by email on 24 November 2023 from Daniel Bradley **(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 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 \(Licensing Committee\) \(highland.gov.uk\)](#)

## 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: 13 August 2024

Author: Julie Traynor

Reference: FS-526380528

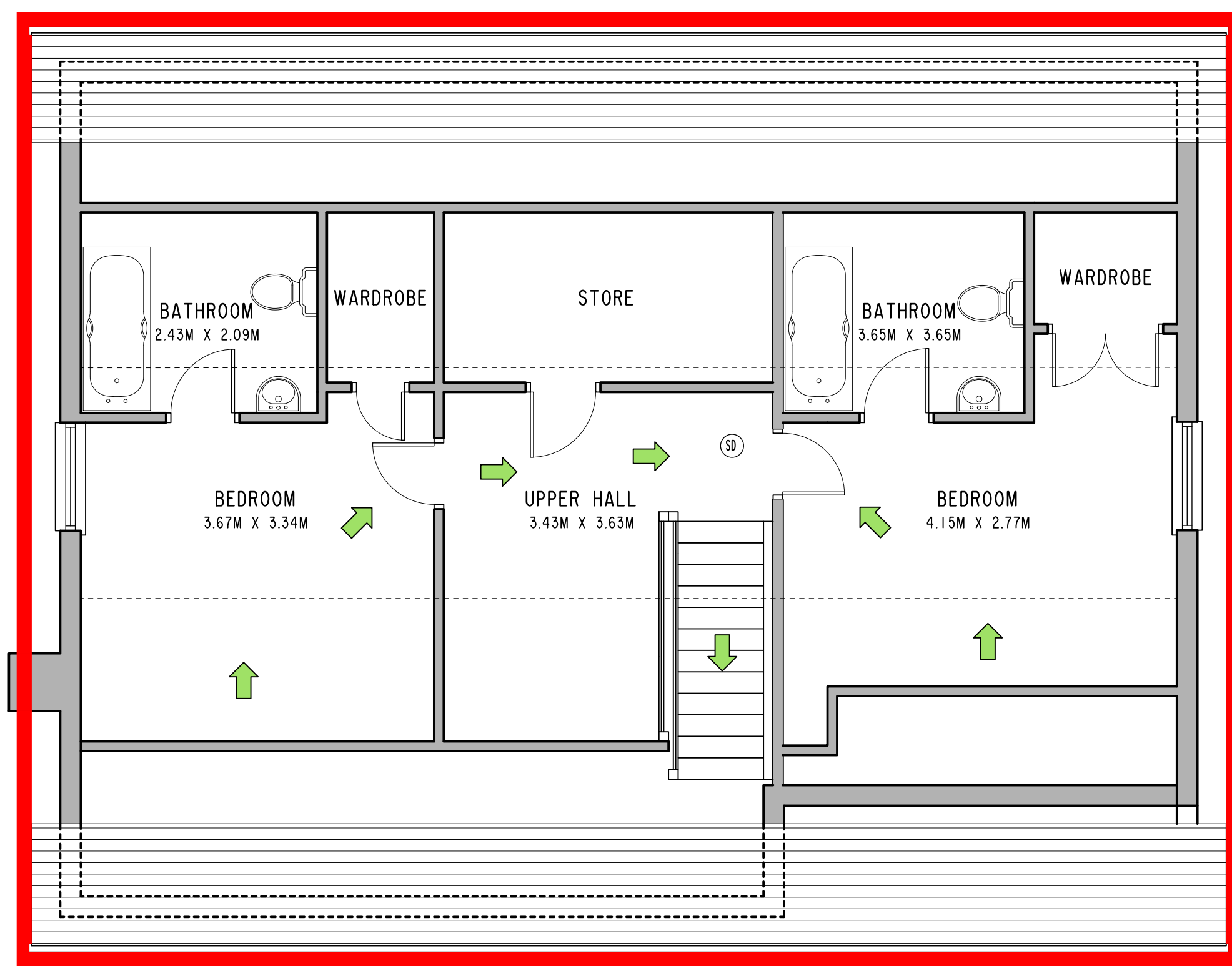
Background Papers:

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

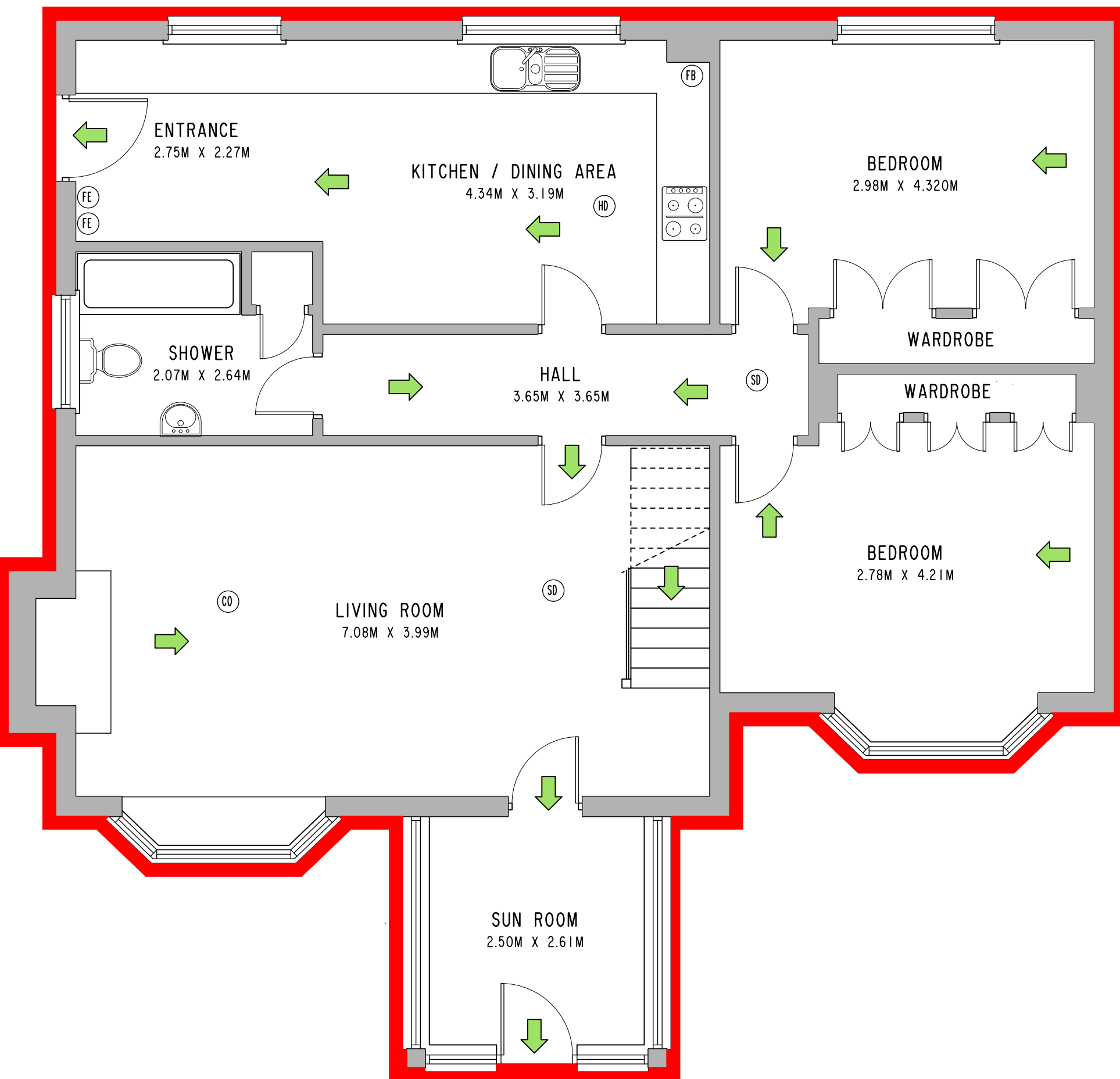
### **Appendix:**

Appendix 1: Site plan identifying extent of premises and floor plan;

Appendix 2: Objection received by email on 24 November 2024 from Daniel Bradley.



FIRST FLOOR PLAN



GROUND FLOOR PLAN



SITE PLAN

NOTES -

- 1) GREEN ARROWS REPRESENT FIRE ESCAPE ROUTE.
- 2) THIS ACCOMMODATION IS NOT INTENDED FOR GUESTS WITH MOBILITY IMPAIRMENT.
- 3) FOOTPRINT OF SHORT TERM LET PROPERTY OUTLINED IN RED.
- 4) THE MAXIMUM OCCUPANCY CAPACITY OF THIS PROPERTY IS 8

APPENDIX 1

Note -

The contractor will be held to have checked all dimensions before commencing with any works and, in the event of discrepancies, is refer them directly to the producer of this document for clarification to commencement of any works.

Written dimensions are to be taken in all cases. Drawings should be scaled for dimensions. In case of doubt refer to this office.

Any discrepancies between this drawing and Structural Engineers drawings to be reported to this office for clarification, generally Structural Engineers drawings / details to take precedence.

ELECTRICAL LEGEND

761100	
(SD)	SMOKE DETECTOR
(HD)	HEAT DETECTOR
(CD)	CARBON MONOXIDE DETECTOR
(S)	FIRE ALARM SOUNDER
(C)	FIRE ALARM CALL POINT
(E)	EMERGENCY LIGHT
(FP)	FIRE PANEL
(FE)	FIRE EXTINGUISHER
(FB)	FIRE BLANKET

PROJECT

PROPOSED SHORT TERM LETTING LICEN FOR ROWAN HOUSE, CAMAS INAS, PH36

CLIENT

MR. PHILLIP GRAY.

DETAIL

LICENSING DRAWING.



E-MAIL - GREAT.GLEN.DESIGNS@GMAIL.CO  
TELEPHONE - 0798 3636 192

SCALE

1 : 50

DATE

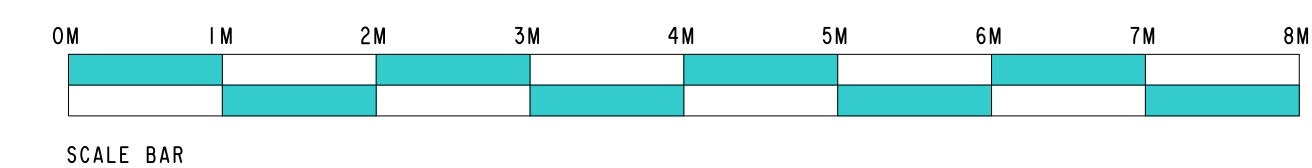
06 . 12 . 2

JOB NO.

STL - 052

DRG NO.

101



APPENDIX 2

**From:** Daniel Bradley <[REDACTED]>  
**Sent:** Friday, November 24, 2023 11:29 PM  
**To:** EH Short Term Lets <[REDACTED]>  
**Subject:** Complaints against STL Properties in Camas Inas

**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,

Firstly, I would like to introduce myself.

My name is Daniel Bradley and I have lived with my family in Camas Inas for 40 years, in fact, I am the longest full time resident of the bay having moved here with my family in 1983.

When I purchased my property I was advised by my solicitor that the letting of properties in Camas Inas was not allowed and it is mentioned in the titles of all of the properties in Camas Inas. I have abided by these rules but unfortunately, many of the owners of properties in the bay have not. In the last two years I have witnessed a number of these properties being used for STL / Air B&B's.

My specific complaint relates to the following properties:

[REDACTED]

[REDACTED].

Rowan House.

I object to these properties being used for STL for the following reasons:

My family and I have lost all of our privacy and now have to endure people walking through my garden to access the sea, dog fouling on my property, I was attacked by three dogs in 2022 while working in my garden, the owners of the dogs were staying in [REDACTED] at the time of the incident. I have had to report incidents to the Police on at least six occasions in the last two years.

My property shares a private access and a bridge over the Camas Inas Burn. I have maintained this bridge and track for 40yrs and we are now having up to six cars a day using this access

which is close to my properties windows, we have people with dogs walking past our property constantly, especially during the summer months.

My children will not sit out in our garden now, due to the problems that we have experienced.

My family and I have had enough of this situation and demand something is done about it. I was looking forward to my retirement next year but we feel we are being driven out of our own home.

I am now in the process of instructing my solicitor to deal with this matter. Also, so much for the licensing process, I have not received any notifications from the three properties listed above.

I look forward to hearing from you.

Your sincerely,

Daniel Bradley

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