

Agenda item	8.2
Report no	HLC/10/25

THE HIGHLAND COUNCIL

Committee: THE HIGHLAND LICENSING COMMITTEE

Date: 7 January 2025

Report title: Application for the grant of a short term let licence – Pityoulish House, Aviemore, PH22 1RD (Ward 20 – Badenoch and Strathspey)

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 nine months from receipt of the application to determine the same, therefore this application must be determined by 11 January 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 10 January 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 11 April 2024 a validated application for the grant of a short term let licence was received from Mr Salem Avan.
- 4.2 The property to which the application relates is Pittyoulish House, Aviemore, PH22 1RD (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 in both red and orange on the plans on pages 1 and 2 of Appendix 1.
- 4.3 The application for the short term let licence has been made on the basis that the said Mr Avan 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 Avan and a Ms Dianne Dain 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 Mr Avan.

- 4.6 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.
- 4.7 The Premises is described as a detached house which can accommodate a maximum of sixteen 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 to 9 of Appendix 1.

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

6. Late Representation

6.1 The Scottish Fire and Rescue Service submitted a non-timeous representation. This representation was received by email on 23 July 2024, which was after the 28-day period for objections or representations to be made had elapsed, namely on 10 May 2024 and therefore this 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 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 13 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 and the Scottish Fire & Rescue Service who, in the terms of paragraph 4(2) of the Civic Government (Scotland) Act 1982, have both 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. Implications

9.1 Not applicable.

Date: 11 December 2024

Author: Maureen Duffy

Reference: [FS596177474](#)

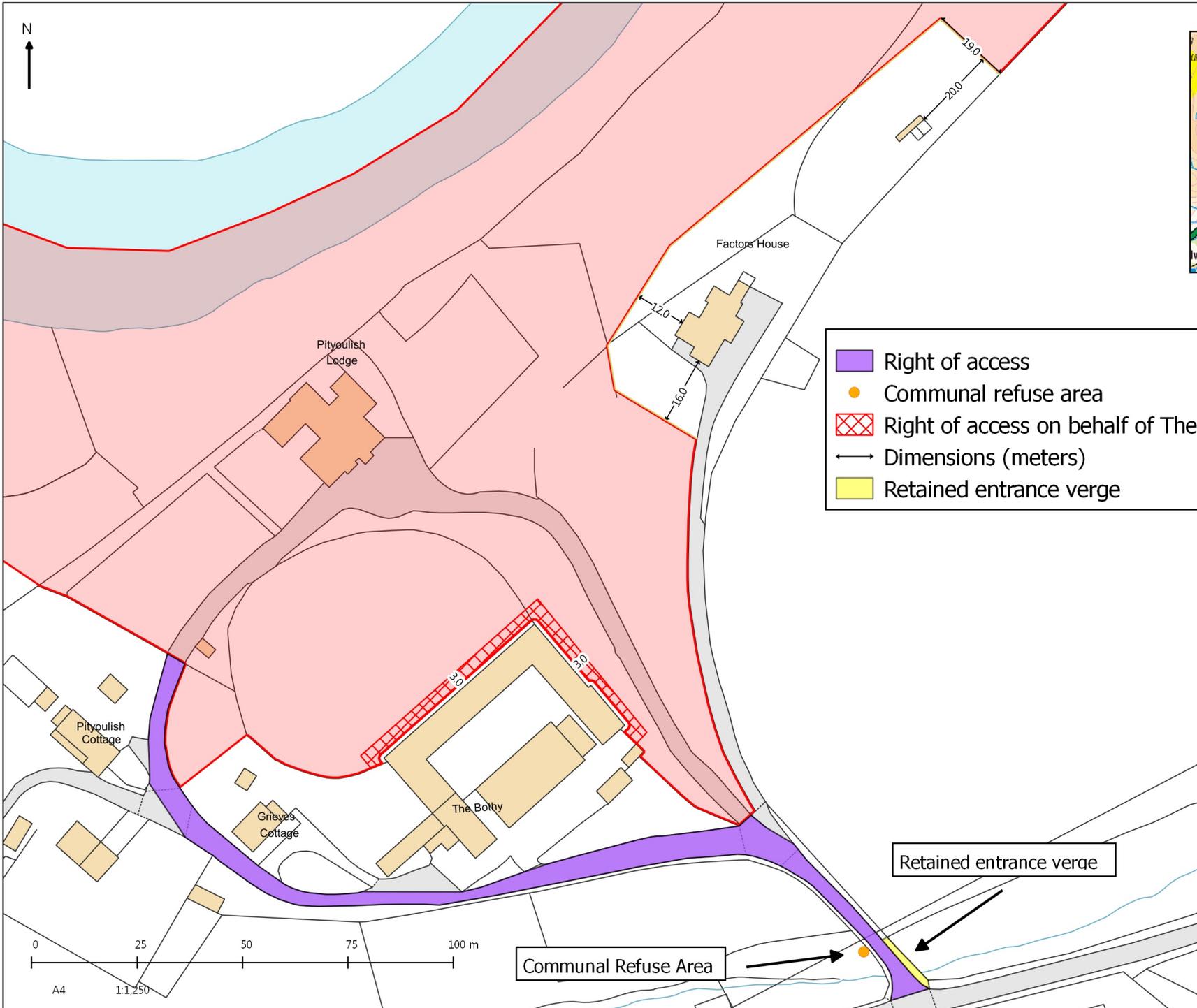
Background Papers:

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

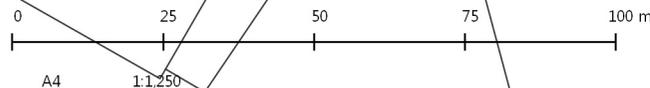
Appendix:

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

APPENDIX 1



-  Right of access
-  Communal refuse area
-  Right of access on behalf of The Bothy for maintenance
-  Dimensions (meters)
-  Retained entrance verge



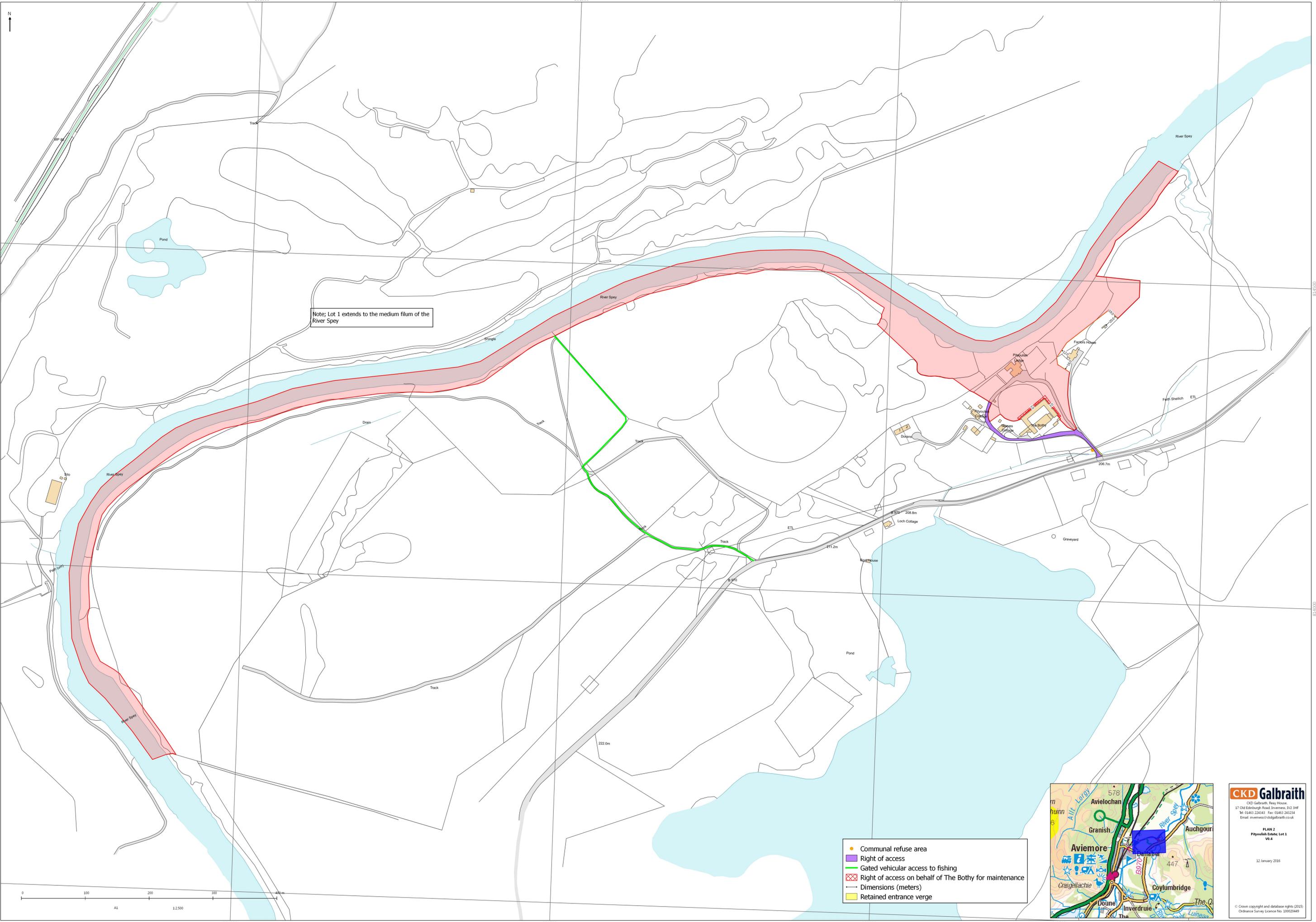
CKD Galbraith

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PLAN 1
Pityoulish Estate, Lot 1
V0.4

15 January 2016

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Note: Lot 1 extends to the medium filum of the River Spey

- Communal refuse area
- Right of access
- Gated vehicular access to fishing
- ⊠ Right of access on behalf of The Bothy for maintenance
- Dimensions (meters)
- Retained entrance verge

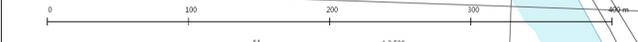


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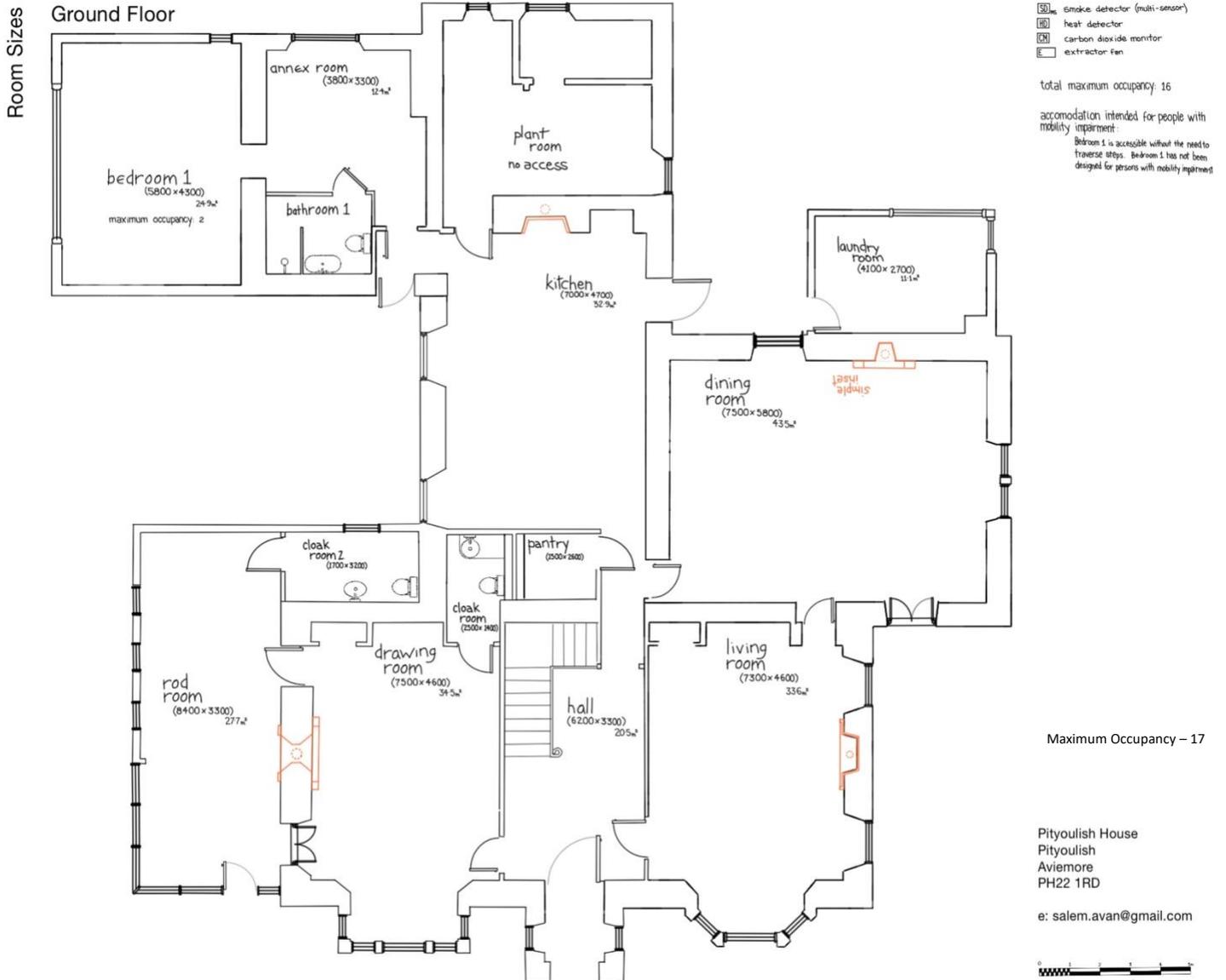
PLAN 2
 Piyoulish Estate Lot 1
 W4

12 January 2016

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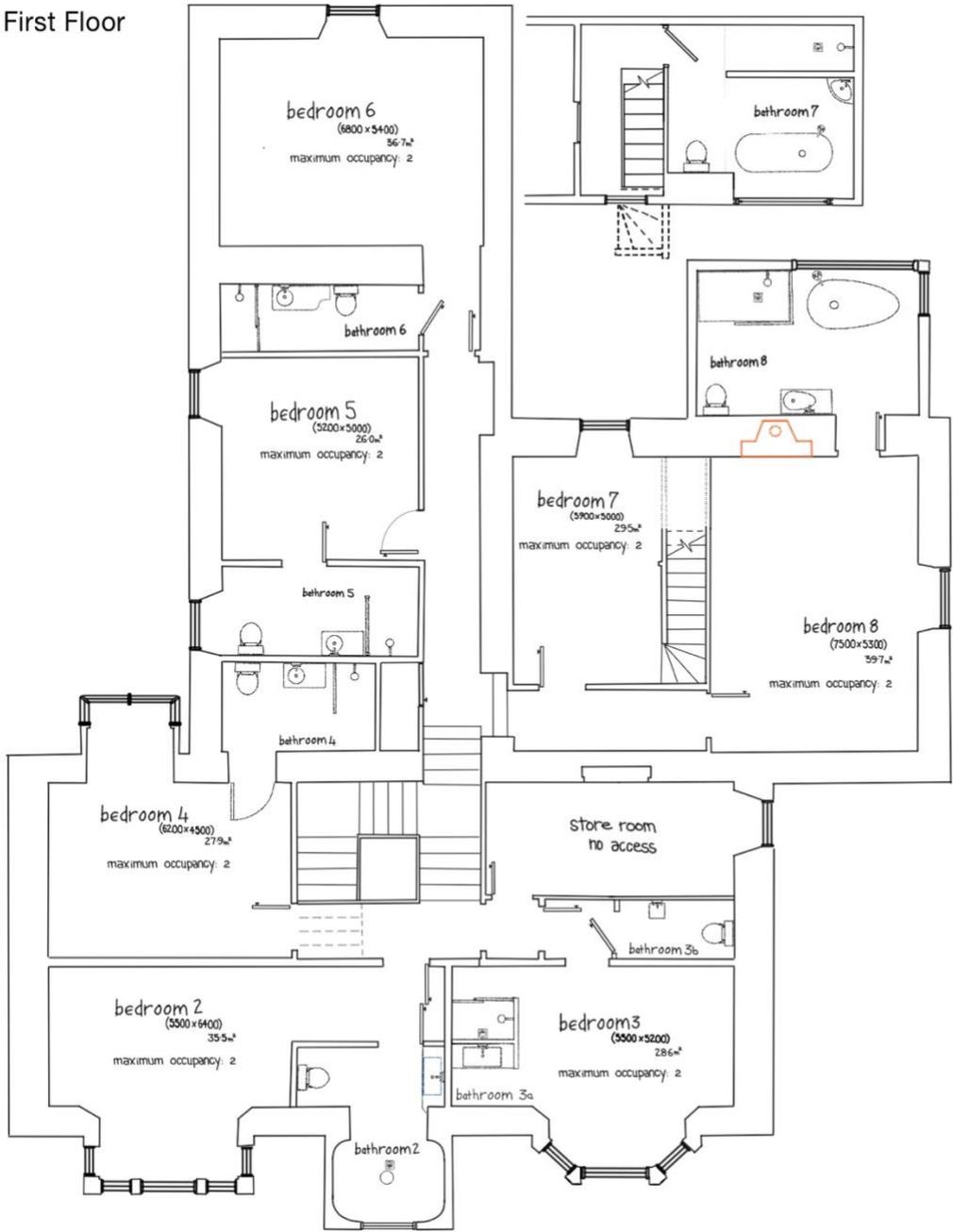
Room Dimensions – Ground Floor Pityoulish House



Room Dimensions – First Floor Pityoulish House

Room Sizes

First Floor



- SD Smoke detector (multi-sensor)
- HD heat detector
- CM carbon dioxide monitor
- E extractor fan

total maximum occupancy: 16

accommodation intended for people with mobility impairment:
 Bedroom 1 is accessible without the need to traverse steps. Bedroom 1 has not been designed for persons with mobility impairment

Pityoulish House
 Pityoulish
 Aviemore
 PH22 1RD

e: salem.avan@gmail.com



Smoke, Carbon Monoxide & Heat – Ground Floor Pityoulish House

Smoke, Carbon Monoxide & Heat Detector Locations

Ground Floor



Pityoulish House
 Pityoulish
 Aviemore
 PH22 1RD
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0 1 2 3 4 5

Smoke, Carbon Monoxide & Heat – First Floor Pityoulish House

Smoke, Carbon Monoxide & Heat Detector Locations

First Floor

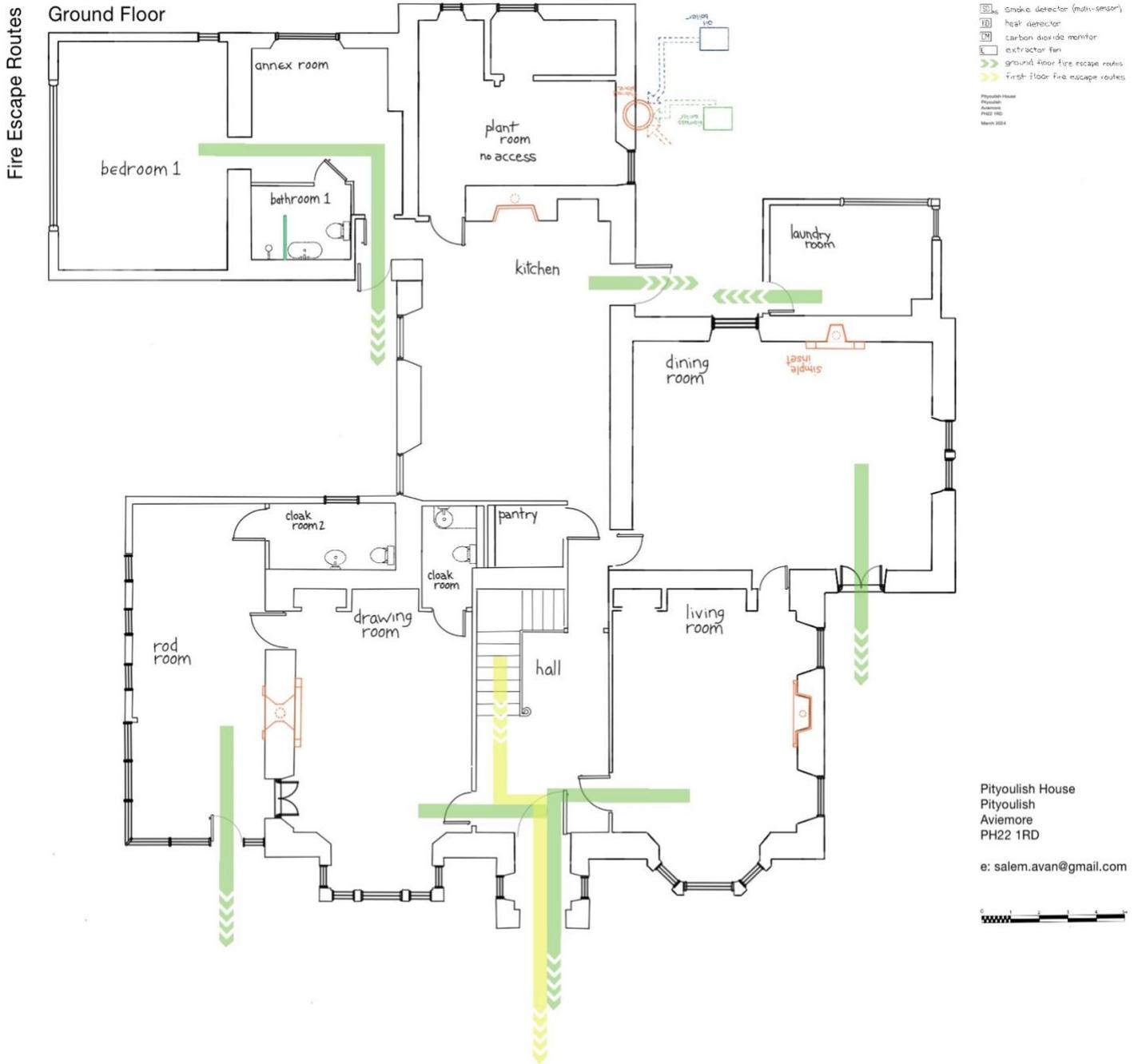
-  Smoke detector (multi-sensor)
-  heat detector
-  carbon dioxide monitor
-  extractor fan



Pityoulish House
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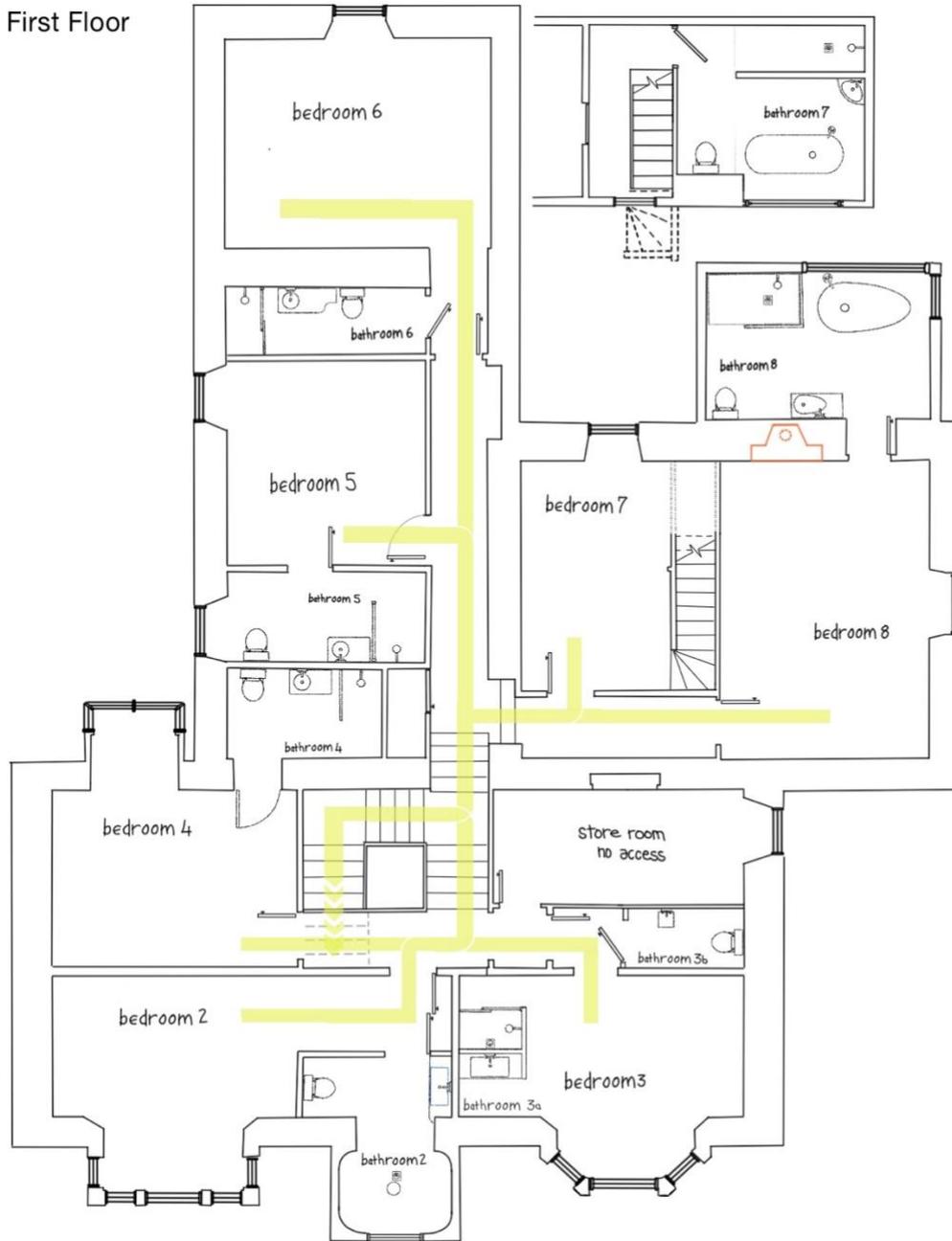
Fire Escape – Ground Floor Pityoulish House



Fire Escape – First Floor Pityoulish House

Fire Escape Routes

First Floor



-  Smoke detector (multi-sensor)
-  heat detector
-  carbon dioxide monitor
-  extractor fan
-  ground floor fire escape routes
-  first floor fire escape routes

Pityoulish House
Pityoulish
Aviemore
PH22 1RD
March 2024

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Footprint –Pityoulish House

