

	Agenda item	8.5
	Report no	HLC/13/25

THE HIGHLAND COUNCIL

Committee: **THE HIGHLAND LICENSING COMMITTEE**

Date: **7 January 2025**

Report title: **Application for the grant of a short term let licence –
Inchnadamph House, Inchnadamph, Elphin, IV27 4HL (Ward
1 – North, West and Central Sutherland)**

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 16 February 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 15 February 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 16 May 2024 a validated application for the grant of a short term let licence was received from Mr David Burgess, agent, acting on behalf of Mr George Vestey.
- 4.2 The property to which the application relates is Inchnadamph House Inchnadamph, Elphin, IV27 4HL (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 edged in red on the plan on page 2 of Appendix 1.
- 4.3 The application for the short term let licence has been made on the basis that the said Mr Vestey 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 Vestey is named on the application as the owner 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 David Burgess.

- 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 a detached dwellinghouse with a maximum occupancy of 16 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 & 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 25 July 2024, which was after the 28-day period for objections or representations to be made had elapsed, namely on 14 June 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 17 May 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 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 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

- 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: 10 December 2024

Author: Maureen Duffy

Reference: [FS612020123](#)

Background Papers:

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

Appendix

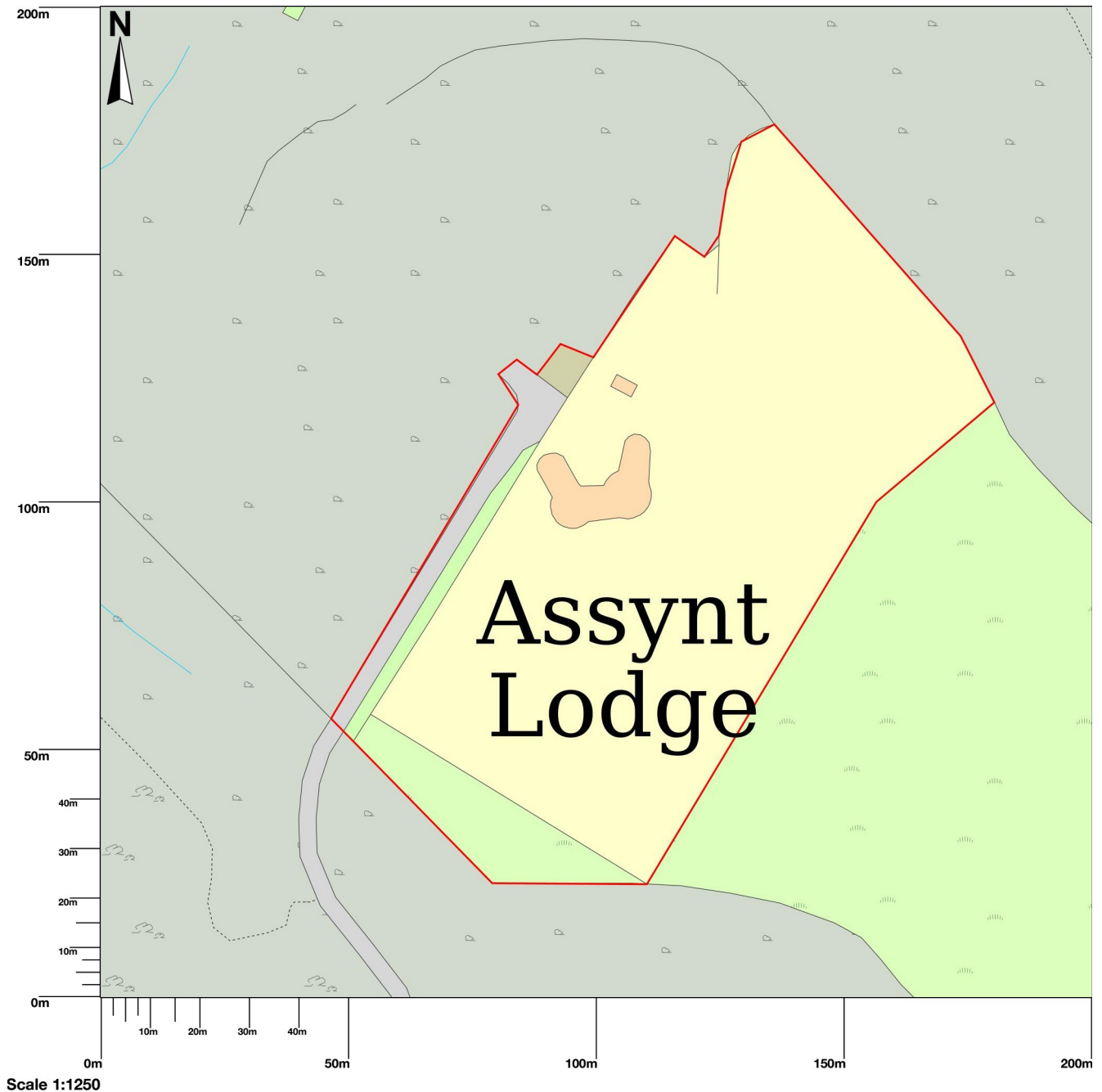
Appendix 1: Site plan detailing the extent of the Premises and floor plans for the Premises

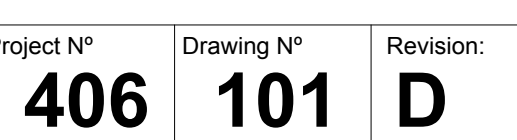


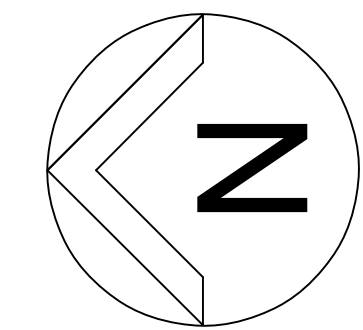
Imagery ©2024 Maxar Technologies, Airbus, Imagery ©2024 Airbus, Getmapping plc, Maxar Technologies, Map data ©2024 100 m

- 1 INCHNADAMP HOUSE
- 2 " LODGE
- 3 " HOTEL

Inchnadamph House, Inchnadamph, Elphin, Lairg, IV27 4HL







SERVICES LEGEND
Note: electrical layouts are for indicative purposes and are subject to later confirmation on site.
All electrical works to comply with latest issue of IEE regulations, and to BS 7671:2008 as amended.

POWER
13A High level Twin 13 amp wall socket outlet (To be min. 150mm over worktops)
13A Twin 13 amp wall socket outlet, FFL + 400mm
13A Fused Spur outlet
LIGHTING
Dimmer Switch
Light Switch
2 way Light Switch
Intermediate Light Switch for multi-way switching
Wall mounted light fitting
Wall mounted picture light
Ceiling mounted spot light fitting
5 amp wall socket outlet strip light
Fluorescent strip light
Lighting diffusers in protected enclosure to have NO THERMOPLASTIC MATERIAL
At least 75% of light bulbs are to be low energy type.

FIRE PROTECTION SYSTEMS
Smoke detector
Heat detector
Smoke detector c/w sounder
Heat detector c/w sounder
Ionization type smoke detector
Optical type smoke detector
Optical and ionization type smoke detector c/w sounder

GENERAL ELECTRICAL
BT Telephone Point, each point to allow for data connection
Television Point (satellite dish to be provided)
Shaver Socket
Speaker Outlet

BURGLAR ALARM SYSTEM
Detector
Door Contact
Burglar alarm system design by specialist sub-contractor, Alarm layout subject to final confirmation by specialist sub-contractor.

ELECTRICAL OUTLETS
All electrical outlets to be positioned not less than 300mm from internal corner or any other wall obstruction. Light switching generally to be centred on respective elevations.
Socket outlets to be at least FFL +400mm, or 150mm above worktops or similar fixtures. Separate switching at accessible level to be provided for sockets concealed behind items such as white goods.

FIRE ALARM
Fire alarm system to be Grade D, Type LD2, to BS 5839-6:2004 and linked to fire alarm panel in location to be agreed with Architect/Client. Alarms to be interconnected with permanent mains power supply and integral battery stand-by supply. Other details of layouts for alarm points are indicative and subject to confirmation of Specialist's design, and to be approved by CA prior to installation.

AUDIO
Wiring for audio system to be provided to R11, 2 and 4.

EXTRACTS
30 litres/sec extract fan to laundry and utility rooms, and above kitchen hob.
60 litres/sec extract fan to kitchen if not above hob.
15 litres/sec extract fan to bathrooms and WCs. Control by humidistat with manual over-ride.

APPLIANCES
Solid Fuel Appliances
Solid fuel appliances are to be constructed and installed in accordance with BS 8303: Parts 1-3: 1994.

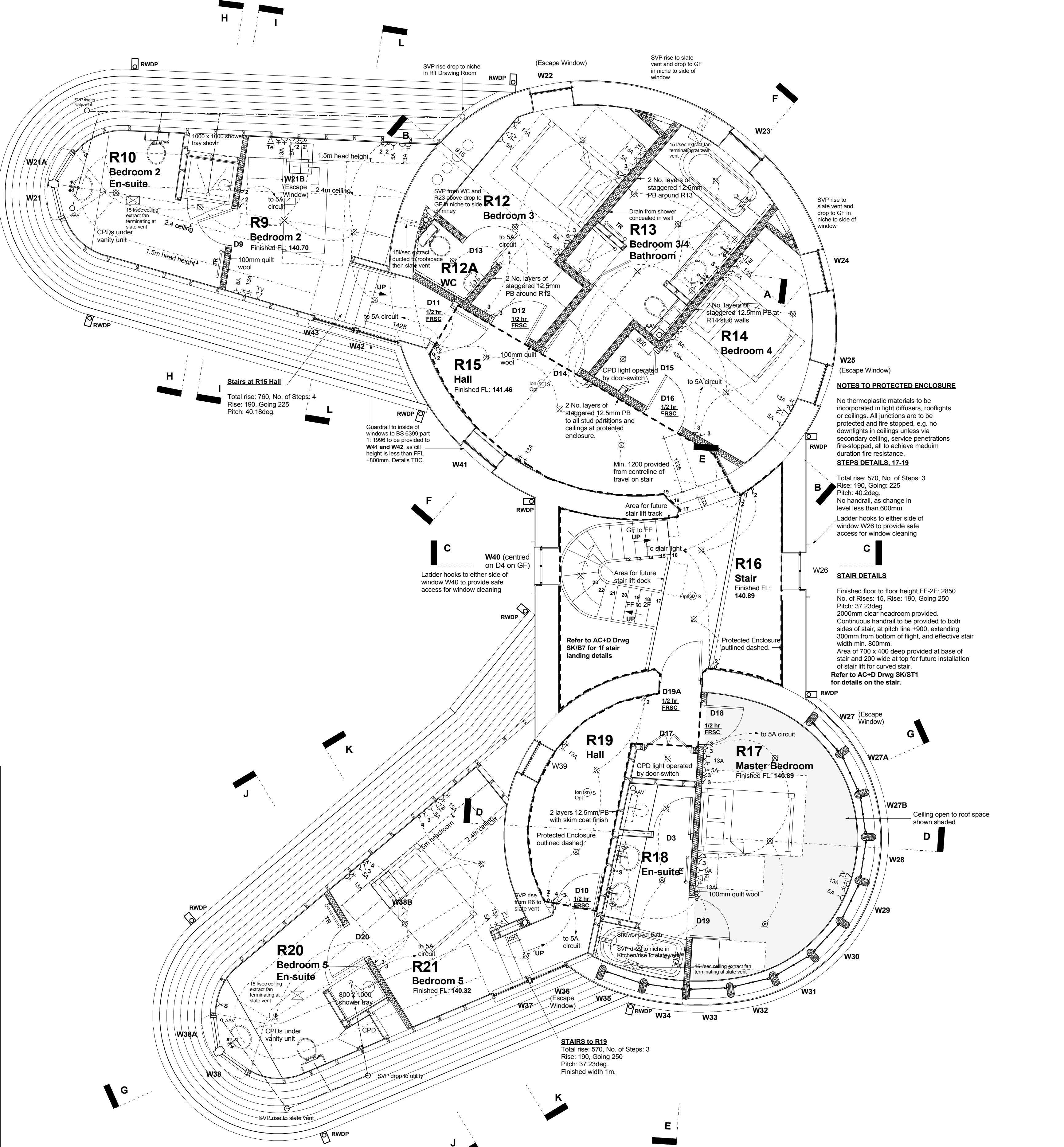
Masonry Chimneys
Masonry chimneys are to be constructed and installed in accordance with BS 6461: Part 1: 1984. Chimneys formed with prefabricated block components (clay blocks) are to be BS 1806:2000

HEATING & PLUMBING
Wall Mounted Electric Towel Rail
Wall mounted radiator. Indicates position only, size by heating installer

DRAINAGE GENERALLY
Gutters and Downpipes
Gutters and rainwater pipes are to be constructed and installed in accordance with BS 12056-2: 2000, for traditional UK dwellings.
Sanitary Pipework
Sanitary pipes are to be constructed and installed in accordance with BS EN 12056-1: 2000, BS EN 752:2008 and BS EN 1610: 1998. Please refer to JIG report (110314) for detailed information.
External Drainage
The drainage system outside the dwelling should be constructed and installed in accordance with BS EN 12056-1: 2000, BS EN 752:2008 and BS EN 1610: 1998. Please refer to JIG report (110314) for detailed information.
Written Information for External Drainage
For a drainage system discharging to a private wastewater treatment plant or septic tank, a label is to be provided to alert the occupiers to this. The label should describe the recommended maintenance for the system and should include the following: The drainage system from this property discharges to a wastewater treatment plant (or septic tank, as appropriate). The owner is legally responsible for routine maintenance and to ensure that the system complies with any discharge consent issued by SEPA and that it does not present a health hazard or a nuisance. The label should be located adjacent to the gas or electricity consumer unit or the water stopcock.

CHIMNEYS AND COMBUSTION
SUSTAINABILITY LABEL
Sustainability Label, that includes level of sustainability achieved by dwelling to be supplied by ANTA and must be fixed to the building prior to completion. It should be indelibly marked and located in a readily accessible position, protected from weather and not easily obscured.

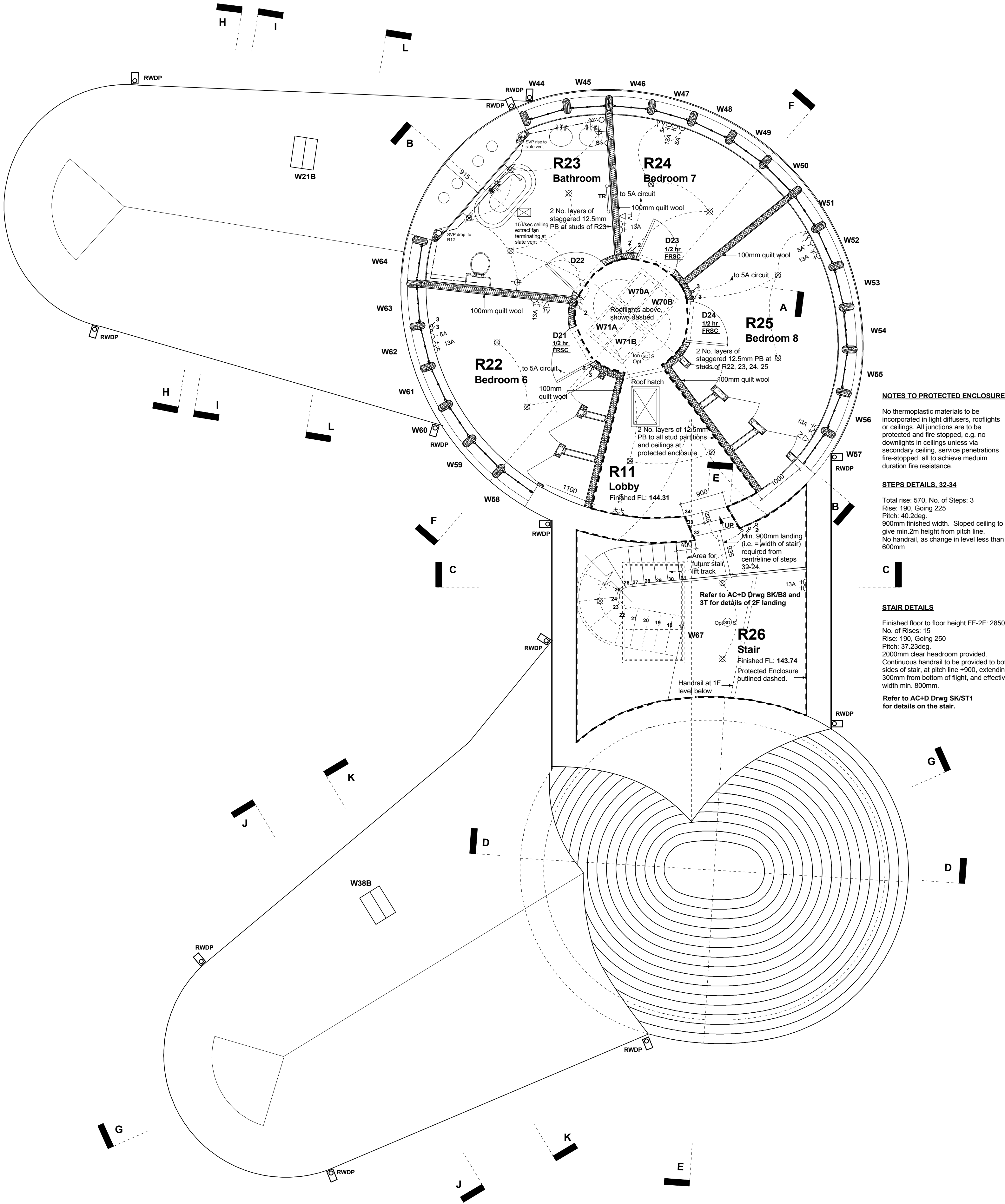
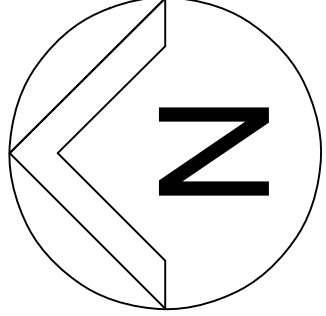
SPACE AND HOT WATER HEATING
Minimum Control Requirements
Independent time and temperature control of space heating and hot water circuits should be provided. Underfloor heating system requires means for room temperature control and time control. The heat pump unit controls should include control of water temperatures for distribution, control of water pumps and protection for water flow failure, high water temperature and high refrigerant pressure. The underfloor heating system is to have automatic setback of room temperature during unoccupied periods and night time. Underfloor and hot water heating systems to be designed and installed by Specialist Contractor, and adhere to Section 6.3.8 of current SBSA Technical Handbook: Rev May 07 and BS EN 14511. Heat pump to have a coefficient of performance of not less than 2.2 when used for space heating or 2.0 when used for heating domestic hot water.
Written Information for Heating/HW
Copies of commissioning certificates for heating and hot water systems are to be submitted by relevant contractor to Building Control upon completion. Written information providing guidance on operation of these systems is also to be provided to occupier on completion of works.
Pipework for Heating/HW
Hot water pipes, associated ducts and hot water storage vessels are to be installed and insulated according to guidance under 'environmental thickness' of BS 5422: 2009. Pipes connecting to the hot water vessel should also be insulated to a distance of about 1 m back from their points of connection.
For Underfloor Heating Zones please refer to detailed drawing
TAPS TO BATHS AND BIDET
To prevent scalding, the temperature of hot water, at point of delivery to a bath or bidet, should not exceed 48° C. A thermostatic mixing valve (TMV) or fitting complying with BS EN 1111: 1999 or BS EN 1287: 1999, fitted as close to the point of delivery as practicable.
ENERGY PERFORMANCE CERTIFICATE
EPC is to be indelibly marked and displayed within the dwelling, and must show:
-- building type;
-- the conditioned floor area of the dwelling;
-- the main type of heating and fuel; and
-- a statement to the effect of N.B. THIS CERTIFICATE MUST BE AFFIXED TO THE BUILDING AND NOT BE REMOVED UNLESS IT IS REPLACED WITH AN UPDATED VERSION'.
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Rev C: Ladder hooks shown at W26 and W40. FS 22.09.11
Rev B: Guardrail to be provided to W41 and W42. FS 03.08.11
Rev A: Bedroom layouts updated. R19 Hall included within protected enclosure. Smoke alarm location altered at R19. Services key updated. Floor levels updated per change in building location, per Drwg 001A. Quilt wool shown in wall at Master Bedrm ref BC comments. Double layer PB shown at R12-14. FS 27.07.11

Project			Assynt Lodge, Inchmadamph			ANTA Architecture		
Subject			First Floor Plan			Fearn • by Tain • Ross-shire • IV20 1XW		
Scale			1:50			Tel: 01862 850100 Fax: 01862 832616 Email: architecture@anta.co.uk		
Date			Feb 2011			Project N°		
Drawn By			FS			Drawing N°		
Revision:			406			102		
						C		

This drawing should be read in conjunction with all other current, relevant Engineer's and Architect's drawings. Do not scale from this drawing; use dimensioned figures only. Architect should be notified of any discrepancies prior to construction.



SERVICES LEGEND
Note: electrical layouts are for indicative purposes and are subject to later confirmation on site.

All electrical works to comply with latest issue of IEE regulations, and to BS 7671:2008 as amended.

POWER

- High level Twin 13 amp wall socket outlet (To be min. 1500mm over worktops)
- 13A Twin 13 amp wall socket outlet, FFL + 400mm
- 13A 13A Fused Spur outlet
- Dimmer Switch
- Light Switch
- 2 way Light Switch
- Intermediate Light Switch for multi-way switching
- Wall mounted light fitting
- Wall mounted picture light
- Ceiling mounted spot light fitting
- 5 amp wall socket outlet
- Fluorescent strip light
- Lighting diffusers in protected enclosure to have **NO THERMOPLASTIC MATERIAL**
- At least 75% of light bulbs are to be low energy type.

FIRE PROTECTION SYSTEMS

- Smoke detector
- Heat detector
- Smoke detector c/w sounder
- Heat detector c/w sounder
- Ionization type smoke detector c/w sounder
- Optical type smoke detector c/w sounder
- Optical and ionization type smoke detector c/w sounder

GENERAL ELECTRICAL

- BT Telephone Point, (each point to allow for data connection)
- Television Point (satellite dish to be provided)
- Shaver Socket
- Speaker Outlet

BURGLAR ALARM SYSTEM

- Detector
- Door Contact
- Burglar alarm system design by specialist sub-contractor. Alarm layout subject to final confirmation by specialist sub-contractor.

ELECTRICAL OUTLETS:

All electrical outlets to be positioned not less than 350mm from internal corner or any other wall obstruction. Light switching generally to be centred on respective elevations. Socket outlets to be at least FFL+400mm, or 1500mm above worktops or similar fixtures. Separate switching at accessible level to be provided for sockets concealed behind items such as white goods.

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AUDIO

Wiring for audio system to be provided to R1, 2 and 4.

EXTRACTS

30 litres/sec extract fan to laundry and utility rooms, and above kitchen hob.

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15 litres/sec extract fan to bathrooms and WCs. Control by humidistat with manual override.

Wall mounted extract

Ceiling mounted extract

HEATING & PLUMBING

WALL MOUNTED ELECTRIC TOWEL RAIL

Wall mounted radiator.

Indicates position only, size by heating installer

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SUSTAINABILITY LABEL

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NOTES TO PROTECTED ENCLOSURE

No thermoplastic materials to be incorporated in light diffusers, rooflights or ceilings. All junctions are to be protected and fire stopped, e.g. no downlights in ceilings unless via secondary ceiling, service penetrations fire-stopped, all to achieve medium duration fire resistance.

STEPS DETAILS, 32-34

Total rise: 570, No. of Steps: 3
Rise: 190, Going 225
Pitch: 40.2deg
900mm finished width. Sloped ceiling to give min.2m height from pitch line.
No handrail, as change in level less than 600mm

STAIR DETAILS

Finished floor to floor height FF-2F: 2850
No. of Rises: 15
Rise: 190, Going 250
Pitch: 37.23deg
2000mm clear headroom provided.
Continuous handrail to be provided to both sides of stair, at pitch line +900, extending 300mm from bottom of flight, and effective stair width min. 800mm.

Refer to AC+D Drwg SK/ST1 for details on the stair.

Rev C: 2 layers staggered PB shown at bedroom side of partitions between bedrms and lobby. FS 15.09.11

Rev B: CPDs at R11 changed to open from bedrooms' side, per BC comment. FS 02.08.11

Rev A: Note added re protected enclosure. Services key updated. Floor levels updated per change in building location, per Drwg 001A. Quilt wool added between studs for noise reduction per BC comments. W66, 69 removed FS 28.07.11

Project			Assynt Lodge, Inchmadamph			ANTA Architecture		
Subject			Second Floor Plan			Fearn • by Tain • Ross-shire • IV20 1XW		
Scale			Date			Drawn By		
1:50			Feb 2011			FS		
Project N°			Drawing N°			Revision:		
406			103			C		