

Agenda item	3.5
Report no	HLC/70/25

THE HIGHLAND COUNCIL

Committee: THE HIGHLAND LICENSING COMMITTEE

Date: 29 April 2025

Report title: Application for the grant of a short term let licence –
3 Ladies Walk, Inverness, IV2 4TB (Ward 14 – Inverness
Central)

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 15 January 2025 a validated application for the grant of a short term let licence was received from Mrs Jillian Anne Macleod of Ness Holiday Homes, agent acting on behalf of Mr Christopher William Oughton.
- 4.2 The property to which the application relates is 3 Ladies Walk, Inverness, IV2 4TB (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 1 of Appendix 1.
- 4.3 The application for the short term let licence has been made on the basis that the said Mr Oughton 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 The said Mr Oughton 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 Mrs Macleod

- 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 dwelling house which can accommodate a maximum capacity of eight guests. 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; and
 - Highland Council Building Standards.
- 5.2 Police Scotland, the Highland Council's Environmental Health Service, the Highland Council Building Standards have all 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 from 16 January 2025.

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 2 to this report:

- Objection received by email on 11 February 2025 from Alexander Denholm **(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, 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 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.
- 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. Observations on objections/representations

- 9.1 In the email of objection 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 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: 9 April 2025

Author: Patrycja Bujdasz

Reference: [FS674249745](#)

Background Papers:

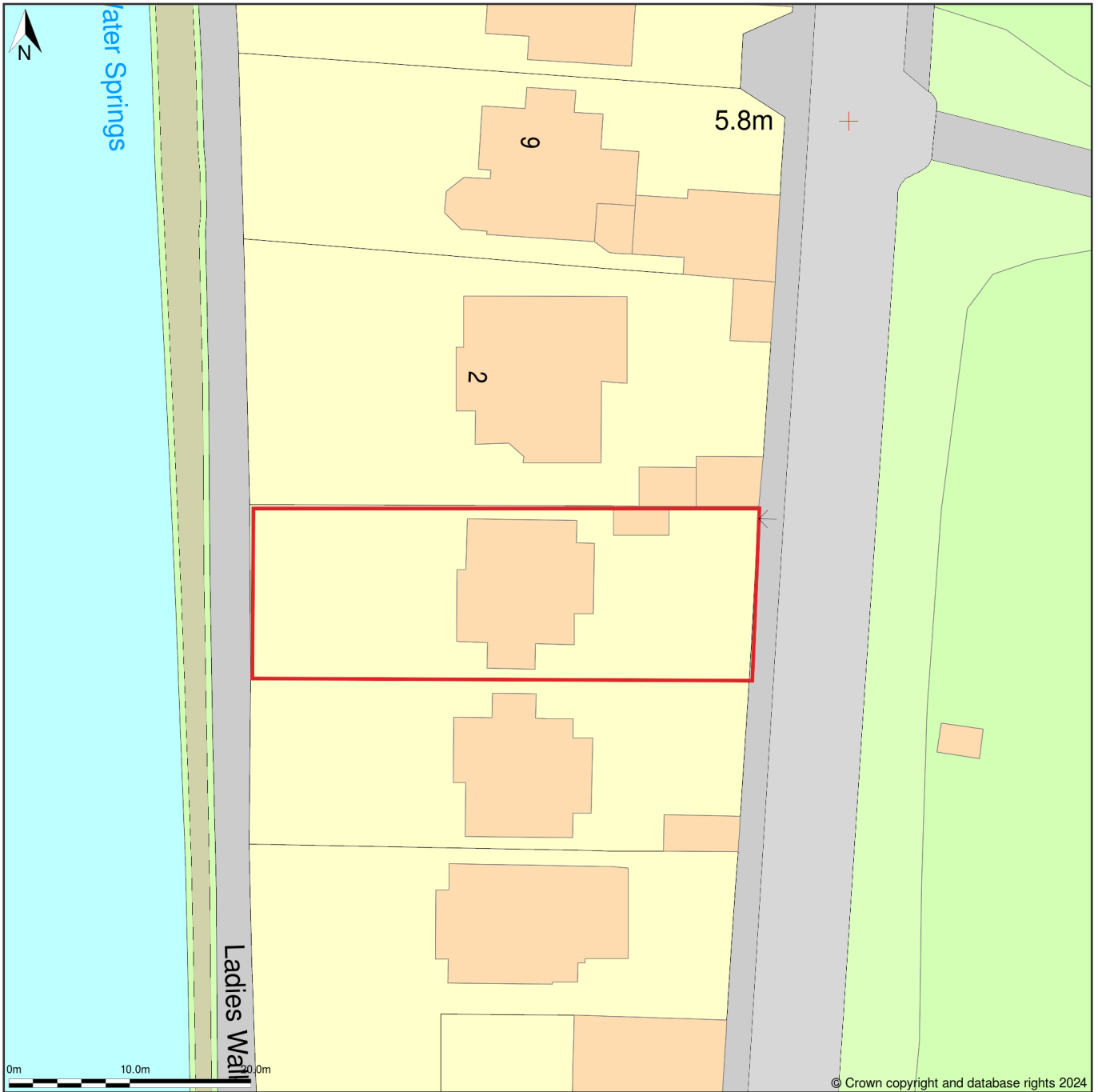
- Civic Government (Scotland) Act 1982
- The Civic Government (Scotland) Act 1982 (Licensing of Short-term Lets) Order 2022

Appendices:

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

Appendix 2: Objection received by email on 11 February 2025 from Mr Alexander Denholm.

3, Ladies Walk, Inverness, Highland, IV2 4TB



Site Plan (also called a Block Plan) shows area bounded by: 266449.92, 844324.1 266539.92, 844414.1 (at a scale of 1:500), OSGridRef: NH66494436. The representation of a road, track or path is no evidence of a right of way. The representation of features as lines is no evidence of a property boundary.

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Carbon Monoxide Detector

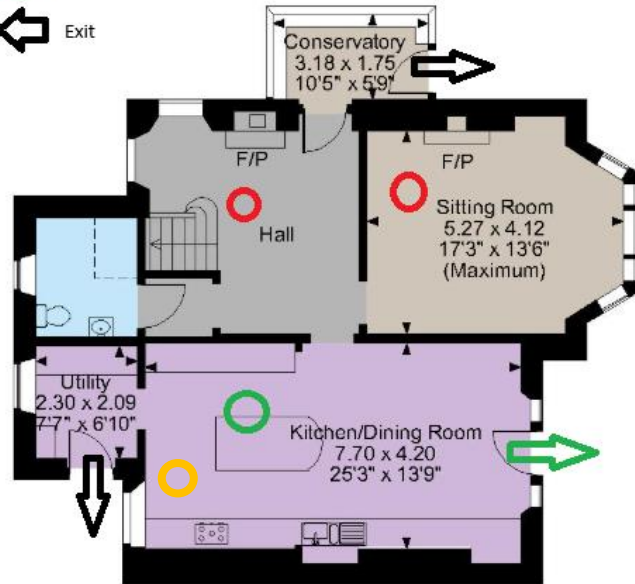
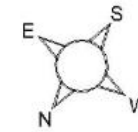
Smoke Alarm

Heat Alarm

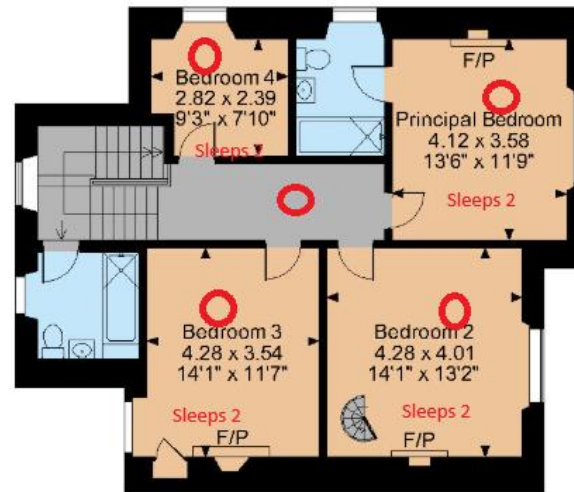
Exit

Ladies Walk, Inverness

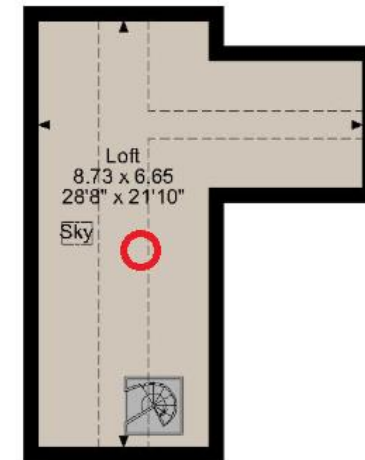
Internal area 1,985 sq ft (185 sq m)



Ground Floor



First Floor



Second Floor

Appendix 2

From: Sandy Denholm [REDACTED]
Sent: 11 February 2025 14:11
To: STL Licensing <STL@highland.gov.uk>
Subject: 3 Ladies Walk: Short term let objection

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.

Good afternoon,

Following the publication of a public notice of application for short term lets licence for the property 3 Ladies Walk, Inverness, IV2 4TB on the 16th January 2025 I wish to register my objection to the application. I am the owner and occupier of the neighbouring property [REDACTED]
[REDACTED]

The property was advertised for sale by Savills on the 17th February 2024 as a domestic property as opposed to a commercial property. The entire row of Ladies Walk is Grade 2 listed, with these properties being the only ones on River Ness which are left as residential properties. In my view the granting of a licence for short term let will be a significant detriment to the amenity of Ladies Walk, and is not appropriate for short term letting. The residents of Ladies Walk have occupied these homes for many years, with my own family occupying number 4 since 1968. The granting of short term lets in Scotland has become a prolific issue over recent years, with Edinburgh Council imposing significant restrictions on these lets due to the negative impact on the residents. This applies to the Highlands as well, with a large portion of the riverside being let out as a commercial business and negatively impacting what should be a beautiful conservation area of Inverness.

The property has previously been let out on a short term basis, where its previous owner (and also owner of the Glen Mohr Hotel) used it as overspill from the Hotel and also advertised it on [booking.com](https://www.booking.com). To my knowledge there was no notice posted regarding the change in usage from residential home to short term letting at that time. As such I do not think it appropriate to use the previous usage of the property as precedent for granting a future license.

During the time the property was being let out there were numerous disturbances via drunkenness, parties in the garden, parties in the house late into the night, and one instance of drunk individuals signing and shouting trying to gain access to my property in the middle of the night mistaking it for the one next door. Due to the size and location of the property (walking distance from pubs and clubs), it is highly likely that should a licence be granted there will be repeated instances of this as it is an attractive location for stag dos / hen dos / parties which I do not believe is in keeping with the amenity of the local area and would cause disturbance to the residents.

I would therefore ask that the application for short term letting be refused on that basis.

Kind regards,

Alexander Denholm