

Agenda item	<b>3.6</b>
Report no	HLC/71/25

## **THE HIGHLAND COUNCIL**

**Committee: THE HIGHLAND LICENSING COMMITTEE**

**Date: 29 April 2025**

**Report title: Application for the grant of a short term let licence – 5 Hill Street, Inverness, IV2 3AT (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 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 13 May 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 14 May 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 14 August 2024 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 Ms Eileen Muir.
- 4.2 The property to which the application relates is 5 Hill Street, Inverness, IV2 3AT (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 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 Ms Muir will be the host/operator of the Premises. The application was made on the basis that Ms Muir operated the Premises as a short term let property prior to 1 October 2022 and is therefore an "existing host".
- 4.4 The said Ms Muir 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 dwellinghouse which can accommodate a maximum capacity of 8 guests. The ground floor of the premises comprises of a living room, dining room, bathroom and kitchen. The upper floor of the premises comprises of 4 bedrooms (one ensuite) and separate w/c and shower-room. Floor plans of the Premises were provided by the applicant as part of the application process, and these can be found on pages 2 and 3 of Appendix 1.

## **5. Process**

- 5.1 The application was circulated to the following Agencies/Services for consultation:
- Police Scotland; and
  - 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's agent has provided a certificate of compliance confirming that a public notice of application for the short term let licence was displayed at or near the Premises for a period of 21 days from 30 August 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.

During the notice of display period, the following timeous objections were received and are attached as Appendices to this report:

- Objection received on 21 September 2024 from Julie Munro (**Appendix 2**);
- Objection received on 23 September 2024 from Geoff Lowe (**Appendix 3**); and
- Objection received on 25 September 2024 from Anna Walker (**Appendix 4**).

## **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 objectors who, in the terms of paragraph 4(2) of the Civic Government (Scotland) Act 1982, have all been invited to attend and will be provided with an opportunity to be heard by the Committee.
- 8.3 All 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: 9 April 2025

Author: Maureen Duffy

Reference: [FS549227313](#)

Background Papers:

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

Appendices:

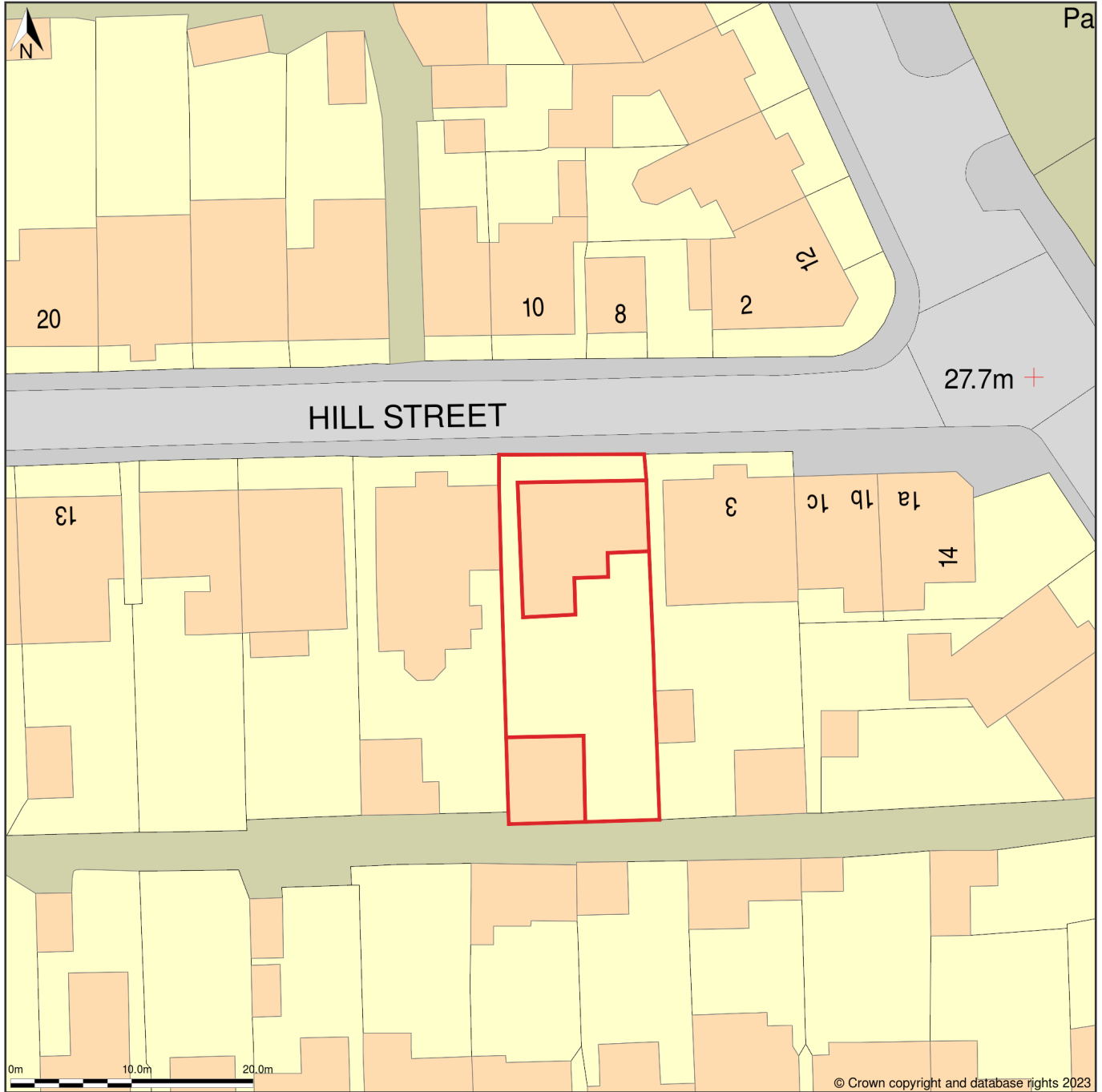
Appendix 1: Site plan detailing the extent of the Premises and floor plans for the Premises.

Appendix 2: Objection received by email on 21 September 2024 from Julie Munro.

Appendix 3: Objection received by email on 23 September 2024 from Geoff Lowe.

Appendix 4: Objection received by email on 25 September 2024 from Anna Walker.

5, Hill Street, Inverness, Highland, IV2 3AT



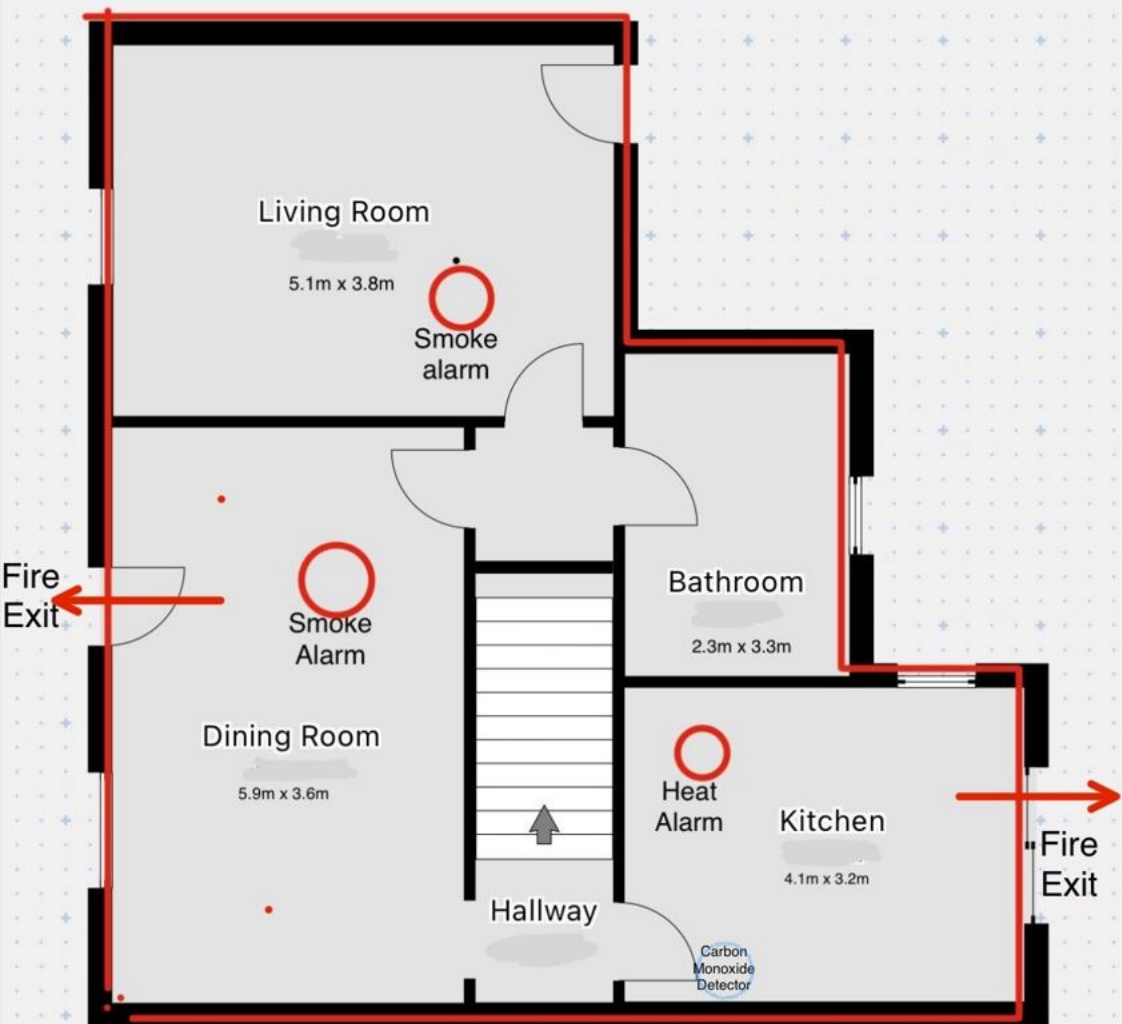
Site Plan (also called a Block Plan) shows area bounded by: 267003.99, 845053.95 267093.99, 845143.95 (at a scale of 1:500), OSGridRef: NH67044509. The representation of a road, track or path is no evidence of a right of way. The representation of features as lines is no evidence of a property boundary.

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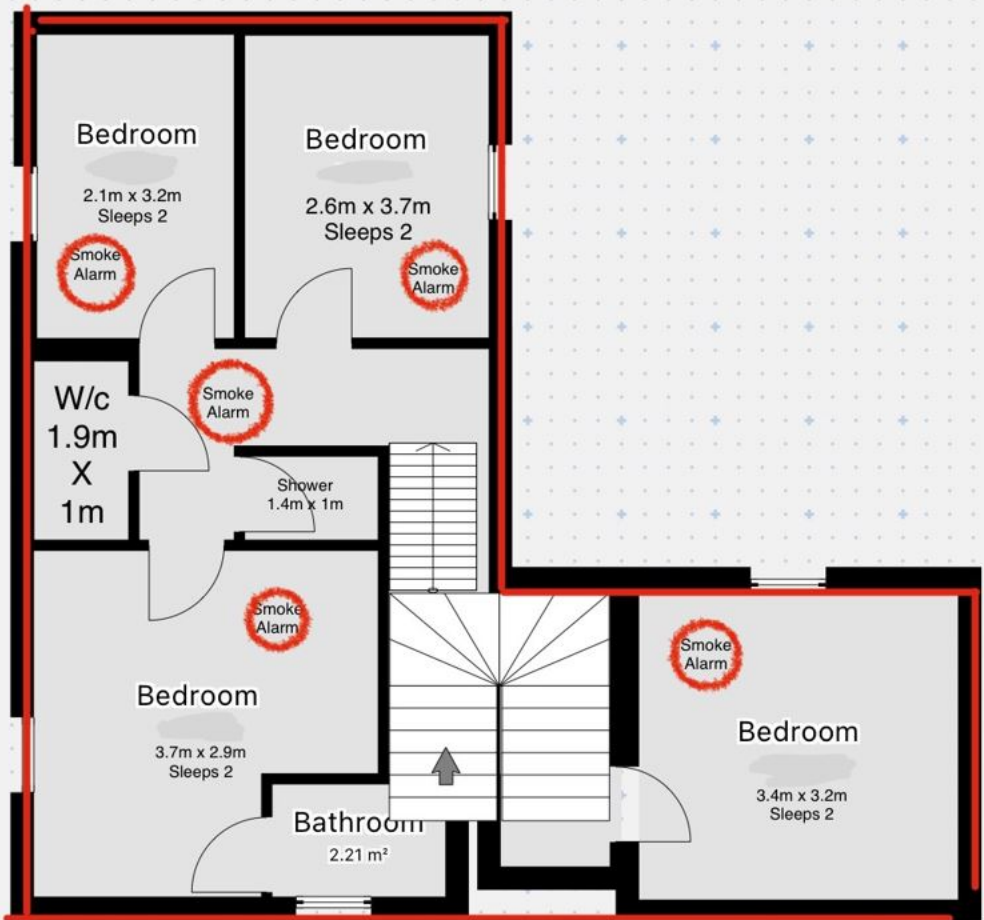
# 5 Hill Street Inverness

## Ground floor



# 5 Hill Street, Inverness

## First Floor





## APPENDIX 2

Mr and Mrs D Munro



18/09/2024

Highland Council  
Short Term Lets  
Charles Kennedy Building  
Achintore Road  
Fort William  
[stl@highland.gov.uk](mailto:stl@highland.gov.uk)

**Subject: Objection to the Licence application for secondary letting at property: 5 Hill Street, Inverness IV2 3AT**

Dear Sirs,

Following the display of the application for secondary letting for the above property at 5 Hill Street, Inverness, I wish to respond. I object strongly to the licence application on the grounds set below:

1. Granting approval of the licence will further affect the *community cohesion* in the Crown area of Inverness, which is heavily served by an excessively high number of short term lets. On this street alone there is already significant numbers of short term lease properties, whether officially licenced or not. This should primarily be a residential area, now saturated with short term lets due to its vicinity to the town centre.
2. The *sense of community* in this area is dwindling due to the lack of long term residents living in the surrounding streets. The frequent turnaround of visitors to the named property is a cause for concern for reasons of community, and for safety of the current residents. We live in this property with our daughter, and the vast number of people arriving at the property each week is a *security concern*.
3. *Practical issues*. On street parking is increasingly becoming an issue on the road. The property at 5 Hill Street is a 4 bedroom house, and accommodates up to 8 guests at a time, and often has 2 large MPV type vehicles parking on a street where residents themselves already struggle to park. The parking is often late at night, noisy, and with inconsiderate parking (e.g. space management too close, or taking up additional spaces). Indeed our own vehicle has been damaged whilst parked next to vehicles visiting the property in the last year. The majority of guests visiting the property to date have vehicles to park, this can be evidenced by looking at reviews on the booking site used.
4. Short term lets have a detrimental impact on the surrounding residents, in an area already oversubscribed with this type of business. Significant effects include: increased anti-social behaviour, additional noise often late at night, intrusion with frequent turnover, loss of community identity. There is also an impact on tidiness, waste disposal, traffic flow and the parking.
5. *Decrease in surrounding business use*. Short single night guests are a detriment to all the wonderful local business' in this area which would be used more frequently by long term residents.

Considering the above, and other factors, I would strongly urge the Highland Council to reject the application for secondary letting at this address in an attempt to maintain the community integrity, and value of the Crown area. Residents feel they are wholly surrounded by single night/weekend coming and goings, drastically affecting our living environment, and quality of life.

Yours sincerely,

A solid black rectangular box used to redact the signature of Julie Munro.

Julie Munro

## APPENDIX 3

**From:** [REDACTED]  
**To:** [STL Licensing](#)  
**Subject:** Re: Objection to short term let  
**Date:** 23 September 2024 20:44:51

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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.

Sent from my iPad

> On 23 Sep 2024, at 20:02, Geoff Lowe <[REDACTED]> wrote:

> Dear Sir/Madam

> I am objecting to the application for a short term let licence at

> 5 Hill Street, Inverness, IV2 3AT

> Applicant Jillian Anne Macleod.

I live at [REDACTED], directly opposite the subject property.

> My reasons for objection are.

> 1) increased traffic and increasing parking difficulties.

> 2) additional noise created by wheelie suitcases.

> 3) Increased risk of anti social behaviour as guests have no commitment to neighbours

> 4) detriment to the local community. Within this end of Hill Street there are at least 4 properties being used for short term lets. This community has always been supportive but this sense of community is being eroded due to the absence of new permanent residents.

> 5) Increased risk of waste bins being left out, particularly now that residents sort their waste. If this is not done bins will be left out.

> 6) Property to rent in Inverness is difficult to find and rents are above the Scottish norm. This prices out families seeking accomadation. The increasing number of short term lets is excaberating this problem.

> 7) I note that the applicant is also noted as the local agent. The address given is some 400 miles away. In the event of there being a problem how will this solved quickly?

Yours sincerely.

Geoff Lowe

P.s please take the signature below as my signature, should this not be valid please inform me.

> Sent from my iPad

## APPENDIX 4

Anna Walker

██████████  
██████████  
██████████  
25.09.24

Comhairle na Gàidhealtachd  
Short Term Lets  
Charles Kennedy Building  
Achintore Road  
An Gearasdan  
stl@highland.gov.uk

**Subject: Objection to the Licence application for secondary letting at property: 5 Hill Street, Inbhir Nis, IV2 3AT**

A chàirdean

I object to the licence application for secondary letting at the above property which is diagonally opposite my property on Hill Street. Some of the negative impacts of this have and continue to be as follows:

- Noise and disruption – particularly with vehicles arriving and departing regularly, with visitors often having difficulty managing parking near the property, travel bags being wheeled to and from the property and general high turnover of residents. This is particularly so when there are more than two vehicles being used.
- People arriving regularly to clean and change over the property, deal with bins, etc.
- Congestion and vehicle pollution outside my house - Hill Street is a narrow, residential street without room for two-way traffic and is not appropriate to deal with the increased volume of traffic/parking.
- Parking – we are often unable to park near our property due to visitor vehicles at number five, particularly when they arrive in large or multiple vehicles. At times, despite having paid for a resident's parking permit, we are forced to park several blocks away and unload our car from a distance.

Hill Street has for a long time been a cohesive, welcoming community with a diversity of people living either as owner occupiers or as long-term tenants. However, the steady and notable increase in short-term letting on the street and around my home is eroding connections and community wellbeing with properties being used as business opportunities – meaning that local flats and houses are taken out of full-time occupation and potential full-time occupiers are priced out of the market.

I understand that applications for licenses for secondary letting such as at number five are treated on a case-by-case basis, however without looking at the critical mass of short-term letting that is building up on Hill Street and the surrounding area the wider picture is missed, as is the negative impact this is having.

For these reasons, as stated above, I object to a license being provided to the property.

Dùrachdan,

Anna Walker