

Agenda item	6.1
Report no	HLC//25

THE HIGHLAND COUNCIL

Committee: THE HIGHLAND LICENSING COMMITTEE

Date: 13 May 2025

**Report title: Application for the grant of a short term let licence – 15
Riverside Road, Kinlochleven, PH50 4QH
(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. 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 14 August 2024 a validated application for the grant of a short term let licence was received from Mrs Helena Mary Smith.
- 4.2 The property to which the application relates is 15 Riverside Road, Kinlochleven, PH50 4QH (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 blue on the plans 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 Mrs Smith and Mr Thomas Smith will be the hosts/operators of the Premises. The hosts/operators have applied for a short term let licence as 'existing hosts' on the basis that the Premises were operated as a short term let property prior to 1 October 2022.
- 4.4 Mr and Mrs Smith 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 Ms Sara McLean.
- 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 terraced dwellinghouse which can accommodate a maximum of four guests. The Premises are comprised of two bedrooms, two bathrooms, a living room, kitchen and study. 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 2**.

5. Process

5.1 The application was circulated to the following Agencies/Services for consultation:

- Police Scotland;
- Scottish Fire & Rescue Service; and
- Highland Council Environmental Health Service.

5.2 Police Scotland, Scottish Fire & Rescue Service, 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 period of 21 days from 29 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 objection was received and is attached as an Appendix to this report:

- Letter of objection dated 11 September 2024 from Ms Sarah Doherty **(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 objector 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. Observations on objections/representations

- 9.1 In the letter 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: 23 April 2025

Author: Maureen Duffy

Reference: [FS543046350](#)

Background Papers:

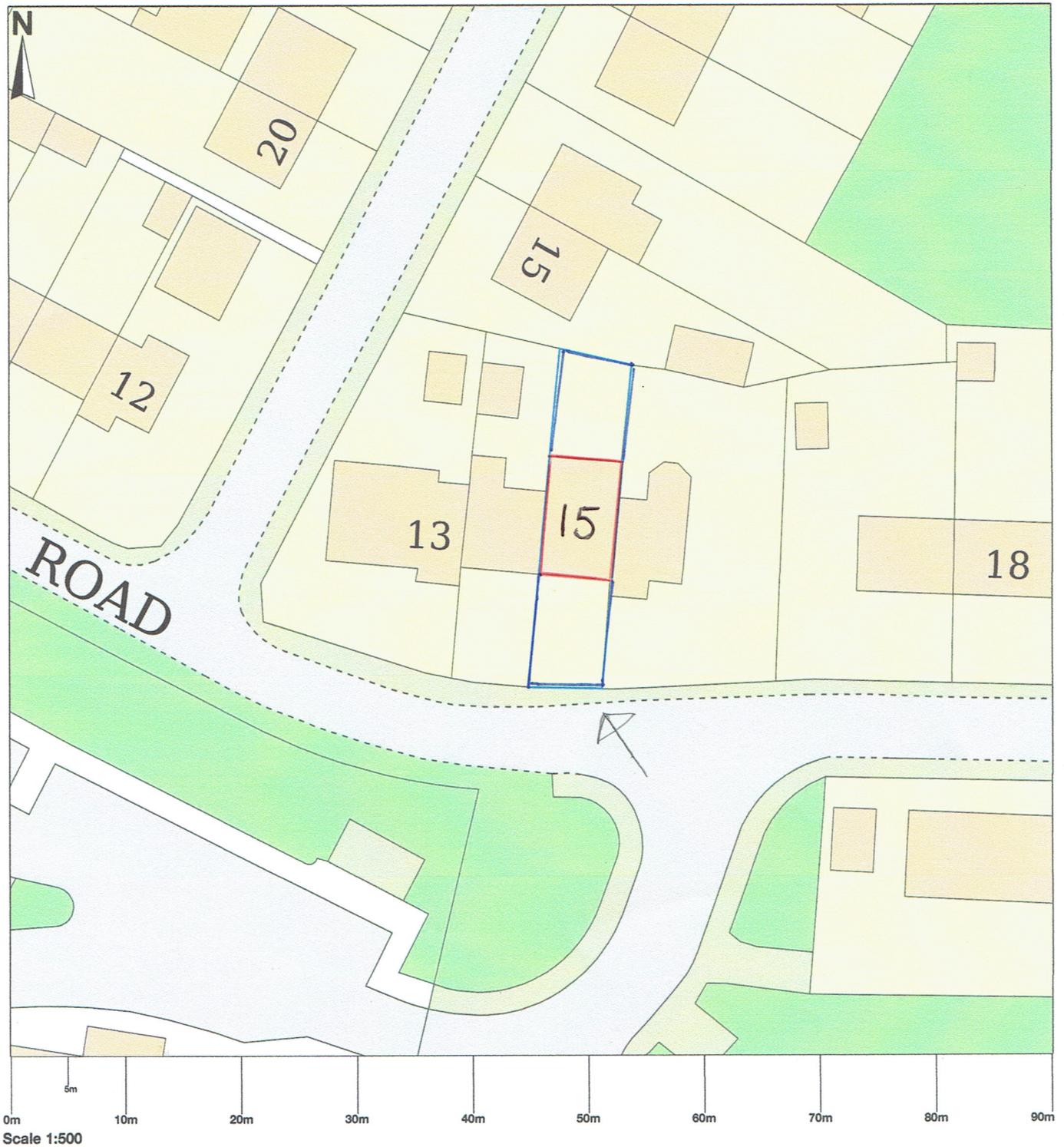
- Civic Government (Scotland) Act 1982
- The Civic Government (Scotland) Act 1982 (Licensing of Short-term Lets) Order 2022

Appendices:

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

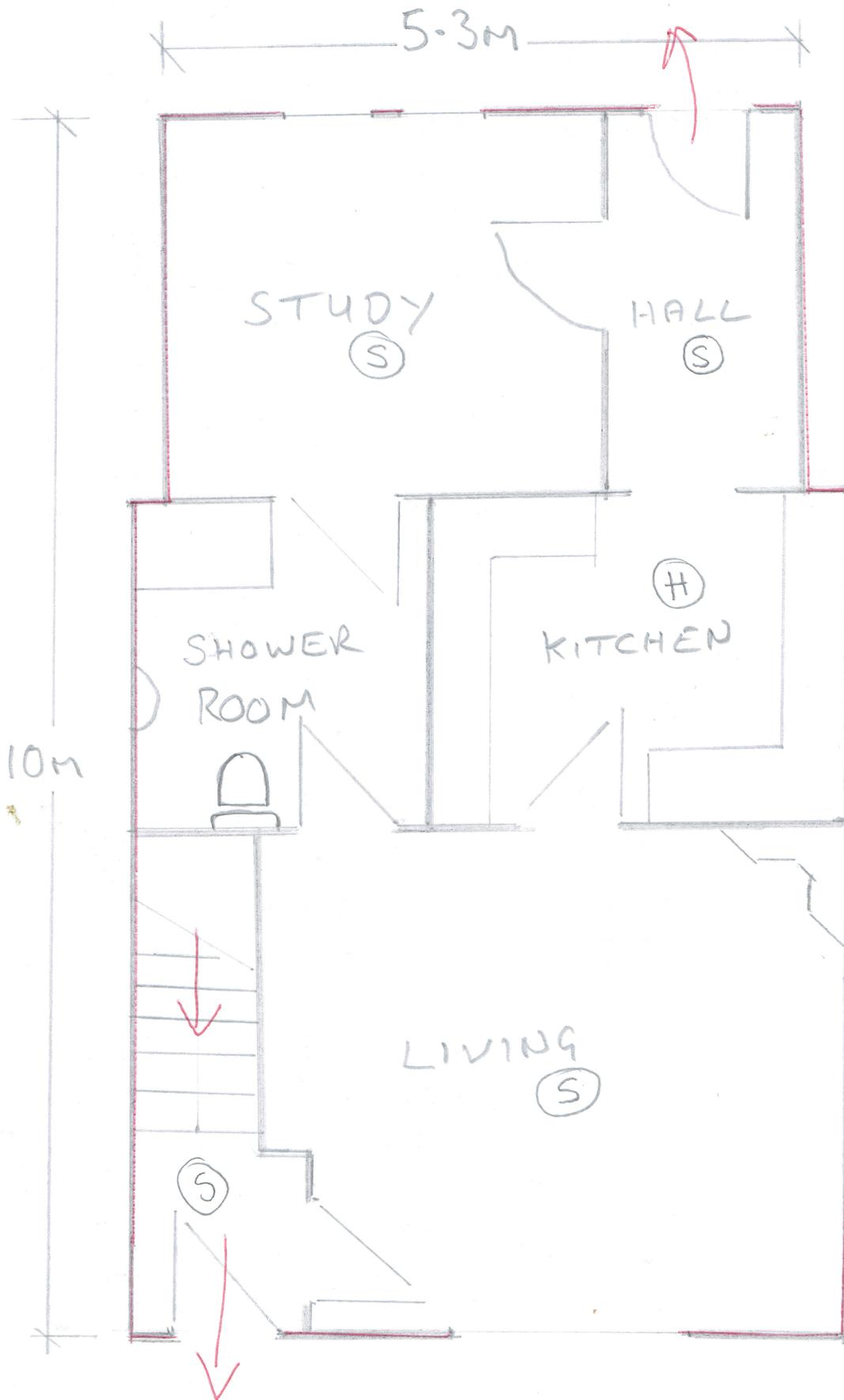
Appendix 2: Letter of objection dated 11 September 2024 from Ms Sarah Doherty.

15 Riverside Road, Kinlochleven, PH50 4QH



GROUND FLOOR

1:50



(S) SMOKE ALARM (H) HEAT DETECTOR

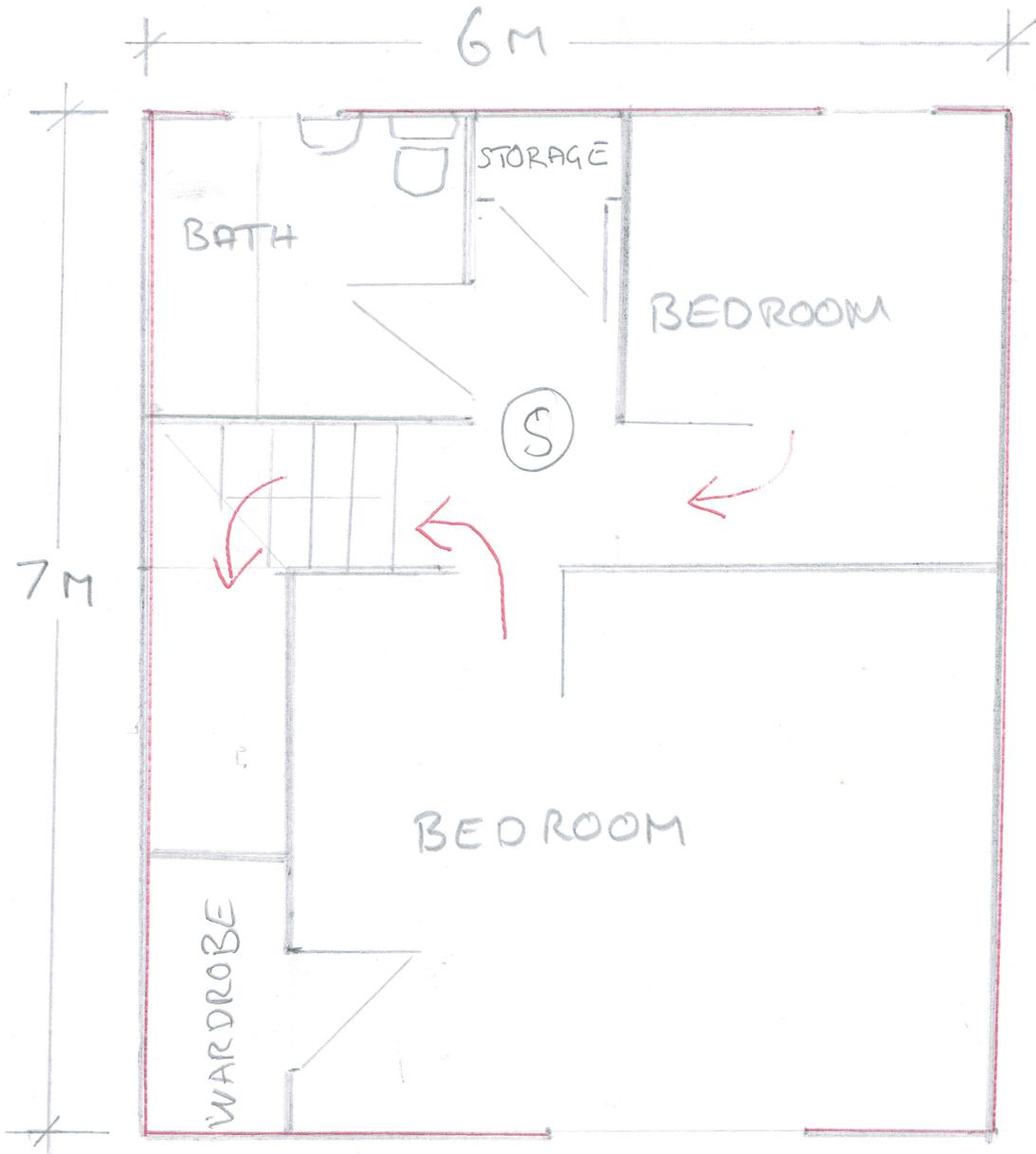
→ FIRE ESCAPE ROUTES

MAX. OCCUPANCY 4 GUESTS

15 RIVERSIDE RD KINLOCHLEVEN PH50 4QH

FIRST FLOOR

1:50



(H) - HEAT DETECTOR

(S) - SMOKE ALARM

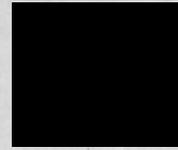
→ FIRE ESCAPE ROUTES

MAX OCCUPANCY 4 GUESTS

15 RIVERSIDE RD KINLOCHLEVEN PH50 4QH

APPENDIX 2

SarahDoherty



11th September 2024

The Highland Council
Charles Kennedy Building
Achintore Road
Fort William
PH33 7RQ

Dear Sir/Madam,

RE: Objection to secondary letting licence for 15, Riverside Road, Kinlochleven, PH50 4QH

I would like to object to the application for a short term lets licence made by Ms H. Smith of Spring Cottage, Huntingdon Hall Lane, Dutton, Preston PR3 2ZT for her property in Kinlochleven (15 Riverside Rd, Kinlochleven, PH50 4QH).

My objections are as follows:

- Guests staying at the short term let would result in additional cars being parked at and in front of the property. The location of the property is at the junction to Highlife Highland's Leven Centre building and Kinlochleven 3-18 School Campus. School buses have to turn right in front of the property and children enter/exit the campus by crossing the road close to where this property is located. Increased number of vehicles parked at or in front of the property may make it less safe for children crossing the road or cause access issues for vehicles.
- Parking at this location is already restricted due to the school campus junction so each of the houses in the terraced row this property is situated within has a driveway which could end up being obstructed by guests parking vehicles along the road or on neighbouring roads which already have a high number of vehicles parked. This could cause access issues for the adjoining neighbours and emergency vehicles
- Local residents and professionals, such as teachers looking to take up posts at the local school, find it increasingly difficult to find places to rent in the village. This impacts recruitment of teaching staff to the school and the recruitment and retention of workers for local businesses. The property in question would be better served being made available to the long-term rental market. This way the applicant can still make money but locals would not be left with fewer houses available in the local rental stock.
- The house in question is a terraced house on a suburban residential road. It is not a suitable place for a short term letting property to be situated given the residential nature of the street and surrounding environment.
- The number of short term lets and second homes in the village has increased. This is starting to alter the character of the village but we have an opportunity now to prevent the disaster that has befallen other small communities in the Highlands.

Short term lets rip the heart out of villages with families forced to look for homes elsewhere because housing stock is hoarded for holiday-makers. These houses were built at the turn of the 20th Century to house the aluminium workers of the village. They are family homes not holiday lets. Every additional holiday let and second home is a blow to the village which was founded on people coming from far and wide to live and work here. We do not want to have a ghost town in the winter and more absentee property owners who do not maintain their houses nor contribute to the village.

It is my opinion that the licence for the above property should not be granted for the reasons I have stated.

Yours Faithfully,

A solid black rectangular box used to redact the signature of Sarah Doherty.

Sarah Doherty