

Agenda item	6.3
Report no	HLC/82/25

## **THE HIGHLAND COUNCIL**

**Committee:** THE HIGHLAND LICENSING COMMITTEE

**Date:** 13 May 2025

**Report title:** Application for the grant of a short term let licence – Tigh Na Cladach, Taigh Air An Aladach, Breakish, Isle of Skye, IV42 8QA (Ward 10 – Eilean A Cheo)

**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 28 January 2025 a validated application for the grant of a short term let licence was received from Mr Ian Watson.
- 4.2 The property to which the application relates is Tigh Na Cladach, Taigh Air An Cladach, Breakish, Isle of Skye, IV42 8QA (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 plan on page 1 of Appendix 1.
- 4.3 The application for the short term let licence has been made on the basis that Skye Luxury Rentals Limited (Company Number: 16138454) 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 Watson and a Mrs Cara Sharon Watson 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 the said Mr Watson.
- 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 house which can accommodate a maximum of six guests. 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;
- 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.

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 31 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 to this report:

- Objection letter received on 25 February 2025 from Ms Jennifer Painting **(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: 16 April 2025

Author: Mairi Lamont

Reference: [FS679823604](#)

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 letter received on 25 February 2025 from Ms Jennifer Painting.

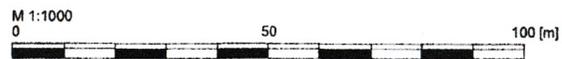
# APPENDIX 1

NOTES:  
1. Do not scale from drawings, if in doubt seek clarification from architect.



**Bin storage**  
Bin store to be located at new bellmouth (as illustrated by \*)

**Visibility splay**  
Visibility splay assessed at 2.4m back from the edge of the road at the centreline of the access:  
90m in both directions (30mph)



REV	DESCRIPTION	BY	DATE
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**R.HOUSE**

6A Drynoch, Crossal, Isle of Skye, IV47 8SP  
tel 01478 612 899 studio@ruralhouse.net  
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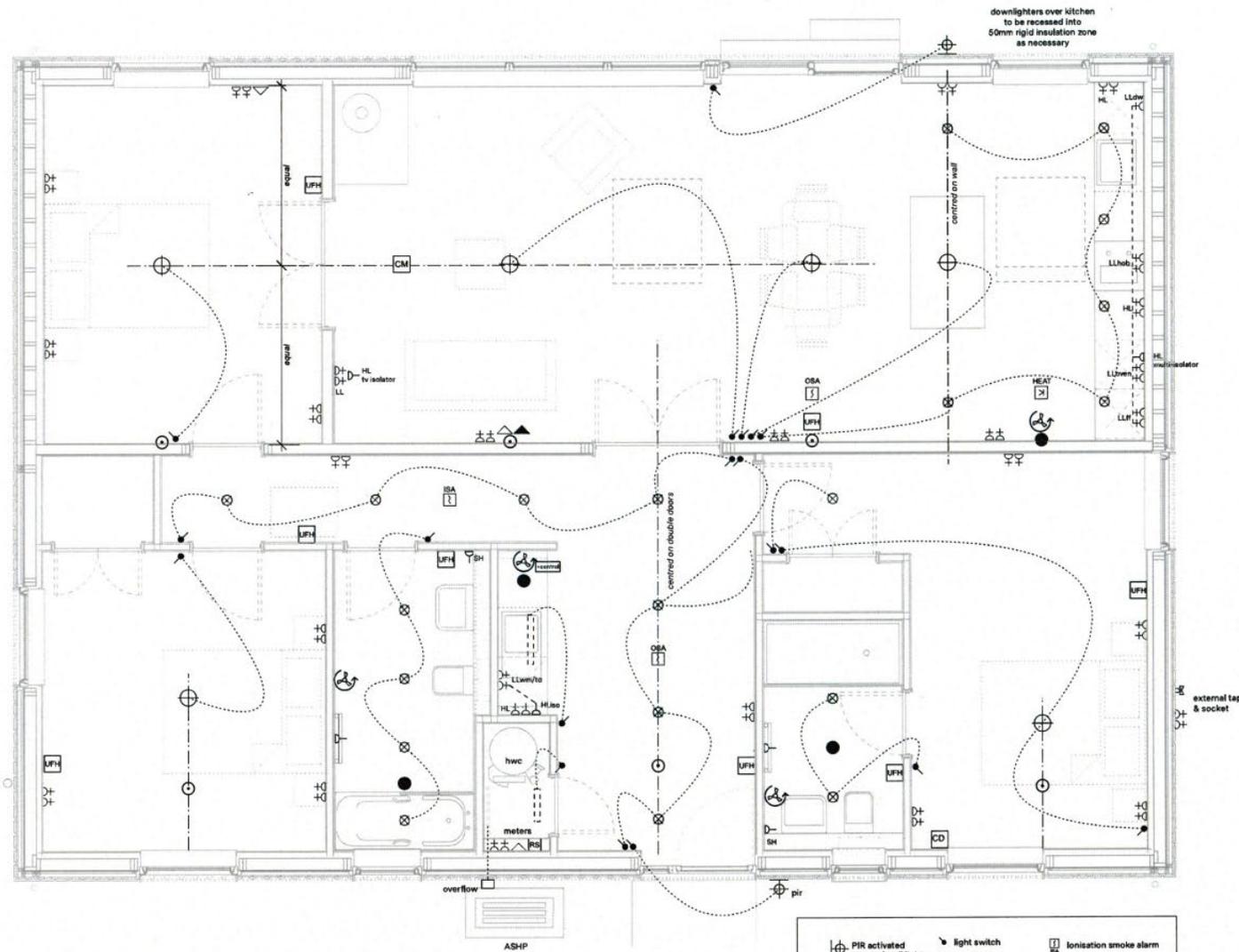
Project: Proposed RB3 at Breakish

Client: Ian + Cara Watson

Drawing: Location Plan

Scale: 1:1000 @A3	Drawn: SM	Checked: MM
Status: Planning	Date: Oct 2022	REV

Drawing No: 529 pl 001



**NOTES:**  
 1. Do not scale from drawings, if in doubt seek clarification from architect.

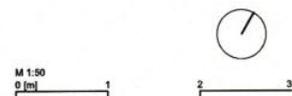
**Electrical**  
 Installation to be in accordance with BS 7671:2008  
 All fixed light fittings and lamps to be low energy; sockets/switches to be set out in line with the requirements of TS 4.5.5.  
 Generally sockets to be 400mm (LL) above ffl; worktop sockets to be 150mm above worktop (HL) unless noted otherwise on the drawings;  
 all sockets to be 350mm horizontally from corner or projection;  
 Light switches, controls etc to be 1100mm above ffl; all recessed fittings to have a fire hood

**Heating**  
 Mitsubishi air-to-water heat pump PUHZ with internal Packaged Cylinder System providing underfloor heating and hot water throughout. All to comply with domestic services compliance guide.  
 Heat pump unit to be fitted with vibration mounting pads and sited on 100mm concrete plinth

**Fire**  
 Grade D fire detection and alarm system to comply with BS 5446: Part 1: 1990 and BS 5839: Part 6: 2004.

**Carbon dioxide**  
 Monitor to comply with European Directive 2006/95/EC and 1999/5/EC and have an audible alarm that is capable of being permanently deactivated.

**Ventilation**  
 Vent-Axia Kinetic FH MVHR unit to provide whole house ventilation.  
 Extract vents to all wet rooms to be provided with a humidistat controller with boost function.  
 All to be in accordance with CIBSE guide 1988 published by the Chartered Institute of Building Services Engineers and to be designed and installed in accordance with the recommendations of Section 8 of The Domestic Building Services Compliance Guide for Scotland.  
 A fire dampener should be installed at the kitchen extract point.  
 An internal drying area to be provided at utility room - min. line length 6.8m  
 All internal doors including those for built in cupboards to be undercut by 20mm to facilitate ventilation.



M 1:50	0 [m]	1	2	3
A	Power to kitchen island deleted	16/04/2024		
REV	DESCRIPTION	BY	DATE	

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Project: Proposed RB3 at Breakish  
 Client: Ian + Cara Watson

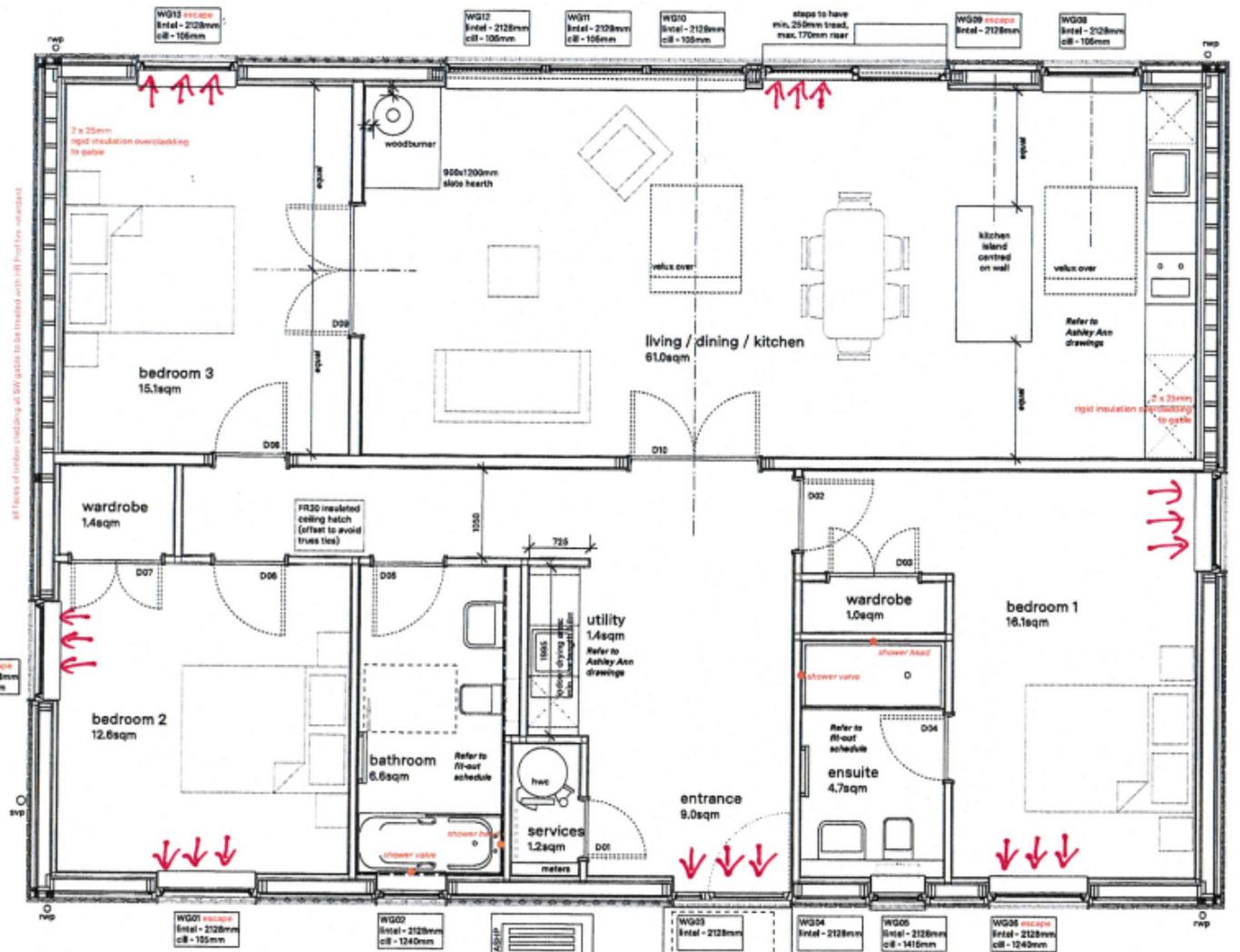
Drawing: Ground Floor Services

Scale: 1:50@A3	Drawn: MM	Checked: SM
Status: Construction	Date: August 2023	REV: A

Drawing No: 529 c 105A

⊕ PIR activated external wall light	⬤ light switch	⊠ Ionisation smoke alarm
⊙ recessed spot light	⊕ twin 15amp switched socket	⊠ Optical smoke alarm
⊕ pendant ceiling light	⊖ isolator	⊠ Heat alarm to be BS5446-2:2003
⊖ strip light	— mvr extract ductwork	⊠ Alarm reset
⊠ towel heater	● mvr extract	⊠ Carbon monoxide alarm
▷ CAT 6	⊕ mvr extract boost	⊠ Carbon dioxide monitor
▶ Twin co axial	— mvr supply ductwork	⊠ Thermostat

**KEY**



**NOTES:**  
 1. Do not scale from drawings. If in doubt seek clarification from architect.

**FLOOR AREA = 125sqm**  
 Living area = 61sqm

**Ventilation**  
 As the stove is sited in the same room as the kitchen extract fan a suitable air spillage test should be carried out in accordance with BRE paper P 7/94 upon completion.

**Glazing**  
 All glazing with any area within 800mm of FFL to be laminated glass and to BS 1881-1-1 and PD6688-1-1 and to BS 6262, part 4; 2006  
 All windows and external doors to be designed, constructed and installed to Section 2 of "Secured by Design" (ACPD, 2009);

**Stove**  
 Riva Viva L100 (Classic) woodburner (CE marked EN 15420) with removable baffle plate to allow cleaning of flue; 900x1200mm hearth to be stone/slate on concrete slabs, provided the appliances will not cause the top surface of the hearth on which it stands to be more than 100C  
 stove flue to be fitted with rigid mesh where it passes through the roof space, mesh to prevent the passage of an 8mm sphere; no combustible material to be sited within 50mm of the flue pipe; combustion air supply to be provided to stove

**Accessibility**  
 All entrance doors to have clear 800mm opening width and accessible thresholds  
 All internal doors to have clear 775mm clear opening width. Access route to be maximum 1 in 20.

**Rebust construction**  
 Walls adjacent to any sanitary facility to be lined with 18mm plywood to form a rebust construction that will permit secure fixing of grab rails or other aids. Location shown dashed on plan.

**Labelling (at meter exposure)**  
 Energy performance certificate to be displayed in accordance with TS 6.8.3

Label to be provided on sustainability level target (Bronze) in accordance with TS 7.10

Label to be provided containing information on wood burning stove and chimney designation in accordance with TS 3.17

Notice on flue drainage treatment to be displayed in accordance with TS 5.8.7 with text:  
 The drainage system from the property discharges to a wastewater treatment plant.

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.

A Central spine wall made 120mm  
 Bedroom 3living area wall made 120mm

REV : DESCRIPTION BY : DATE

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Project: Proposed RB3 at Breakish

Client: Ian + Cara Watson

Drawing: Ground Floor layout

Scale: 1:50@A3	Drawn: MM	Checked: SM
Status: Construction	Date: August 2023	REV: A

Drawing No: 529 c 104A

**INTERNAL DOORS**

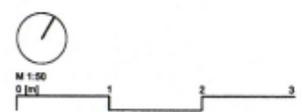
ID 01 services	686x198mm	door/doggs oak veneer
ID 02 bedroom 1	836x198mm	door/doggs oak veneer
ID 03 wardrobe	2x533x198mm	door/doggs oak veneer
ID 04 ensuite	762x198mm	door/doggs oak veneer
ID 05 bathroom	836x198mm	door/doggs oak veneer
ID 06 bedroom 2	836x198mm	door/doggs oak veneer
ID 07 wardrobe	2x533x198mm	door/doggs oak veneer
ID 08 bedroom 3	836x198mm	door/doggs oak veneer
ID 09 bedroom 3	2x792x198mm	special **
ID 10 living	2x792x198mm	special ***

indicates 18mm ply robust construction  
 Air sourced heat pump to be mounted on a concrete base and affixed with vibration mounted pads. Installation in accordance with manufacturers specification.

specials to be Manhattan Black Chelsea by LPD doors  
 \*\* living room to be Glazed 4L Clear  
 \*\*\* bedroom to be Glazed 4L Clear

WG03 escape  
 lintel - 2128mm  
 cill - 105mm

accessible threshold  
 \* min. 1200x1200mm  
 level plate



all faces of timber cladding at 500 gable to be treated with oil from manufacturer

The Highland Council  
Tigh Na Sgìre, Park Lane  
PORTREE  
IV51 9GP  
2 Feb 2025

**Note of Objection to: Application for a secondary letting licence for TAIGH AIR AN CLADACH, Lower Breakish, IV42 8QA.**

**I object to the application for a secondary letting licence. My property is situated 5 metres away from TAIGH AIR AN CLADACH. Allowing a short-term let would cause a noise nuisance, bring security issues and be further detrimental to the sense of community of the area.**

**Objection in detail:**

1. This application will compound the problems that holiday lets cause my daily life. Taigh Air an Cladach is immediately to the west of my property. The property (Obbe View) immediately to the east of my property was originally a family home. This became a holiday home for 6+ pax in 2023. Since it became a holiday home, I have experienced late night music nuisance and BBQ waste and litter being thrown into my property. In 2024 the Obbe View holiday home was also granted planning permission to add 2 x holiday pods which gives accommodation for another 4+ adults. I remain incredibly anxious about the compound effects of holiday homes that destroy my quiet rural setting.
2. I strongly object to the secondary letting license for TAIGH AIR AN CLADACH because it causes me an encirclement of holiday homes (in total accommodating 16+ people), increasing disturbance, detracting from any community sense, and decreasing security.
3. I am very concerned about excessive noise. The house under application can sleep 6 adults (possibly more if sofa beds are used) which might attract parties, stag parties, hen parties. Music played inside (or outside) will be a significant disruption to my rural amenity.
4. I am very concerned about the increase in cars which will cause disruption and an increase in noise. Early/late arrivals will disrupt the peace. Approaching car headlights shine directly into my property bedroom. There could be 3+ cars each time a group stays in the house (which can sleep 6 people, possibly more if sofa beds are used). Also, since the increase in surrounding holiday homes, I've had a number of people ring my door in the middle of night searching for surrounding holiday homes. This is incredibly disruptive and disconcerting.
5. I am very concerned about an increase in security issues. Holiday lets bring a transient trail of people into the vicinity. The Taigh Air an Cladach property directly overlooks my property and my garden creating access for people who would not otherwise come to this area.
6. I am very concerned about disruptive behaviour from guests. This is a very quiet rural area, but people on holiday might not treat it as such. It should be expected that people on holiday (especially parties of 6+ adults) will want to hold parties, play loud music, undertake drinking, possibly drug taking. Overall, there will be a risk of a significant lack of consideration for the peace and quiet of which this area is renowned. Such concerns have been evidenced by the current holiday cottage and holiday pods that border the east of my property.
7. The application site falls within the Broadford Settlement Development Area (SDA). At point of original planning application for this new build in 2022, there was no mention that this would be a holiday home. Part of the policy surrounding building application will have assessed the new build's impact on individual and community residential amenity. If the

planning permission had sought a holiday home, this is a very different proposition to a permanent residence with permanent homeowners contributing to community residential amenity. Holiday homes detract from the quality and character of an area and do not contribute to the sustainable enduring rural communities.

8. The Isle of Skye has a chronic housing shortage for local people. The Isle of Skye does not need any more short term holiday home lets. This new build could be a long term let provision for a key workers, or it could become a life changing life line for a local family. Recruitment for key workers is a struggle because key workers cannot find homes. School teachers, nurses, GPs - all struggle to source accommodation and therefore jobs go unfilled and services and provisions are stretched. A home for a local family or a new key worker and family would then reinforce the local tapestry, contribute to the life blood of community and local schooling.

This new build Scottish short term let licensing scheme provide licensing authority the power to address the needs and concern of the local community, I strongly feel that another short term let in Breakish/Broadford is not in the community interests.

**FROM:**

**Jennifer Painting**

