

Agenda item	3.5
Report no	HLC/97/25

THE HIGHLAND COUNCIL

Committee: **THE HIGHLAND LICENSING COMMITTEE**

Date: **3 June 2025**

Report title: **Application for the grant of a short term let licence – Smithy Croft, Station Road, Carrbridge, PH23 3AL (Ward 20 – Badenoch and Strathspey)**

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 25 September 2024 a validated application for the grant of a short term let licence was received from Mr Andrew William Groom.
- 4.2 The property to which the application relates is Smithy Croft, Station Road, Carrbridge, PH23 3AL (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 plans on pages 1 and 2 of Appendix 1.
- 4.3 The application for the short term let licence has been made on the basis Smithycroft Lodge Ltd (Company number SC658238) will be the host/operator of the Premises. The host/operator has applied for a short term let licence as an 'existing host' on the basis that the Premises were operated as a short term let property prior to 1 October 2022.
- 4.4 Smithycroft Lodge Ltd 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 Groom.
- 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 two storey dwellinghouse with a maximum capacity of twelve guests. The Premises are comprised of 4 bedrooms, 3 bathrooms, a kitchen, dining living room and upstairs lounge. In addition, there is an external socialising area which accommodates a hot tub and decking area. Floor plans of the Premises were provided by the applicant as part of the application process, and these can be found on page 3 of Appendix 1.

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, the Scottish Fire & Rescue Service and 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 4 October 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 from Mr Mike Norton and Ms Linda Jolly received by email on 29 October 2024 (**Appendix 2**);
- Objection from Dr Elizabeth Sprunt received by email on 29 October 2024 (**Appendix 3**);
- Objection from Ms Anne Dickson received by email on 29 October 2024 (**Appendix 4**);
- Objection from Ms Janis MacLean received by email on 29 October 2024 (**Appendix 5**);
- Objection from Ms Sally Dudleston received by email on 31 October 2024 (**Appendix 6**).

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 each of the objectors who, in 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 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 \(Licensing Committee\) \(highland.gov.uk\)](https://www.highland.gov.uk/licensing-hearings-procedures)

9. Observations on objections/representations

- 9.1 In the emails of objection appended to the report, 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

- 10.1 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.

11. Implications

11.1 Not applicable.

Date: 6 May 2025

Author: Maureen Duffy

Reference: [FS549926802](#)

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.

Appendix 2: Email of objection from Mr Mike Norton and Ms Linda Jolly received by email on 29 October 2024.

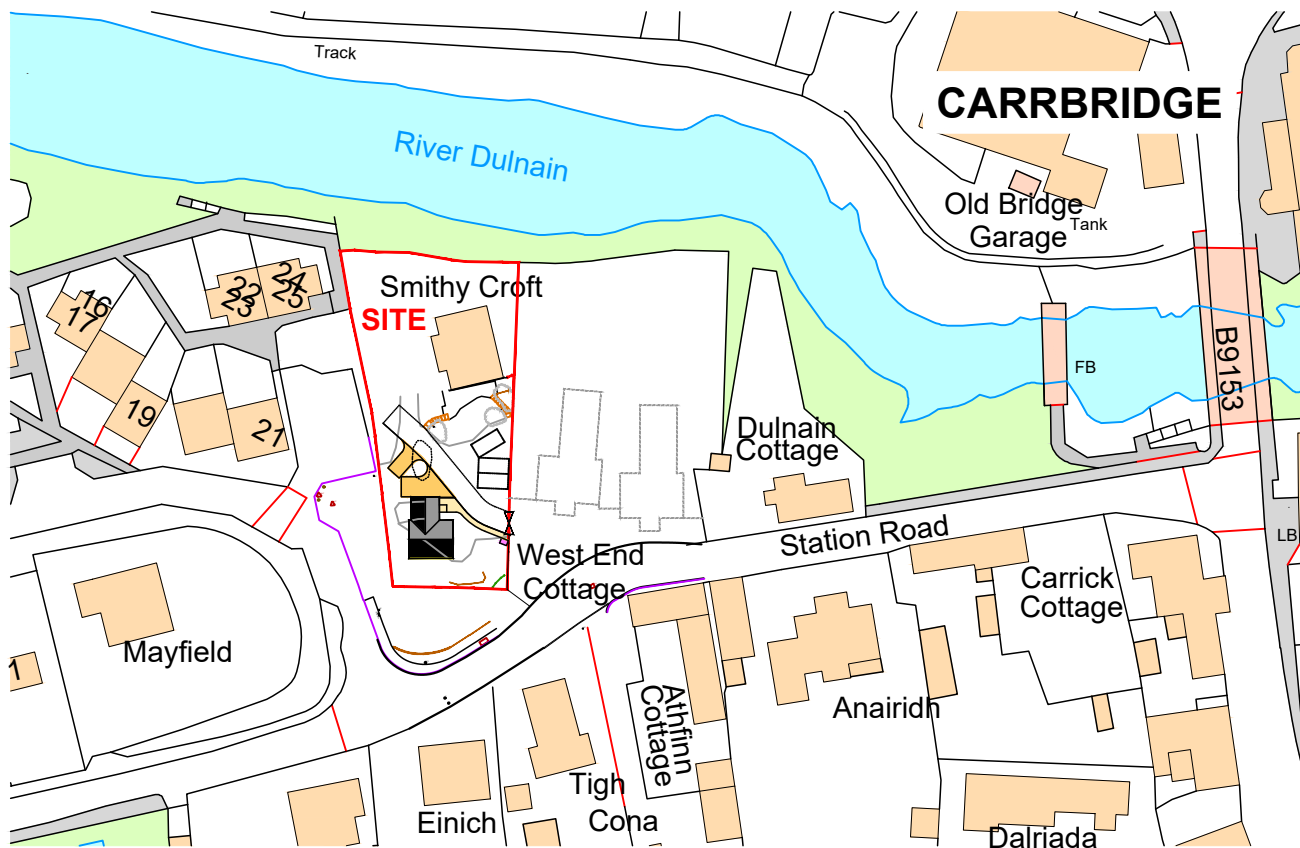
Appendix 3: Email of objection from Dr Elizabeth Sprunt received by email on 29 October 2024.

Appendix 4: Email of objection from Ms Anne Dickson received by email on 29 October 2024.

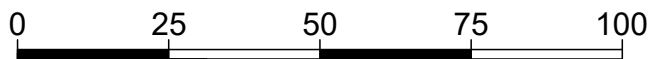
Appendix 5: Email of objection from Ms Janis MacLean received by email on 29 October 2024.

Appendix 6: Email of objection from Ms Sally Dudleston received by email on 31 October 2024.

APPENDIX 1



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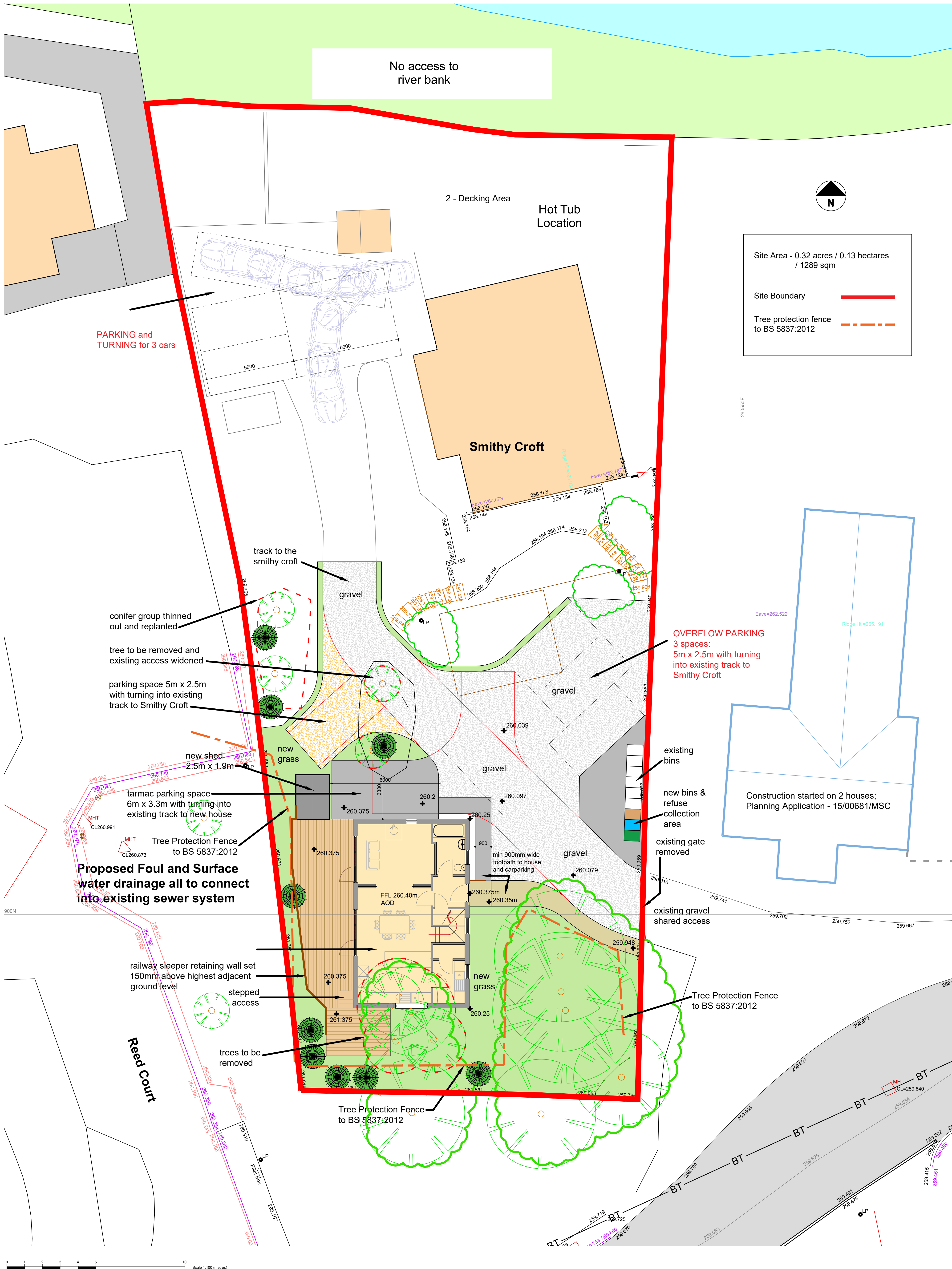
Scale 1:1250 (metres)

REVISIONS				Notes	Client		Scale	Date	Drawn by
Rev.	Description	Drawn	Date		Andrew and Veronica Groom		1:1250@A4	Nov 2020	DC
-	-	-	-	<div style="border: 2px solid black; padding: 10px; text-align: center; width: fit-content; margin: 0 auto;">PLANNING APPLICATION</div>	Project		Project no	Dwg no	Rev
					New House at Station Road Carrbridge		2657	PL001	
					Drawing Location Plan		G.H.JOHNSTON BUILDING CONSULTANTS LTD <small>WILLOW HOUSE STONEFIELD BUSINESS PARK INVERNESS IV2 7PA Email: technical@ghjohnston.co.uk</small>		

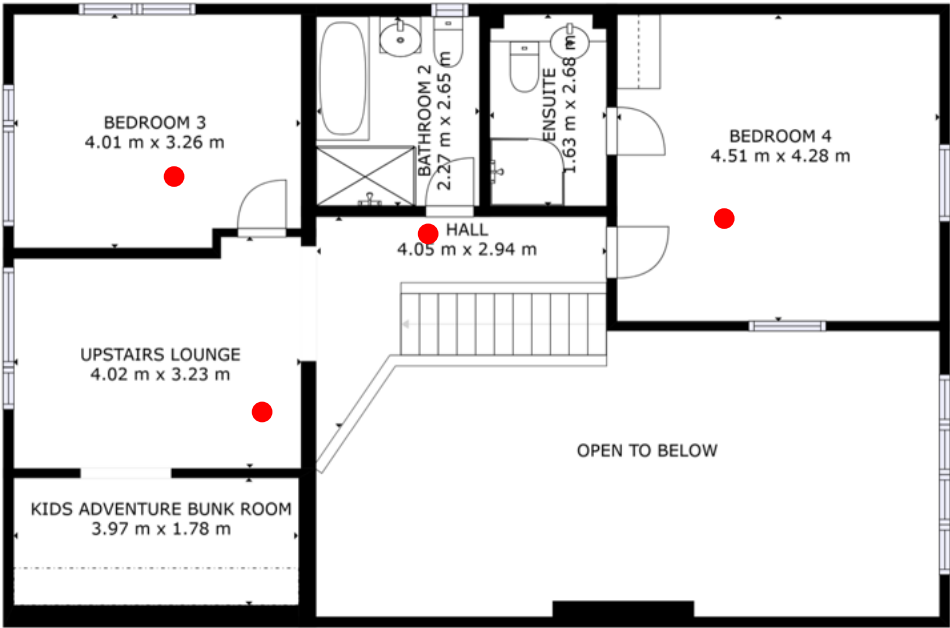


G.H.JOHNSTON
BUILDING CONSULTANTS LTD






WILLOW HOUSE
STONEFIELD BUSINESS PARK
INVERNESS IV2 7PA
TEL (01463) 237229
Email: technical@ghjohnston.co.uk



Smithy Croft Floor Plan



Key

-  Fire Exit
-  Smoke detector
-  Fire blanket
-  Heat detector
-  Carbon Monoxide detector

From: Linda Jolly [REDACTED]
Sent: 29 October 2024 09:58
To: STL Licensing
Subject: Smithy Croft, Station Road, Carrbridge

Categories: [REDACTED]

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.

We would like to make objection to the application for a short term let licence for Smithy Croft, Station Road, Carrbridge.

This property was a three bedroom property converted to a four bedroom immediately in advance of the introduction of the Badenoch and Strathspey STL control area.

We would like to put forward objection on the following grounds:

1. This house is being used for large groups including stag and hen parties in being advertised as able to accommodate up to 12 guests plus up to four infants and three dogs.

We do not believe there is sufficient parking space at the property for this number of guests particularly since a large part of the previous parking space has now been taken up by the building of a new house in the garden/ grounds.

Because of insufficient parking space, it has been noted that guests sometimes use residents reserved parking spaces in the adjoining Reed Court development or abandon their vehicles on the road way creating a road safety hazard. This is a real issue in the winter compounded by the failure of the owners of Smithy Croft to ensure the driveway to the property is cleared of snow.

2. We feel that this is an inappropriate site for a party house with 12 plus guests creating noise and disturbance effecting the character and amenity within what is primarily a residential area.
(There are two other STL's in the vicinity but these are low impact with a max of four guests in each).

3. There is noise disturbance late at night created by holiday guests at Smithy Croft using the floodlit back deck with its bbq, childrens play area and hot tub facilities. This noise not only disturbs local residents in the neighbouring Reed Court but carries some distance causing disturbance in what would otherwise be a relatively quiet residential neighbourhood.

There has also been incidents of late night disturbance with guests shouting in the street on returning en masse from nights out.

4. We would question the monitoring of the guests booking the property which has led to the need by the owners to make request of a security deposit to be held against damages caused.

5. There is a large amount of general light pollution from this property, particularly emanating from the back deck/ garden.

6. We do not believe there is any real economic benefit created from this holiday property with guest arriving with supplies or receiving deliveries from large supermarket chains. If guests go en masse to the local pub, the sheer number displace other customers including local people who would otherwise support the business year round.

We would request for a Short Term let licence to be refused. If it was to be granted, we would suggest that guest numbers should be restricted to a total, inclusive of any children of any age, of a maximum of no more than eight people with a 10pm restriction made on the night time use of the garden facilities including the switching off of outdoor flood lighting. There should also be an obligation on the owners to resolve any issues of inconsiderate/ hazardous parking.

Linda Jolly & Mike Norton



From: [REDACTED]
Sent: 29 October 2024 14:46
To: STL Licensing
Subject: Smithy Croft Carrbridge PH23 3AL Short-term Let Licence Application
Attachments: IMG_2094.jpeg
Categories: [REDACTED]

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.

Dear Sirs

I see that an application has been made for a short term let licence for Smithy Croft, Station Road, Carrbridge PG23 3AL.

We were surprised to see this as the neighbouring properties have had no written notification of a planning application for this property which we believed had to be obtained first prior to an STL licence. Other short term lets locally have had to apply and pay for a planning application first before they could apply for a licence and the neighbouring properties received written notification. How has the council permitted this currently trading property to avoid the planning application stage and presumably the associated cost? From previous planning committee meetings we heard that some STL issues eg parking are dealt with by the planning application and others by the STL licence application. If properties won't need to apply for planning then will all relevant issues that would previously be considered by the planning committee, eg lack of sufficient parking space for a property, now be considered within the STL application process? The overall process is not clear.

Several times, the most recent being 1st October 2024, we have requested from the planning committee information on the number of short term lets operating on this corner of Carrbridge and the number of guests that each can accommodate. This information has still not been forthcoming. In September the council confirmed that there was another property in this vicinity with STL licence application pending but none of the residents are aware of another application in process.

This is the available information so far:

- 4 people in Molecatcher's Cottage – existing STL to the east
- 4 people in West End Cottage – existing STL to the south
- ?4++ people in another property confirmed by the council to be to the west of this property (location unknown to us) - STL pending
- 12 people in Smithy Croft – this application

The Highland Council website has a page explaining Short Term Lets where it states:

- The legislation aims to balance economic and tourism benefits with the needs and concerns of local communities
- The legislation allows the local authority to establish short term let 'control areas' to help manage high numbers of short term lets

The Highland Council non-statutory short-term let control area planning policy states:

2.0 b) Proposals for tourism related development will take into account:

- ii) Compatibility with the surrounding area in terms of the nature and scale of the activity and impacts of increased visitors
- iii) Impacts on communities, for example by hindering the provision of homes and services for local people

2.0 e) Development proposals for the reuse of existing buildings for short term holiday letting will not be supported where the proposal will result in:

- i) An unacceptable impact on local amenity or the character of a neighbourhood area, or
- ii) The loss of residential accommodation where such loss is not outweighed by demonstrable local economic benefits

3.0 Non-statutory short-term lets within a control area planning policy

When assessing the 'impact on local amenity or the character (NPF4 Policy 30.e)ii.) & 'adverse impacts upon neighbouring uses' (HwLDP Policy 44), the Council will include consideration of the following:

- Privacy
- Amenity
- Parking provision

The government press release on 11Mar24 states:

This follows reforms to give councils greater power to control short-term lets by making them subject to the planning process which will protect people from being pushed out of their local areas, preventing a "hollowing out" of communities and ensuring local people can continue to live in the place they call home.

Before the committee can properly consider whether the Smithy Croft application will be compliant with the above requirements, and before members of the public can make informed comments on the application, we believe that they need to be presented with the correct numbers of current and proposed holiday guests on this corner of Station Road and details of the properties. The total number of guests would be at least 24 and perhaps more, depending on the size of the other STL with licence application pending. If the larger properties for example, all permitted unrestricted single sex stag/hen parties then this would clearly have too much of a negative impact on this quiet residential area.

The licensing process should ensure that the operating STLs **will not overwhelm the area, negatively affecting the amenity, privacy and character of the historic centre of the village.** Again, without accurate information on the number of currently trading STLs and the number of STL licence applications in process then how can we comment objectively on any new STL applications and how can the committee make an informed decision?

Elizabeth Sprunt



From: Anne Dickson [REDACTED]
Sent: 29 October 2024 10:15
To: STL Licensing
Subject: STL application Smithy croft Carrbridge

Categories: [REDACTED]

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.

I would like to object to a short term let licence being issued for Smithy Croft, Station Road, Carrbridge PH233AL as it being an inappropriate siting of a party house within a primarily residential area.

This was a three bedroom house converted to a four bedroom house sleeping 12 plus guests.

There have been incidents of late night noise disturbance. I personally have had to deal with a situation of guests being drunk and disorderly in the middle of the road at 2am. There is often noise late at night coming from the back garden. In addition inconsiderate parking gives rise to road safety concerns.

I hope this licence will be rejected. If this licence is to be granted, please can consideration be given to restricting the number of guests and a time restriction made on the use of the night time use of the outside / garden area which is right next to the flats and other residential properties in Reed Court.

Regards

Anne Dickson



From: Janis Maclean [REDACTED]
Sent: 29 October 2024 10:26
To: STL Licensing
Subject: STL Objection to Smithy Croft, Carrbridge

Categories: [REDACTED]

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.

We would like to object to the STL licence application for Smithy Croft, Station Road, Carrbridge. This was previously a three bedroom property. It is now a four bedroom advertised as accommodating up to 12 guests plus infants and dogs. It is basically a party house including attracting hen and stag groups. We feel this is inappropriate within a residential area and would argue that it has an adverse impact on the character and amenity of the neighbourhood. As well as late night noise disturbance and light pollution, we would point out that there is insufficient parking space for this number of guests with the problem made worse with the loss of some of the previous parking space because of the building of a new house in the grounds. There has also been incidents of guests making use of the residents parking space in the adjoining Reed Court.

We would request that this licence application is either rejected or a strict limit made on the number of guests with a curfew as to the night time use of the back garden/ deck bbq, play area and hot tub.
Regards

J MacLean



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From: Sally Dudleston [REDACTED]
Sent: 31 October 2024 16:21
To: STL Licensing
Subject: Objection to the application for a short term let licence for Smithy Croft, Station Road, Carrbridge.

Categories: [REDACTED]

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.

Dear Sir/Madam

I would like to make an objection to the application for a short term let licence for Smithy Croft, Station Road, Carrbridge.

This property was a three bedroom property converted to a four bedroom immediately in advance of the introduction of the Badenoch and Strathspey STL control area.

I would like to put forward an objection on the following grounds:

1. This house is being used for large groups including stag and hen parties and is being advertised as able to accommodate up to 12 guests plus up to four infants and three dogs.

I do not believe there is sufficient parking space at the property for this number of guests particularly since a large part of the previous parking space has now been taken up by the building of a new house in the garden/ grounds.

Because of insufficient parking space, it has been noted that guests sometimes use residents reserved parking spaces in the adjoining Reed Court development or abandon their vehicles on the road way creating a road safety hazard. This is a real issue in the winter compounded by the failure of the owners of Smithy Croft to ensure the driveway to the property is cleared of snow.

2. My flat overlooks the property in question and there is noise disturbance late at night created by holiday guests at Smithy Croft using the floodlit back deck with its bbq, childrens play area and hot tub facilities. This noise not only disturbs local residents in the neighbouring Reed Court but carries some distance causing disturbance in what would otherwise be a relatively quiet residential neighbourhood.

Light pollution is also a concern for neighbouring properties as flood lights and decorative lights are usually left on all night.

I would request for a Short Term let licence to be refused. If it was to be granted, I would suggest that guest numbers should be restricted to a total, inclusive of any children of any age, of a maximum of no more than eight people with a 10pm restriction made on the night time use of the garden facilities including the switching off of outdoor flood lighting. There should also be an obligation on the owners to resolve any issues of inconsiderate/ hazardous parking.

Sally Dudleston
[REDACTED]

