

Agenda item	3.6
Report no	HLC/98/25

THE HIGHLAND COUNCIL

Committee: **THE HIGHLAND LICENSING COMMITTEE**

Date: **3 June 2025**

Report title: **Application for the grant of a short term let licence –
Snowmass Lodge, 7 Lodge Lane, Aviemore, PH22 1UJ (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 7 August 2024 a validated application for the grant of a short term let licence was received from Mr William Peter Stevenson.
- 4.2 The property to which the application relates is Snowmass Lodge, 7 Lodge Lane, Aviemore, PH22 1UJ (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 Stevenson 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 Mr Stevenson and Mrs Sarah Margaret Stevenson are named on the application as the owners of the Premises.
- 4.5 The persons named on the application as being responsible for the day-to-day management of the Premises are Mr Nick Lyon and Ms Erin McBean.
- 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 which can accommodate a maximum of 10 guests. The Premises are comprised of five bedrooms, three bathrooms, two living rooms, a reading snug and open plan kitchen/dining room. In addition, there is an external decked socialising area which accommodates a hot tub. 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;
- Scottish Fire & Rescue Service; and
- Highland Council's Environmental Health Service.

5.2 Police Scotland, Scottish Fire & Rescue Service and the Highland Council's Environmental Health Service, have both 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 9 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:

- Objection received by email on 27 August 2024 from Ms Tracy Sherrington (**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. Policies

9.1 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.

10. Implications

10.1 Not applicable.

Date: 6 May 2025

Author: Maureen Duffy

Reference: [FS547583594](#)

Background Papers:

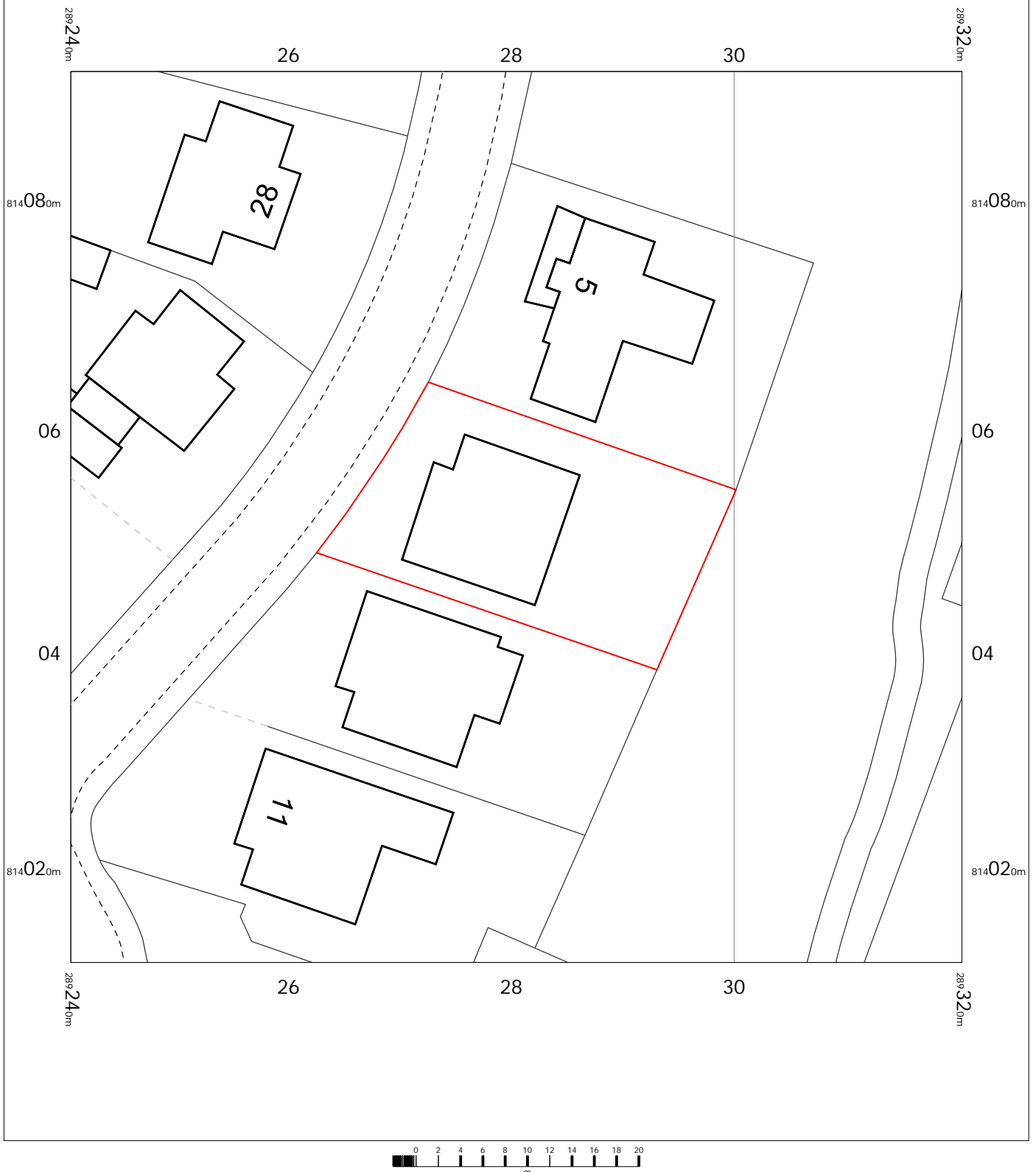
- Civic Government (Scotland) Act 1982
- The Civic Government (Scotland) Act 1982 (Licensing of Short-term Lets) Order 2022

Appendices:

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

Appendix 2: Objection received by email on 27 August 2024 from Ms Tracy Sherrington.

APPENDIX 1

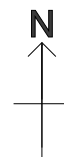


7 Lodge Lane,
High Burnside,
Aviemore,
Highland
PH22 1UJ

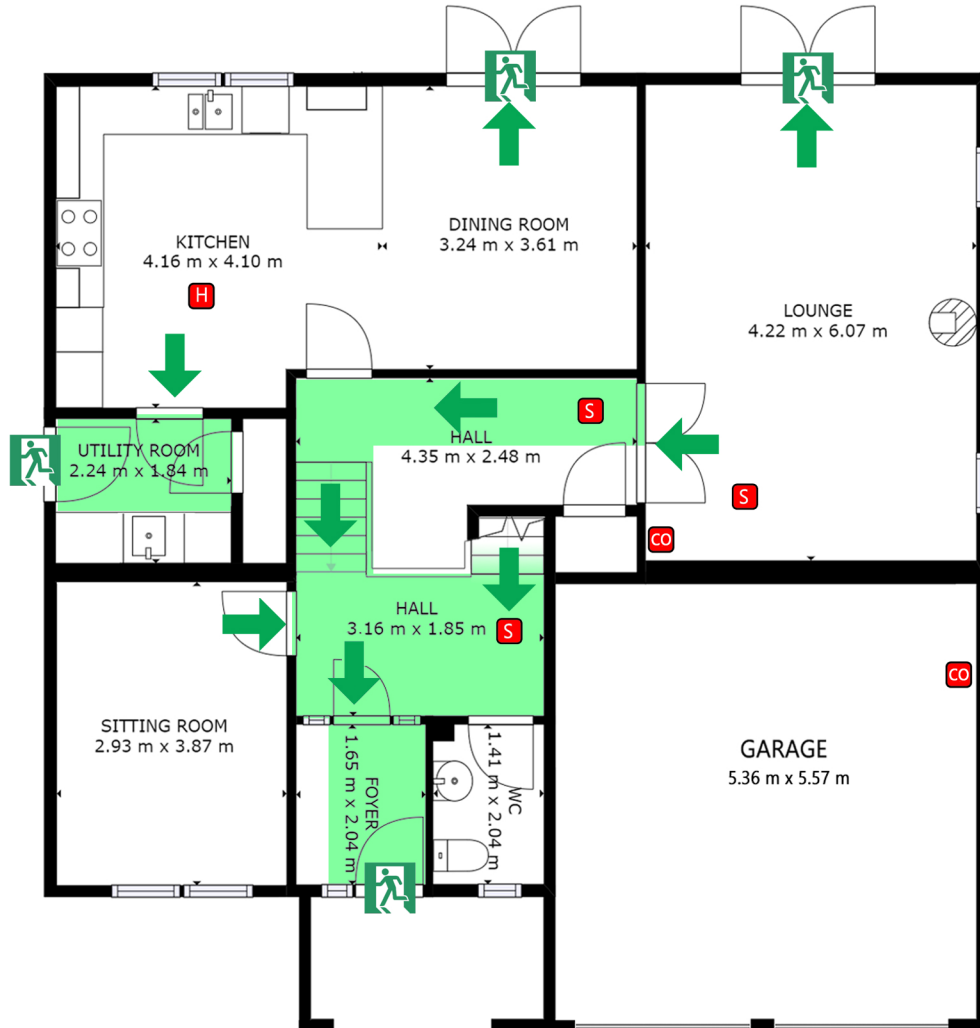
OS MasterMap 1250/2500/10000 scale
Sunday, January 8, 2023, ID: CMMPM-01079596
www.myplanningmap.co.uk

1:500 scale print at A4, Centre: 289280 E, 814052 N

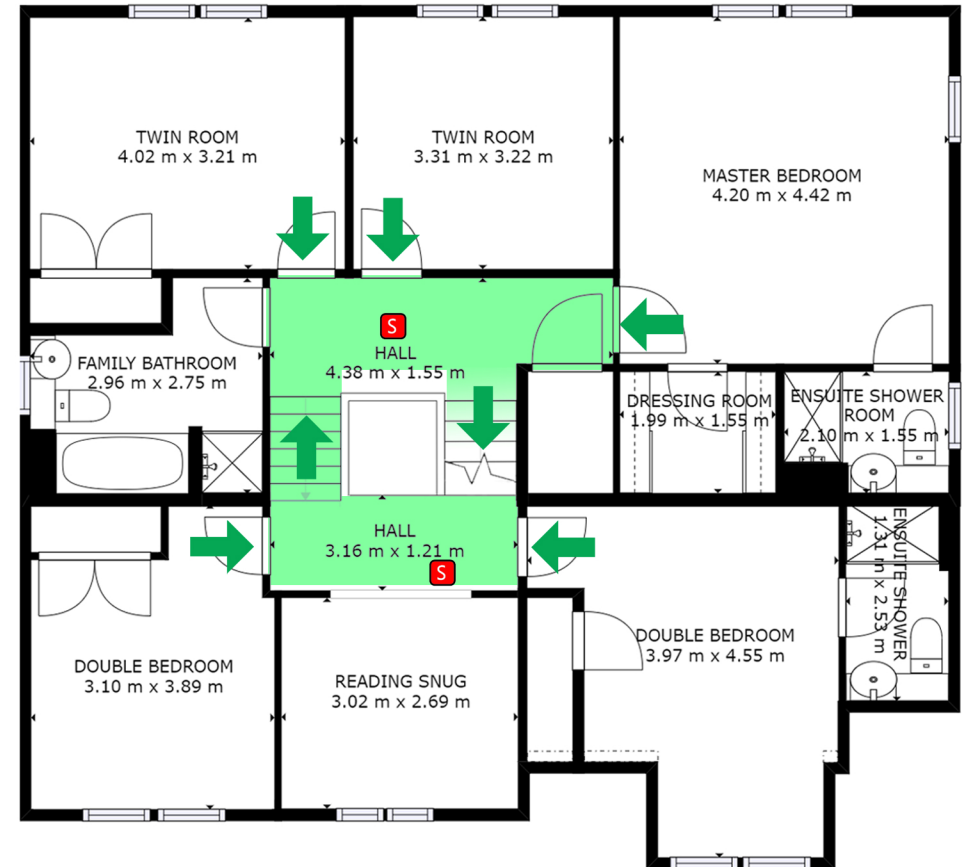
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Ground Floor



First Floor



Snowmass Lodge
7 Lodge Lane
Aviemore
PH22 1UJ

- Carbon Monoxide detector
- Smoke detector
- Heat detector
- Exit
- Fire escape routes

0 1 2 3 4 5 Metres

APPENDIX 2

Subject: FW: Objection to Application for short term let licence at 7 Lodge Lane. Aviemore. PH221UJ

From: tracy stewart <[REDACTED]>
Sent: Tuesday, August 27, 2024 10:55 AM
To: STL Licensing <STL@highland.gov.uk>
Subject: Objection to Application for short term let licence at 7 Lodge Lane. Aviemore. PH221UJ

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.

To whom it may concern

I Tracy Sherrington of [REDACTED] would like to lodge an objection to the application for short term let licence at 7 Lodge Lane. Aviemore. PH221UJ.

My house is directly across from 7 Lodge Lane which has been a holiday let business for many years already.

This house is in the middle of a residential area, housing local people who live and work in the area.

7 Lodge Lane has a double garage which has been redesigned into a "noisy games room" which leaves them with only 2 parking spaces which is never enough spaces for all the cars of up to 12 people who holiday in this house every week Monday to Friday and weekends Friday - Monday.

The drive could be altered to accommodate more vehicles, but the owner has previously been unwilling to do this. This results in numerous vehicles being parked either on the narrow road or partly on the road and on the pavement.

The vehicles then obstruct the narrow road and at times block entry or exit to our drive. They obstruct the road in the winter causing problems for the snow plough then consequently everyone else's vehicles. They obstruct the flow of traffic along the road causing everyone else to brake, stop, change gear which all causes noise to my property.

All of this and the noise is stressful. We can't sleep with our bedroom windows open due to the noise outside caused by the rental house holiday makers which is very stressful. If it were neighbours, we were dealing with we would not have this 7 days a week 52 weeks a year but because it's a holiday let business we seem to just have to endure it.

When we bought our home off the plans, we were told that the estate was a residential only estate & holiday home businesses were not permitted but that didn't last long.

Yours sincerely

[REDACTED]

Tracy Sherrington