

Agenda item	3.7
Report no	HLC/99/25

## **THE HIGHLAND COUNCIL**

**Committee:** **THE HIGHLAND LICENSING COMMITTEE**

**Date:** **3 June 2025**

**Report title:** **Application for the grant of a short term let licence – Lag Na Coille, 3 Lettoch Road, Nethy Bridge (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 12 September 2024 a validated application for the grant of a short term let licence was received from Mrs Lindsey Murray McGregor.
- 4.2 The property to which the application relates is Lag Na Coille, 3 Lettoch Road, Nethy Bridge (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 Mrs McGregor 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 Malcolm Biggs McGregor and Mrs McGregor 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 Mrs McGregor.
- 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 dwellinghouse with a maximum capacity of nine guests. The Premises are comprised of 4 bedrooms, 3 bathrooms, a dining kitchen and living 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, 3 and 4 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, 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 21 September 2024.

## **7. Public objection**

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 from Mr Chris and Mrs Joan Jeffers received on 14 October 2024 (**Appendix 2**).

## **8. Non-timeous Objection**

8.1 An objection to the application was received by email on 24 October 2024 from Mr Alec Carstairs, however this was received after the 28 day period for objections or representations to be made by members of the public had elapsed, namely on 19 October 2024, and therefore this objection cannot automatically be considered by the Committee.

8.2 At the meeting Mr Carstairs will be invited to address the Members as to the reason why the objection was submitted after the required timescale. The applicant will be invited to address the Committee on the same and thereafter Members will require to determine whether there were sufficient reasons for the late objection and whether it should be heard.

8.3 If the Committee are minded to accept the non-timeous objection, a copy will be circulated at the meeting. If not, the application will be determined in its absence. If the non-timeous objection is accepted and in the event that the non-timeous objection contains points 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 9.1 of this Report, the Principal Solicitor – Regulatory Services will offer further advice or clarification to the Committee on such points.

## **9. Determining issues**

- 9.1 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.

- 9.2 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.
- 9.3 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)

## **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: [FS549987093](#)

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: Letter of objection from Mr and Mrs Chris and Joan Jeffers received on 14 October 2024.

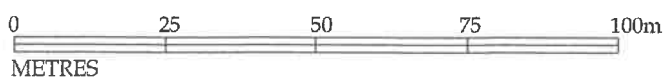
# APPENDIX 1

NO VARIATION TO ANY ELEMENT OF THE SPECIFICATION OR DESIGN TO BE C



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## Location Plan 1:1250



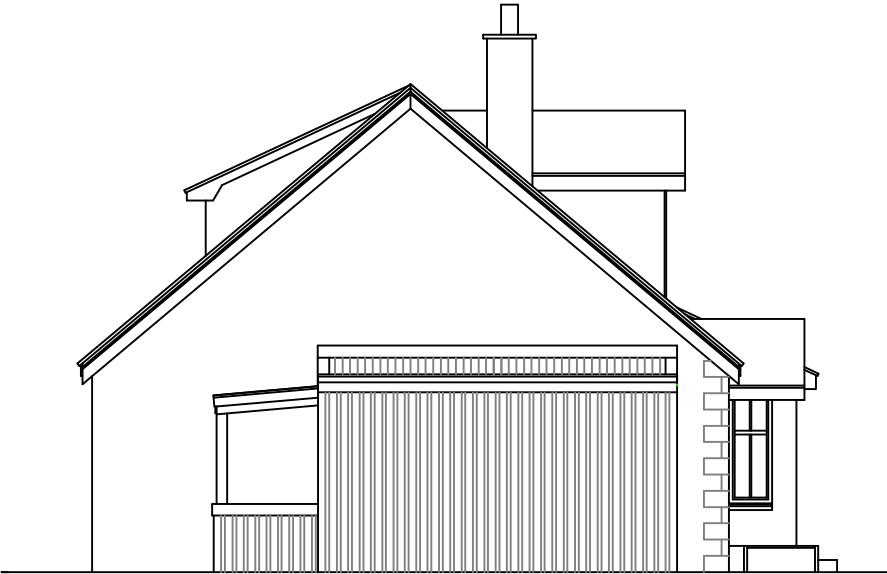
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## Site ]





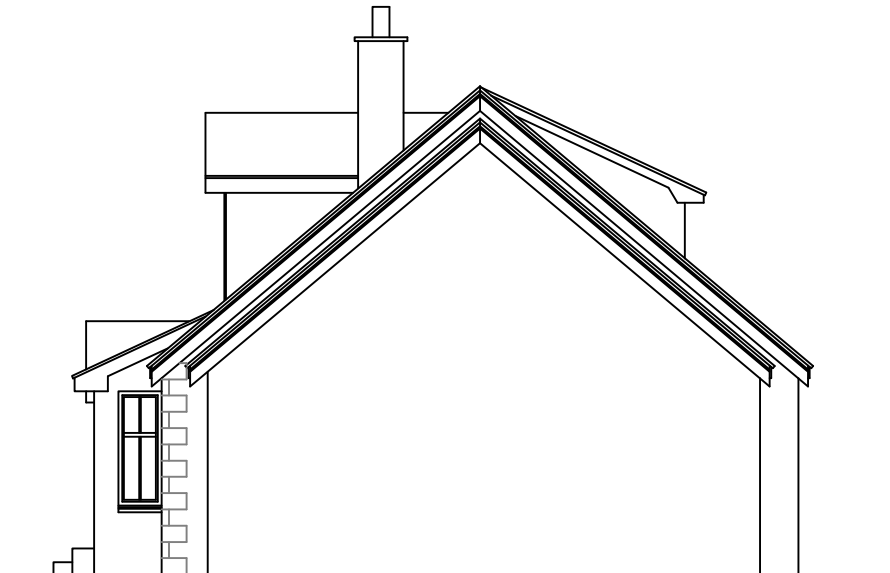
Existing South West Elevation 1:100



Existing North West Elevation 1:100



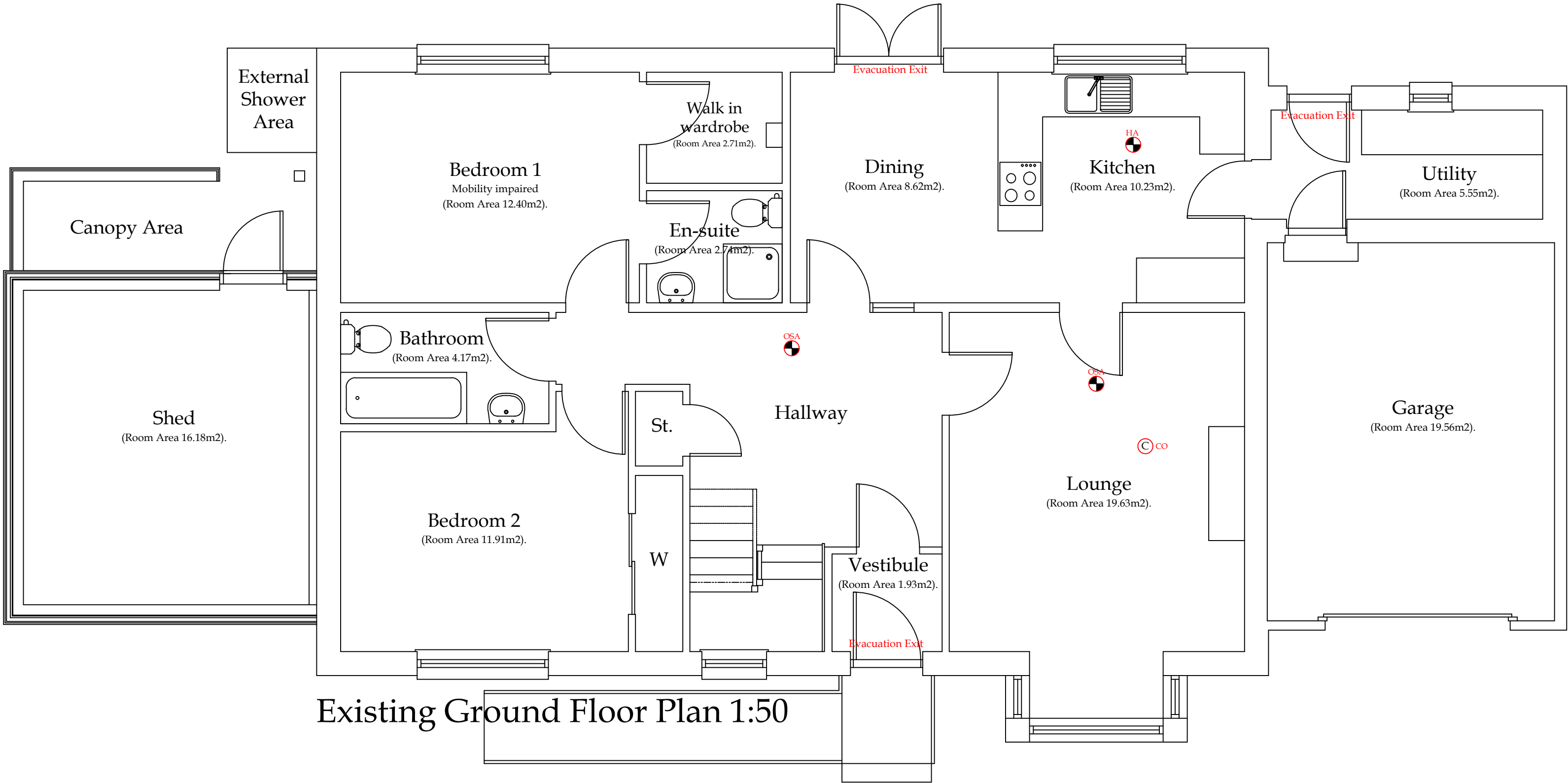
Existing North East Elevation 1:100



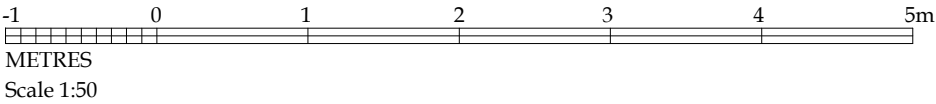
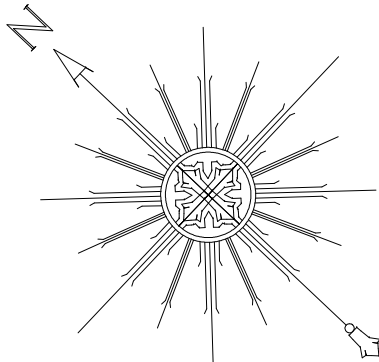
Existing South East Elevation 1:100



DRAWING STATUS			
Short Term Licence Application			
Rev	Date	Revision	
Client	Mr & Mrs M McGregor		
Project	Lag Na Coille, 3, Lettoch Road, Nethy Bridge, PH25 3EJ.		
Drawing	Existing Elevations		
Scale	1:100	Date	26.09.2023
Drawn	BWM	Drg No	STL 04
		Rev	A
<b>BWM Architectural Services</b> 8 Admirals Court Westhill Inverness IV2 5FL Tel: 07793054307 e-mail: <a href="mailto:bwmarchitecturalservices@hotmail.co.uk">bwmarchitecturalservices@hotmail.co.uk</a> <small>Written dimensions to be taken in all cases. Any discrepancies to be reported immediately. Contractor to check all sizes on site. COPYRIGHT</small>			

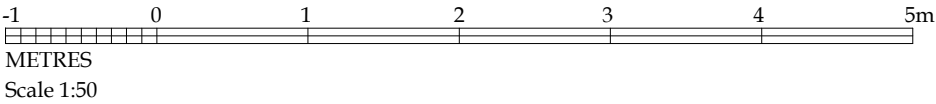
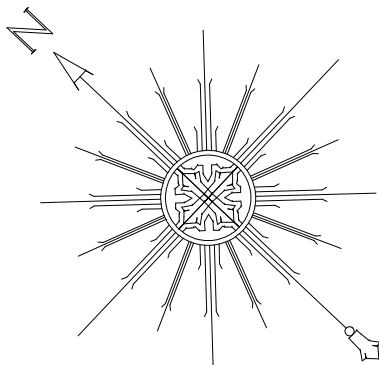
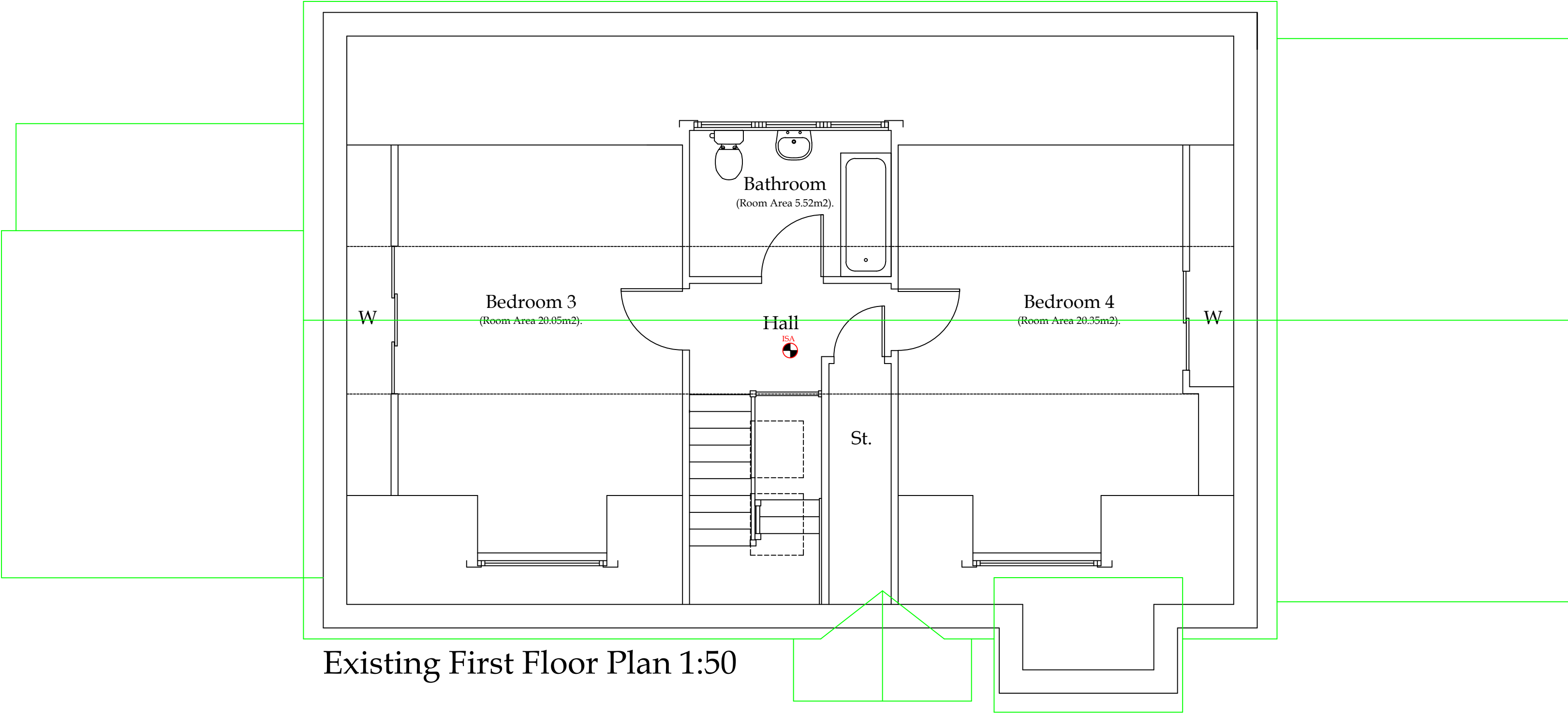


Existing Ground Floor Plan 1:50



DRAWING STATUS			
<h1>Short Term Licence Application</h1>			
Rev	Date	Revision	
Client	Mr & Mrs M McGregor		
Project	Lag Na Coille, 3, Lettoch Road, Nethy Bridge, PH25 3EJ.		
Drawing	Existing Ground Floor Plan		
Scale	1:50	Date	26.09.2023
Drawn	BWM	Drg No	STL.02
		Rev	A
<p><b>BWM Architectural Services</b>              8 Admirals Court              Westhill              Inverness              IV2 5FL              Tel: 07793054307              e-mail: bwmarchitecturalservices@hotmail.co.uk</p>			
<small>Written dimensions to be taken in all cases.              Any discrepancies to be reported immediately.              Contractor to check all sizes on site. COPYRIGHT ©</small>			





DRAWING STATUS			
Short Term Licence Application			
Rev	Date	Revision	
Client	Mr & Mrs M McGregor		
Project	Lag Na Coille, 3, Lettoch Road, Nethy Bridge, PH25 3EJ.		
Drawing	Existing First Floor Plan		
Scale	1:50	Date	26.09.2023
Drawn	BWM	Drg No	STL.03
		Rev	A
<u>BWM Architectural Services</u> 8 Admirals Court Westhill Inverness IV2 5FL Tel: 07793054307 e-mail: bwmarchitecturalservices@hotmail.co.uk			
<small>Written dimensions to be taken in all cases. Any discrepancies to be reported immediately. Contractor to check all sizes on Site. COPYRIGHT ©</small>			

## APPENDIX 2

Email

RECEIVED  
BUSINESS SUPPORT

14 OCT 2024

LOCHABER

10<sup>th</sup> October 2024

Dear Highland Council,

We wish to object to lag Na Coille being used as a short term let business. The grounds of our objection is the noise & disturbance from the hot tub and outside lights! It was such a disappointment when we learnt that the property was advertised on VRBO & AIR BNB. There has been no consideration for us as neighbours to the constant change of people & tourists in this residential area of Netheybridge. The owners don't really understand as they live & work in Edinburgh & are not local to keep an eye on who is really staying in these property. We have complained to them & they know we aren't happy some occasions it has been so noisy & disturbing we have been advised to call the police, which we haven't. We don't object to these properties being 2<sup>nd</sup> homes as long as the people that own them use them!

Yours Sincerely, Chris & Joan Jeffers.