

Agenda item	<b>11.6</b>
Report no	<b>HLC/117/25</b>

**THE HIGHLAND COUNCIL**

**Committee: THE HIGHLAND LICENSING COMMITTEE**

**Date: 24 June 2025**

**Report title: Application for the grant of a short term let licence –  
4 St Vincent's Place, Kingussie, PH21 1PH (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 November 2024 a validated application for the grant of a short term let licence was received from Mrs Rachel Carmichael on behalf of Applecross Healthcare Limited (Company number SC448742).
- 4.2 The property to which the application relates is 4, St Vincent's Place, Kingussie, PH21 1PH (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 Applecross Healthcare Limited 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 Applecross Healthcare Limited 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 Mrs Rachel Carmichael.
- 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 capacity of six guests. In addition, there is an external 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 pages 2 and 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, 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 19 November 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 25 November 2024 from Mr Gus and Mrs Fiona Mitchell (**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 \(Licensing Committee\) \(highland.gov.uk\)](http://highland.gov.uk)

## **9. Observations on objections/representations**

- 9.1 In the email 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: 4 June 2025

Author: Patrycja Bujdasz

Reference: [FS549251026](#)

Background Papers:

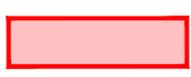
- Civic Government (Scotland) Act 1982
- The Civic Government (Scotland) Act 1982 (Licensing of Short-term Lets) Order 2022

Appendices:

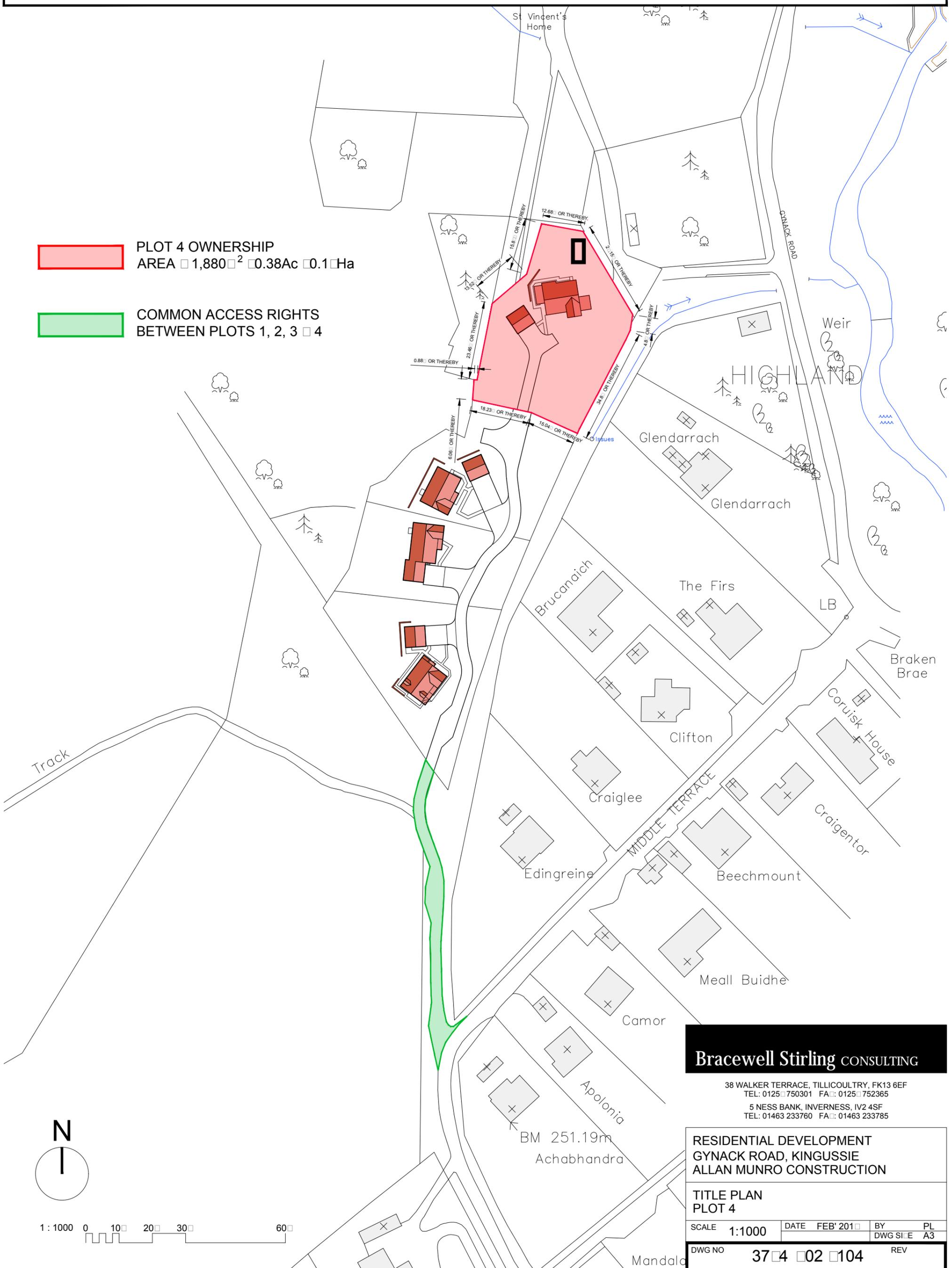
Appendix 1: Site plan detailing the extent of the Premises and floor plans for the Premises;  
Appendix 2: Objection received by email on 25 November 2024 from Mr Gus and Mrs Fiona Mitchell.

THIS IS THE PLAN REFERRED TO IN THE FOREGOING DISPOSITION :

# APPENDIX 1

 PLOT 4 OWNERSHIP  
AREA  $\square 1,880 \square^2 \square 0.38 \text{Ac} \square 0.1 \text{Ha}$

 COMMON ACCESS RIGHTS  
BETWEEN PLOTS 1, 2, 3  $\square$  4



**Bracewell Stirling CONSULTING**

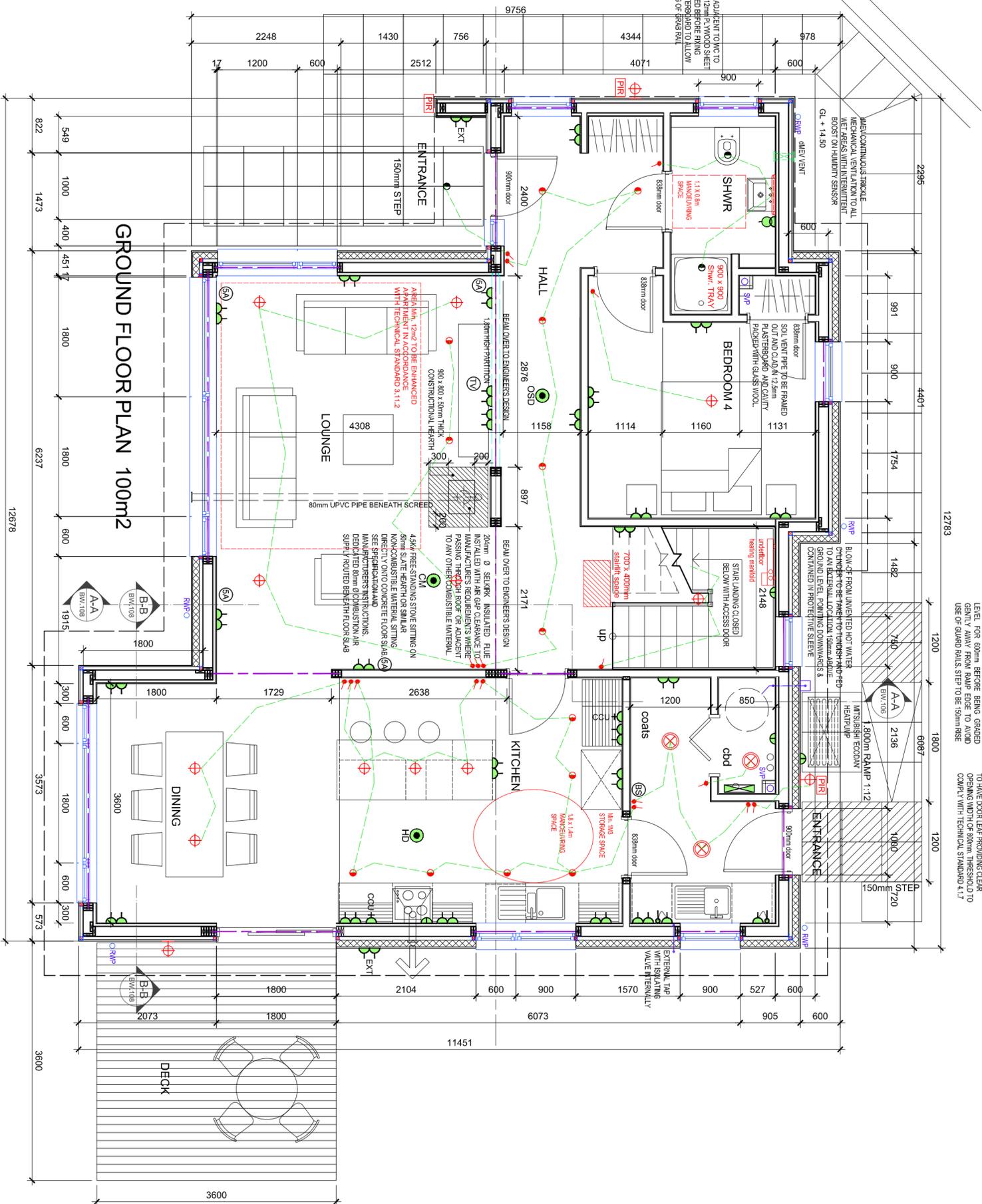
38 WALKER TERRACE, TILlicouTRY, FK13 6EF  
TEL: 0125 750301 FAX: 0125 752365  
5 NESS BANK, INVERNESS, IV2 4SF  
TEL: 01463 233760 FAX: 01463 233785

RESIDENTIAL DEVELOPMENT  
GYNAck ROAD, KINGUSSIE  
ALLAN MUNRO CONSTRUCTION

TITLE PLAN  
PLOT 4

SCALE	1:1000	DATE	FEB' 201	BY	PL
				DWG SITE	A3

DWG NO	37	4	02	104	REV
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ENTRANCE PLATT Min. 1200m x 1200m TO BE CONCRETE SLABS FLUSH WITH THRESHOLD AND RAISED 150mm FROM FINISHED GROUND LEVEL AT MAXIMUM RISE OF 1:12 OVER MAX. 2000 LENGTH IN COMPLIANCE WITH TECHNICAL STANDARD 4.1.7. GROUND TO BE LEVELLY AWAY FROM RAISE EDGE TO AVOID USE OF GUARD RAILS. STEP TO BE 150mm RISE.

ACCESSIBLE ENTRANCE DOOR TO HAVE DOOR LEAF PROVIDING CLEAR OPENING WIDTH OF 800mm. THRESHOLD TO COMPLY WITH TECHNICAL STANDARD 4.1.7.

**ELECTRICAL NOTES:**

NOTE: ALL RECESSED LIGHT FITTINGS WITHIN GROUND FLOOR CEILING TO BE EITHER (a) FITTED WITH INTUMESCENT HOODS OVER LIGHT FITTING WITH FLOOR VOID OR (b) FITTINGS TO BE FIRE PROOF FITTINGS. NO RECESSED FITTINGS TO BE INSTALLED IN FIRST FLOOR CEILING.

Min. 75% OF LIGHT FITTINGS TO BE LOW ENERGY TYPE TO COMPLY WITH TECHNICAL STANDARD 6.5.1

THE ELECTRICAL INSTALLATION IS COMPLY WITH THE RELEVANT REQUIREMENTS OF BS 7671:2008 AS AMENDED AND THE 7TH EDITION OF THE I.E.E REGULATIONS.

ALL EXTERNAL LIGHT FITTINGS TO BE Min. IP 44. EXTERNAL SOCKETS TO BE Min. IP 65

EXTERNAL LIGHT FITTINGS TO BE SWITCHED AS INDICATED AND ACTIVATED BY PIR SENSORS.

ACCESSIBLE ENTRANCE DOOR TO BE FITTED WITH PIR & DUST TILL DAMM PHOTOCELL SENSOR.

SOCKETS: SWITCHES ETC. TO BE POSITIONED IN ACCORDANCE WITH TECHNICAL STANDARD 4.8.5

SOCKETS: 400mm ABOVE FFL UNLESS OTHERWISE STATED AND 150mm ABOVE KITCHEN WORKTOPS (1050mm above FFL)

2.00m ABOVE KITCHEN WALL UNITS AND TALL HOUSINGS.

LIGHT SWITCHES: BETWEEN 900 & 1100mm ABOVE FLOOR LEVEL.

SOCKETS & SWITCHES Min. 350mm FROM ANY INTERNAL CORNER PROJECTION OR OBSTRUCTION.

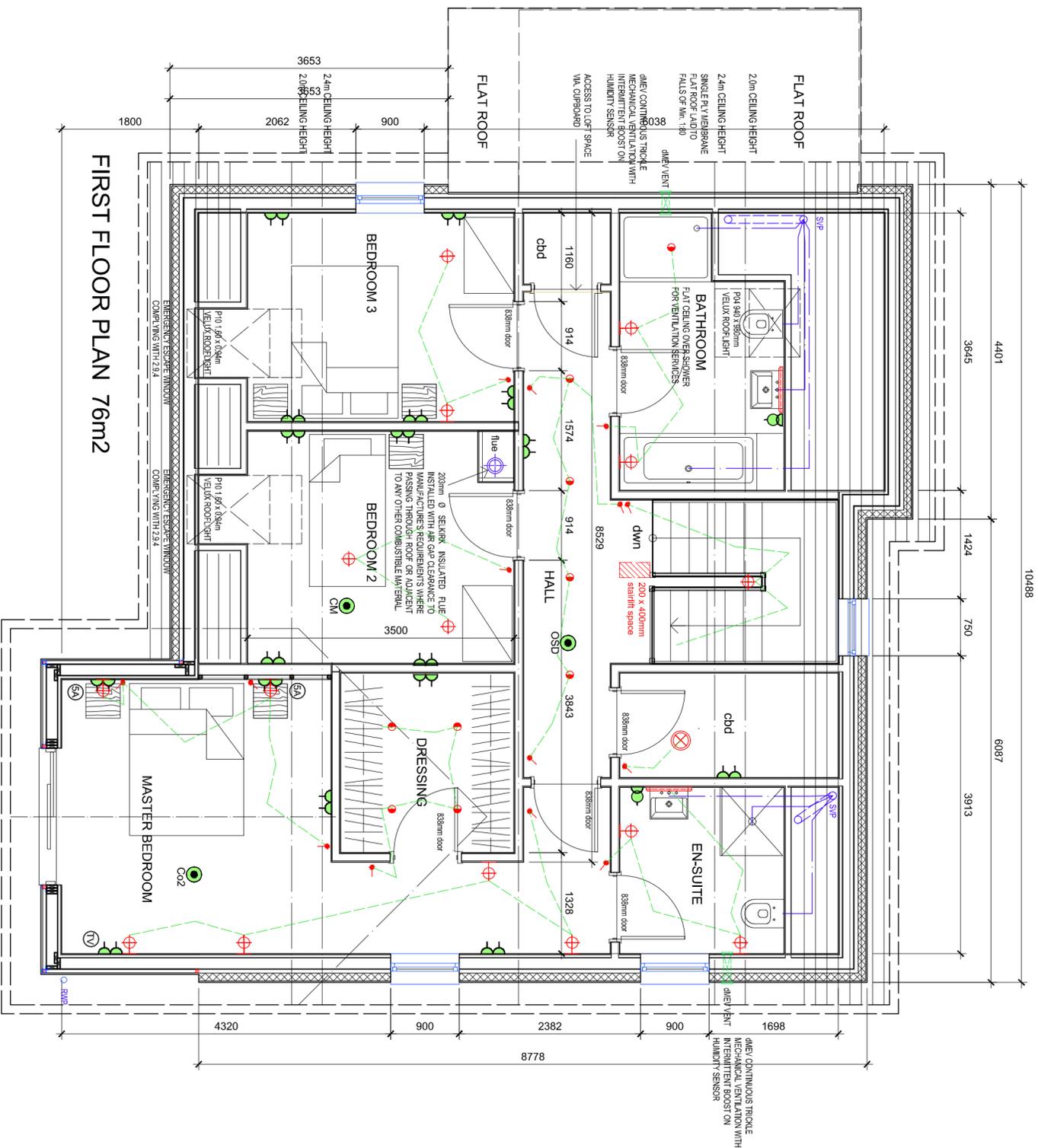
- 13A DOUBLE SWITCHED SOCKET OUTLET
- EXTERNAL WATERPROOF (IP56)
- 13A DOUBLE SWITCHED SOCKET OUTLET
- 13A SPUR AT LOW LEVEL WITH REMOTE SWITCH ABOVE WITH NEON INDICATOR
- COOKER CONTROL UNIT
- SHOWER SOCKET
- POWER SUPPLY
- SWAMP WALL SOCKET
- TV POINT
- TELEPHONE POINT
- ELECTRICAL DISTRIBUTION BOARD
- PIR
- FLUORESCENT STRIP LIGHT
- LED OR CFL DOWNLIGHTER
- CEILING PENDANT LIGHT
- WALL LIGHT AT 2.10m FROM FFL
- SOFT MOUNTED 16 WATT 2D FITTING
- KITCHEN BASE UNIT PLINTH LIGHT
- KITCHEN WALL UNIT PELMET LIGHT
- SWITCHED BATHROOM WALL LIGHT
- EXTERNAL LIGHT MOTION SENSOR
- FLUORESCENT STRIP LIGHT

- INFRASTRUCTURE: HOUSE SHOULD BE PROVIDED WITH IN-BUILDING PHYSICAL INFRASTRUCTURE TO ALLOW FOR THE FUTURE INSTALLATION OF A SERVICE PROVIDER'S NETWORK CABLEING. LOCATION TO BE AGREED PRIOR TO COMMENCING CONSTRUCTION.
- Min. GRADE D FIRE DETECTION SYSTEM. DETECTORS TO BE HARD WIRED & INTERLINKED CEILING MOUNTED UNITS - 300mm Min. FROM WALL OR LIGHT FITTING. DETECTORS TO BE FITTED IN PRINCIPAL BEDROOM, TO BE HARD WIRED & TO COMPLY WITH TECHNICAL STANDARD 3.14.2.
- NO MORE THAN 3.0m FROM ANY APARTMENT USED FOR SLEEPING IN 1960:2005 FOR OPTICAL AND IONISATION DETECTORS AND BS 5446 Part 2: 2003 FOR HEAT DETECTORS. ALL TO COMPLY WITH TECHNICAL STANDARD 2.11
- OSD OPTICAL SMOKE DETECTOR
- IONISATION SMOKE DETECTOR
- HEAT DETECTOR
- CM CARBON MONOXIDE DETECTOR TO BS EN 50291-1:2010
- CO2 CARBON DIOXIDE DETECTOR
- CARBON DIOXIDE DETECTOR TO BE FITTED IN PRINCIPAL BEDROOM. TO BE HARD WIRED & TO COMPLY WITH TECHNICAL STANDARD 3.14.2.
- CARBON MONOXIDE DETECTOR TO BE FITTED IN SPACE WITH STOVE. TO BE HARD WIRED & TO COMPLY WITH TECHNICAL STANDARD 3.20.0.

REV	DESCRIPTION	DATE

Project: PROPOSED SHOW HOME  
 PLOT 4, ST VINCENT'S  
 GYNACK ROAD KINGUSSIE  
 Client: ALLAN MUNRO CONSTRUCTION Ltd  
 Content: GROUND FLOOR PLAN

Project No:	GRK	Drawing No:	BW_103	Drawn By:	AY
Scale:	1:50 @ A2	Date:	12 Aug 2018	Revision:	



**ELECTRICAL NOTES:**

NOTE: ALL RECESSED LIGHT FITTINGS WITHIN GROUND FLOOR CEILING TO BE EITHER (a) FITTED WITH INTUMESCENT HOODS OVER LIGHT FITTING WITH FLOOR VOID OR (b) FITTINGS TO BE FIRE PROOF FITTINGS. NO RECESSED FITTINGS TO BE INSTALLED IN FIRST FLOOR CEILING.  
Min. 75% OF LIGHT FITTINGS TO BE LOW ENERGY TYPE TO COMPLY WITH TECHNICAL STANDARD 6.5.1 THE ELECTRICAL INSTALLATION IS COMPLY WITH THE RELEVANT REQUIREMENTS OF BS 7671:2008 AS AMENDED AND THE 17th EDITION OF THE I.E.E REGULATIONS.

ALL EXTERNAL LIGHT FITTINGS TO BE Min. TO I.P. 44. EXTERNAL SOCKETS TO BE Min. I.P. 65

EXTERNAL LIGHT FITTINGS TO BE SWITCHED AS INDICATED AND ACTIVATED BY PIR SENSORS. ACCESSIBLE ENTRANCE DOOR TO BE FITTED WITH PIR & DUSK TILL DAWN PHOTOCELL SENSOR.

SOCKET'S SWITCHES ETC. TO BE POSITIONED IN ACCORDANCE WITH TECHNICAL STANDARD 4.8.5 SOCKETS & SWITCHES TO BE INSTALLED IN A MINIMUM OF 1500mm ABOVE FLOOR LEVEL AND 150mm ABOVE KITCHEN WALL UNITS AND TALL HOUSINGS.

2.00m ABOVE KITCHEN WALL UNITS AND TALL HOUSINGS. LIGHT SWITCHES: BETWEEN 900 & 1100mm ABOVE FLOOR LEVEL. SOCKETS & SWITCHES Min. 350mm FROM ANY INTERNAL CORNER PROJECTION OR OBSTRUCTION.

- 13A DOUBLE SWITCHED SOCKET OUTLET
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- CCU COOKER CONTROL UNIT
- SHAVER SOCKET
- POWER SUPPLY
- SAWP WALL SOCKET
- TV POINT
- TELEPHONE POINT
- ELECTRICAL DISTRIBUTION BOARD
- PIR
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- WALL LIGHT AT 2.10m FROM FFL
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- KITCHEN BASE UNIT PLINTH LIGHT
- KITCHEN WALL UNIT PELMET LIGHT
- SWITCHED BATHROOM WALL LIGHT
- EXTERNAL LIGHT MOTION SENSOR

INFRASTRUCTURE:  
HOUSE SHOULD BE PROVIDED WITH IN-BUILDING PHYSICAL INFRASTRUCTURE TO ALLOW FOR THE FUTURE INSTALLATION OF A SERVICE PROVIDER'S NETWORK CABLING. LOCATION TO BE AGREED PRIOR TO COMMENCING CONSTRUCTION.

Min. GRADE D FIRE DETECTION SYSTEM. DETECTORS TO BE HARD WIRED & INTERLINKED CEILING MOUNTED UNITS - 300mm Min. FROM WALL OR LIGHT FITTING AND BETWEEN 23mm TO 150mm BELOW CEILING. TO BE POSITIONED MORE 750 FROM LIVING ROOM OR KITCHEN. TO COMPLY WITH BS EN 14694: 2005 FOR OPTICAL AND IONISATION DETECTORS AND BS 5446: Part 2: 2003 FOR HEAT DETECTORS. ALL TO COMPLY WITH TECHNICAL STANDARD 2.11

- OSD OPTICAL SMOKE DETECTOR
- ISD IONISATION SMOKE DETECTOR
- HD HEAT DETECTOR
- CM CARBON MONOXIDE DETECTOR TO BS EN 50291-1:2010
- Co2 CARBON DIOXIDE DETECTOR
- CARBON DIOXIDE DETECTOR TO BE FITTED IN PRINCIPAL BEDROOM. TO BE HARD WIRED & TO COMPLY WITH TECHNICAL STANDARD 3.14.2.
- CABON MONOXIDE DETECTOR TO BE FITTED IN SPACE WITH STOVE. TO BE HARD WIRED & TO COMPLY WITH TECHNICAL STANDARD 3.20.0.

REVISIONS		
rev	description	date

Project: PROPOSED SHOW HOME  
PLOT 4, ST VINCENT'S  
GYNAK ROAD KINGUSSIE  
Client: ALLAN MUNRO CONSTRUCTION Ltd  
Comment: FIRST FLOOR PLAN

Project No:	GRK	Drawing No:	BW.104	Drawn By:	AY
Scale:	1:50@A2	Date:	12 Aug 2018	Revision:	

# APPENDIX 2

**Patrycja Bujdasz (Legal Team (Licensing))**

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**Subject:** RE: STL licence application for 4 St Vincents Place, Kingussie

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**From:** Fiona Mitchell <[REDACTED]>  
**Sent:** 25 November 2024 08:59  
**To:** STL Licensing <[STL@highland.gov.uk](mailto:STL@highland.gov.uk)>  
**Subject:** STL licence application for 4 St Vincents Place, Kingussie

**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 object to the application for a STL licence for 4 St Vincents Place, Kingussie, PH21 1PH for the following reasons:

## **Breach of the Deed of Conditions.**

This property is part of a small development of four houses that were built in 2019. The Deed of Conditions for the development (registered in the Land Register under Title Number INV6638) clearly states:

“Each dwellinghouse shall be used only as a private dwellinghouse and for no other purpose whatsoever and shall not be divided. No dwellinghouse shall be used for the purpose of any trade, business or manufacture whatsoever except with the prior written consent of the Company, which consent is not to be unreasonably withheld in the case of a proprietor who wishes to work from home or to run a business from home provided always that such business will not constitute a nuisance to other proprietors within the development and that the primary use of the dwellinghouse remains as a private dwellinghouse. Further, no immoral or unlawful use, no trade, business or manufacture, or other activity which in the opinion of us, our assignees may constitute a nuisance or may adversely affect the amenity of the dwellinghouse, shall be undertaken in or about the same.”

Trading as a short term letting business has clearly breached the terms of Deed of Conditions.

**The dwelling house is being advertised (on Airbnb) as having 3 bedrooms.**

This is not supported by the Short Term Let Control Area.

## **Unacceptable impact on local amenity or the character of the neighbourhood.**

St Vincents Place is a small development accessed via a private road (part of which is owned as a right in common with the other owners of the other properties).

Introducing a STL has changed the character and amenity of this quiet cul-de-sac neighbourhood.

Since the property began trading as a STL unit we have had several occasions to complain to the owner concerning the nuisance caused by their guests. This has included:

- Guests using the rubbish bins of other properties
- Guests leaving torn bags of rubbish (which included food waste & nappies) on the ground in the communal bin store area, despite being told by the owner not to do so.
- Guests cars driving at speed, and without due care & attention in an area where children may be playing.
- Guests using the gardens of the other properties as a communal space whilst clearly drunk or otherwise intoxicated.

The property manager is not “on-site” or even local to the area and, as a result, “managers” can only react to incidents in retrospect rather than supervise the guests that are using their property.

Please acknowledge receipt of this email.

Fiona & Gus Mitchell

