

Agenda item	9.2
Report no	HLC/126/25

THE HIGHLAND COUNCIL

Committee: THE HIGHLAND LICENSING COMMITTEE

Date: 5 August 2025

Report title: Application for the grant of a short term let licence –
13 Heather Road, Inverness, IV2 3DE (Ward 16 – Inverness Millburn)

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 22 May 2025 a validated application for the grant of a short term let licence was received from Mr Samuel Herbert of MYSTAYINN Limited.
- 4.2 The property to which the application relates is 13 Heather Road, Inverness, IV2 3DE (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 Mr Adam Harris and Mrs Elaine Elizabeth Harris will be the hosts/operators of the Premises. The application was made after 1 October 2023 and, as such, the hosts/operators cannot operate the premises as a short term let until they have obtained a licence.
- 4.4 Mr and Mrs Harris 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 the said Mr Samuel Herbert and Ms Sandra Hercher-Howells.
- 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 terraced house which can accommodate a maximum capacity of five 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, the 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 22 May 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 objections were received and are attached as an Appendices to this report:

- Objection received by email on 27 May 2025 from Jon and Debbie O'Neill **(Appendix 2)**.
- Objection received by email on 17 June 2025 from Pauline and James Duncan **(Appendix 3)**.

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;

- 8.2 A copy of this report has been sent to the applicant and objectors who, in the 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 found at Appendix 2 and Appendix 3, 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: 25 June 2025

Author: Patrycja Bujdasz

Reference: [FS715641252](#)

Background Papers:

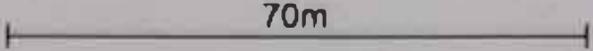
- Civic Government (Scotland) Act 1982
- The Civic Government (Scotland) Act 1982 (Licensing of Short-term Lets) Order 2022

Appendices:

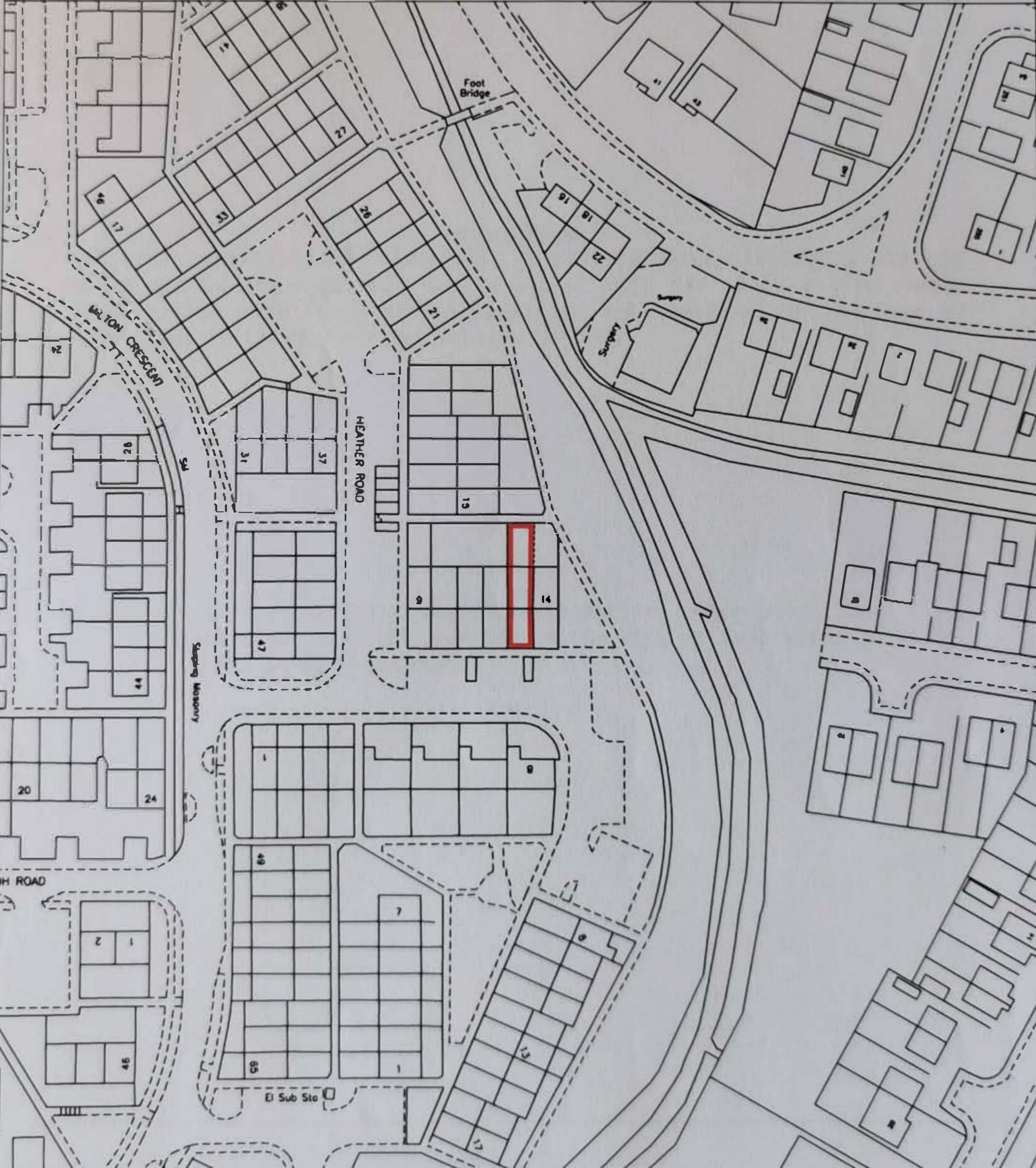
Appendix 1: Site plan detailing the extent of the Premises and floor plans for the Premises

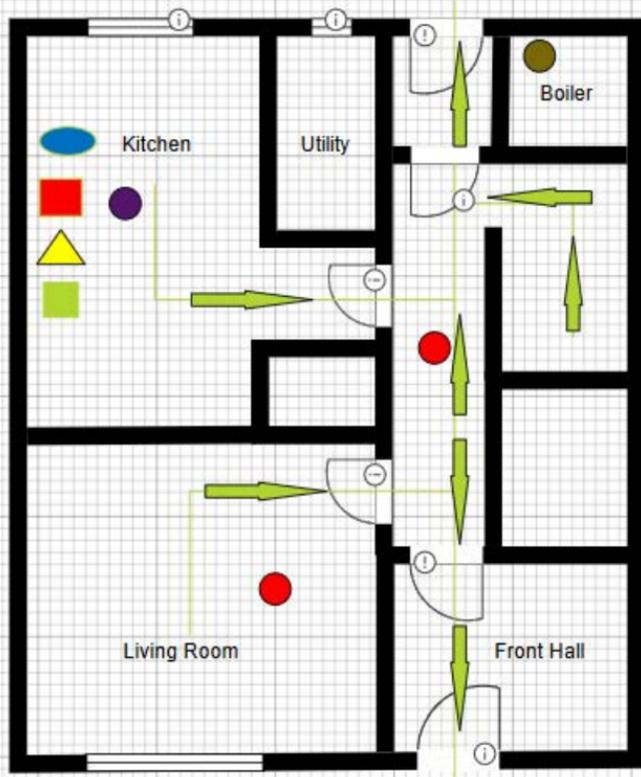
Appendix 2: Objection received by email on 27 May 2025 from Jon and Debbie O'Neill

Appendix 3: Objection received by email on 17 June 2025 from Pauline and James Duncan

 LAND REGISTER OF SCOTLAND	Officer's ID / Date	TITLE NUMBER
	3715 16/10/2017	INV42029
 ORDNANCE SURVEY NATIONAL GRID REFERENCE NH6743NE NH6843NW		
	Survey Scale 1/1250	

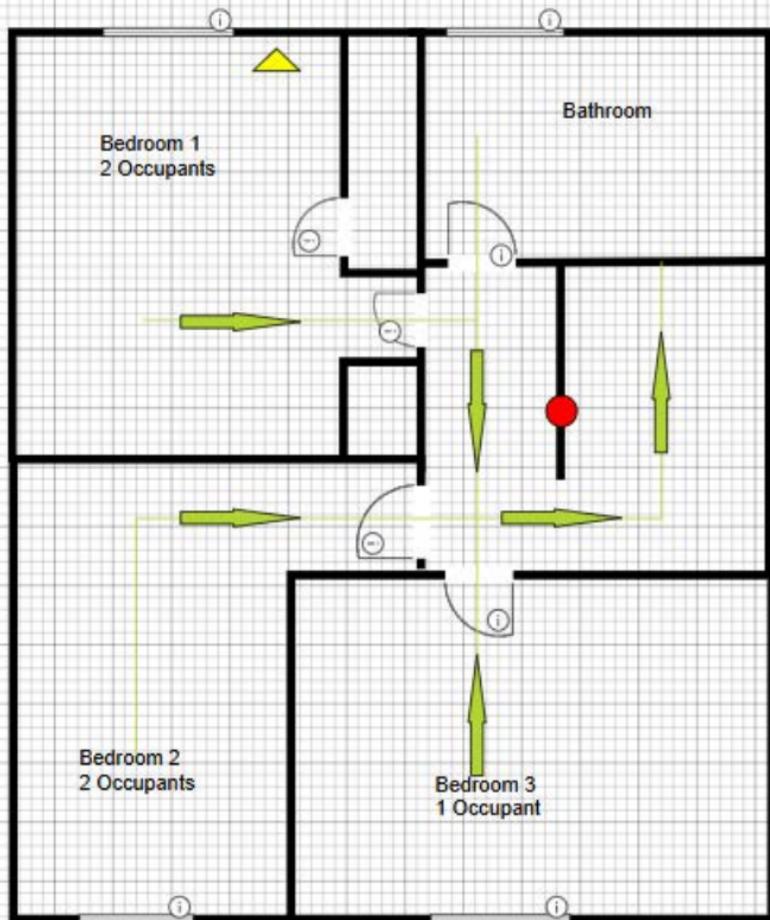
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Ground Floor Plan





First Floor Plan

-  Interlinked Fire Alarm
-  Safety Light
-  Exit Route

Appendix 2

Patrycja Bujdasz (Legal Team (Licensing))

From: STL Licensing
Subject: RE: Objection to STL

From: Jon O'Neill [REDACTED]
Sent: 27 May 2025 08:53
To: STL Licensing <STL@highland.gov.uk>; [REDACTED]
Subject: Objection to STL

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.

Good Morning,

Please find attached formal letter of objection to a STL at 13 Heather Road, Inverness. I look forward to your response.

Best regards,

Jon and Debbie O'Neill

Planning Department

Highland Council
Charles Kennedy Building
Achintore Road

Fort William

PH33 7RQ

Date 26.05.2025

Dear Sir/Madam,

Objection to Short-Term Let Application at 13 Heather Road, Inverness.

I am writing as a concerned resident of Heather Road to formally object to the recent application for a short-term let at the above address. As a long-standing member of this family-oriented community and a parent of two young children, I feel strongly that the proposed use of the property as a short-term holiday let is inappropriate and detrimental to the character and wellbeing of our neighbourhood.

Heather Road is a highly sought after area by families due to their family-friendly environment and proximity to reputable schools. The introduction of short-term lets can reduce the availability of long-term housing, exacerbating local housing shortages and affordability issues and has been well reported in local media. This is particularly concerning given the increasing demand for family homes in our community.

My primary concern relates to noise and disruption, particularly during evenings and weekends, which could disturb my children's sleep and affect their performance at school. Short-term lets typically attract guests unfamiliar with the expectations of a quiet residential area, and may lead to late-night arrivals, social gatherings, and general disturbances. I note the application is for five people which is potentially all are adults would give cause for concern particularly at weekday evenings.

In addition, the transient nature of short-term letting will likely undermine the strong sense of community we currently enjoy. Heather Road and the surrounding area as a whole is a close-knit, family-friendly area, and introducing a revolving door of unfamiliar visitors would disrupt this dynamic, potentially making the area feel less secure and less safe, especially for children.

I am also concerned about parking congestion, as visitors often bring multiple vehicles and may not respect informal parking arrangements established among residents. Furthermore, waste disposal may become an issue if guests are not familiar with collection schedules or sorting requirements, potentially leading to unsightly and unhygienic conditions.

One of our key concerns is the lack of transparency around who is staying in the property at any given time. Unlike long-term residents, short-term guests are transient and largely unknown to the community. This makes it impossible for neighbours to distinguish between legitimate visitors and potential intruders. The regular turnover of unfamiliar individuals increases the risk of *opportunistic crime*, including theft and vandalism. This uncertainty undermines the sense of security that families in Heather Road currently enjoy and depend on.

From a broader perspective, granting this application could set a dangerous precedent, encouraging further applications and increasing the commercialisation of our area. This is likely to have a negative impact on property values, and could gradually erode the residential family orientated character of the area.

I understand the Highland Council has a responsibility to balance tourism with the rights and wellbeing of permanent residents. However, I strongly believe that this application is incompatible with the existing residential use and nature of heather Road, and I urge you to reject it.

Thank you for considering my objections.

Yours faithfully,

Jon and Debbie O'Neill

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Appendix 3

Patrycja Bujdasz (Legal Team (Licensing))

From: Pauline Duncan [REDACTED]
Sent: 17 June 2025 20:02
To: STL Licensing
Subject: Short term let rejection for 13 Heather Road

Categories: Objection, Trisha

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.

Rejection from: Pauline and James Duncan,
[REDACTED]

17th June 2025.

Proposed short term let: Mr and Mrs A. Harris.
13 Heather Road, Inverness, IV2 3DE.

I am emailing to you to object the proposed short-term let of 13 Heather Road, Inverness, IV2 3DE. I am informing you that after consideration, and disappointingly only finding out through word of mouth because the letter of notice was deliberately put out of view of the whole neighbourhood. We as a long residing family of Heather Road do not support the proposed use of the property as a short term let. We strongly feel that the use of the proposed property as a short-term holiday let is inappropriate and will have a detrimental effect on our family orientated neighbourhood and wellbeing of the local residents.

The area of Heather Road and surrounding areas is a well-established, family orientated neighbourhood highly sought after by families due to the reputation of being a family/friendly neighbourhood. It is close to our local highly sought after primary school, GPs surgery, churches and other family orientated amenities. The introduction of short term lets significantly reduces the availability of highly sought-after long-term housing. A huge concern given the demand for family homes in our community.

Our main concern is in relation to noise pollution that is regularly associated with short term lets, particularly in the evenings and weekends. This could have a detrimental effect of my family's health and well-being possibly affecting my children's performance at school. It is well published that short term lets typically attract people unfamiliar with the local area and the expectations of a family orientated neighbourhood, and as such could attract late night arrivals, general disturbances and used as a place for social gatherings. The notice suggests the let is for five people, potentially all adults. Highlighting my concern for noise disruption and social gatherings.

Added to this the introduction of a short term let to our neighbourhood will likely undermine the strong sense of a family orientated neighbourhood that we currently have and enjoy. Our neighbourhood and surrounding area currently enjoy a close-knit sense of being a family friendly area, a short term let and the

coming and goings of many individuals could have a detrimental effect on that reputation and destroying it for the rest of the local residents and their families.

Parking could also be a potential issue having a detrimental effect on local residents, visitors to short term lets often take multiple vehicles and may not adhere to or respect the informal parking arrangements well established on our street. Further to this waste disposal is a potential issue often guests of short term lets are not aware of the disposal schedule and sorting requirements. This has the potential to cause unsightly and unhygienic condition of the surrounding area.

Another key concern is the lack of transparency of the coming and goings of multiple people arriving to the property at any given time, short term visitors are largely unknown to the long-term community and therefore it makes it difficult to distinguish between legitimate visitors and potential intruders. The regular turnover of short term lets and unfamiliar visitors increases the risk of opportunistic crime, including theft and vandalism. This undermines the strong sense of security that our family enjoy living on Heather Road.

The fear would be that granting this proposed application could be the start of many applications introduced to our local area, taking away that family orientated feel many of us enjoy. This has the potential to have a detrimental effect on property values in the area and could erode the residential character.

We as a family fully understand the highland Council has a responsibility to balance tourism together with the rights of long-term families residing in family orientated areas. However we strongly feel that this proposed application is incompatible with our existing residential use and nature of Heather Road, and we feel strongly that it should be rejected.

Thank you for taking the time to consider my objections,

Yours faithfully,
Mr and Mrs J. Duncan and family.