

The Highland Licensing Committee

Meeting – 23 June 2026

Agenda Item	10.1
Report No	HLC/78/26

Application for Grant of a Licence for a House in Multiple Occupation Tor Aluinn, 390 Coldbackie, Tongue, IV27 4XP

Report by The Principal Solicitor – Regulatory Services

Summary

This report relates to an application for a licence for a house in multiple occupation.

The application is subject to a formal hearing procedure.

1.0 Background

1.1 The licensing of houses in multiple occupation is an activity covered under Part 5 of the Housing (Scotland) Act 2006. The licensing of this activity became mandatory on 1 October 2000 and from this date all houses in multiple occupation which had six or more persons residing at the premises required to be licensed. This limit or threshold has been reduced and now applies to properties with three or more unrelated persons.

2.0 Application

2.1 An application for the grant of an HMO licence was received on 30 April 2026 from Ben Loyal Ltd in respect of the property at the Tor Aluinn, 390 Coldbackie, Tongue. Massimo House will be responsible for the day-to-day management of the premises.

2.2 The maximum number of persons to be accommodated on the premises at any one time is 6.

3.0 Process

3.1 In terms of Section 3(1) of the abovementioned Act the application requires to be determined within 12 months i.e. 30 April 2027 otherwise the licence will be granted unconditionally for a period of 12 months.

3.2 The application was copied to the following consultees for the statutory 21 day period for comments:

- Police Scotland
- Scottish Fire and Rescue Service
- Environmental Health Section
- Building Standards Section
- Housing Section
- Planning Section

3.3 In terms of Section 4(2) of Schedule 4 of the Housing (Scotland) Act 2006 any objection or representation in relation to an application requires to be submitted within 21 days of the application being made.

3.4 In response to the application two letters of objections were received from R Tortolano and D & C Allen, see attached appendices.

3.5 The consultation period ended on 21 May 2026 and any objections/ representations received will be circulated at the meeting. Any objectors will be invited to the meeting.

3.6 A public notice has been displayed at the premises for the required 21 day period.

3.7 A copy of this Report has been sent to the applicant who, in terms of Section 4(2) of Schedule 1 of the Civic Government (Scotland) Act 1982, has been invited to attend the meeting and will be provided with an opportunity to be heard by the Committee. The applicant has also been advised of the procedure which will be followed at the meeting.

4.0 Policies

4.1 The following policies are relevant to this application:

Highland Council HMO Conditions and Standards. A copy of these can be accessed at http://www.highland.gov.uk/downloads/file/3437/hmo_conditions or a hard copy can be supplied where requested.

5.0 Determining Issues

5.1 Section 130 of Part 5 of Housing (Scotland) Act 2006 states that a Licensing Authority may refuse to grant a licence where the applicant or anyone else detailed on the application is not a fit and proper person.

5.2 Section 131 of the same Act also states that a Licensing Authority may grant a licence only if it considers that the living accommodation concerned is:

- (a) is suitable for occupation as an HMO, or
- (b) can be made so suitable by including conditions in the HMO licence.

and in determining whether any living accommodation is, or can be made to be, suitable for occupation as an HMO the local authority must consider—

- (a) its location,
- (b) its condition,
- (c) any amenities it contains,
- (d) the type and number of persons likely to occupy it,
 - (d.a) whether any rooms within it have been subdivided,
 - (d.b) whether any rooms within it have been adapted and that has resulted in an alteration to the situation of the water and drainage pipes within it,
- (e) the safety and security of persons likely to occupy it, and
- (f) the possibility of undue public nuisance.

5.3 If required the Principal Solicitor – Regulatory Services will offer particular advice on the criteria relating to this particular application.

7.0 Recommendation

Members are invited to give consideration to the above application.

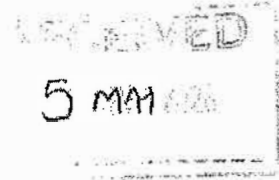
Designation: The Principal Solicitor – Regulatory Services

Officer Reference: Lisa Donaldson

Date: 27 May 2026

Appendix: Letter dated 28 April 2026 from R Tortolano
Letter dated 1 May 2026 from D & C Allen

R Tortolano



28/04/26

REF: Planning Objection – Proposed
HMO,.

Coldbackie, Tongue, Sutherland

With reference to the above, we wish to object to the above house being turned into an HMO for the following reasons-

1. Road Safety and Access (Material Consideration)

The property sits on a **single-track road with no passing places** immediately adjacent to the site. The plot has **off-street parking capacity for only one vehicle**. Any additional cars must park on the road or pavement, which:

- **Obstructs the single-track carriageway**, preventing safe passage for residents, service vehicles, emergency vehicles and agricultural traffic.
- Creates a **significant road safety hazard**,.
- Is contrary to **Highland Council's Roads and Transport Guidelines**, which require adequate off-street parking provision for HMOs.

An HMO typically generates **multiple adult occupants**, each potentially with their own vehicle. The site cannot safely accommodate this level of parking demand.

2. Impact on Disabled Access (Material Consideration – Equality Act 2010)

As an immediate neighbour – my wife is a **wheelchair user**. When vehicles park on the pavement — which is the only place overflow parking can occur — it **blocks her sole accessible route** from our home. Cars already parking here are blocking the footpath.

This is a **direct and foreseeable impact on a disabled resident**, and would place the Council in conflict with its duties under the **Equality Act 2010**, which requires public bodies to avoid decisions that create barriers for disabled people.

3. Inadequate Parking Provision for an HMO (Material Consideration)

Highland Council's standards generally require **one parking space per bedroom** for HMOs, unless strong evidence is provided to justify a reduction. This site:

- Has space for **one car only**
- Has **no scope for expansion** due to the narrow road and boundary constraints
- Would inevitably displace vehicles onto the public road or pavement

This is **not compliant** with expected parking standards for multi-occupancy accommodation.

Additionally this house originally had zero off street parking. They have now gravelled over the front garden to create one parking space. However when 1 car is parked here it blocks my sight lines when I am trying to get my vehicle out of my driveway.

4. Overdevelopment of the Site (Material Consideration)

The property and plot size are suited to a single household. Converting it to an HMO represents **intensification of use** beyond what the site and surrounding infrastructure can support.

This intensification would result in:

- Increased traffic movements
- Increased parking demand
- Increased noise and disturbance in a quiet rural settlement
- Its completely out of keeping with this local area

All of which are relevant planning considerations.

5. Impact on Residential Amenity (Material Consideration)

Coldbackie is a small, quiet, rural community. An HMO introduces:

- Higher occupancy levels
- More vehicle movements at irregular hours
- Increased noise from multiple unrelated adults living independently

This is **not in keeping with the character of the area** and would negatively affect the amenity of neighbouring properties.

6. Emergency Access Concerns (Material Consideration)

Blocked pavements and a narrowed single-track road create a **serious risk** for:

- Ambulances
- Fire appliances
- Home care services
- Mobility transport for my wife

Any delay caused by parked vehicles could have **life-safety implications**.

I trust you will take these objections on board and not simple grant a licence to this house because its owned and run by Wildland.

Yours faithfully

R Tortolano

D & C Allen

01/05/2026

REF: Planning Objection – Proposed HMO, Coldbackie, Tongue, Sutherland

With reference to the above, we wish to object to the above house being turned into an HMO for the following reasons-

1. It came to our attention only last week that there was a notice in the small window of the proposed HMO application in Coldbackie. The notice is only accessed by walking onto the private front of the house. We work on the croft at number 74 Coldbackie, and the notice is not visible, and was not seen having been put in the smallest window out of general sight, and not on the street telegraph pole for the general public to see. This application was deliberately put where it would be missed, as was in our case. As we also do not buy a newspaper so haven't seen any other notices of the application. And we now think we are therefore a late objection which should be considered as a result.

2. Road Safety and Access (Material Consideration)

The property sits on a **single-track road with no passing places** immediately adjacent to the site. The plot has **off-street parking capacity for only one vehicle**. Any additional cars must park on the road or pavement, which:

- 1. Obstructs the single-track carriageway**, preventing safe passage for residents, service vehicles, emergency vehicles and agricultural traffic.
- 2. Creates a significant road safety hazard,**
- 3. Is contrary to Highland Council's Roads and Transport Guidelines**, which require adequate off-street parking provision for HMOs.

An HMO typically generates **multiple adult occupants**, each potentially with their own vehicle. The site cannot safely accommodate this level of parking demand.

3. Impact on Disabled Access (Material Consideration – Equality Act 2010)

An immediate neighbour to this proposed property are a couple who the wife of the owner is disabled and a **wheelchair user**. When vehicles park on the pavement — which is the only place overflow parking can occur — it **blocks her sole accessible route** from their home. Cars already parking here are blocking the footpath.

This is a **direct and foreseeable impact on a disabled resident**, and would place the Council in conflict with its duties under the **Equality Act 2010**, which requires public bodies to avoid decisions that create barriers for disabled people.

4.. Inadequate Parking Provision for an HMO (Material Consideration)

Highland Council's standards generally require **one parking space per bedroom** for HMOs, unless strong evidence is provided to justify a reduction. This site:

1. Has space for **one car only**
2. Has **no scope for expansion** due to the narrow road and boundary constraints
3. Would inevitably mean vehicles would protrude onto the public road or pavement

This is **not compliant** with expected parking standards for HMO accommodation. And will have an adverse effect on the rest of the residents in Coldbackie

Additionally this house originally had zero off street parking. They have now gravelled over the front garden to create one parking space. However when one car is parked in front of the proposed HMO it blocks views for neighbouring residents to exit their properties. It is a very busy road with tourists and not everyone abides by the speed limit which makes it dangerous at times .

5. Overdevelopment of the Site (Material Consideration)

The property and plot size are suited to a single household. Converting it to an HMO represents **intensification of use** beyond what the site and surrounding infrastructure can support. It has always been a family home and far suited to that.

This intensification would result in:

1. Increased traffic movements
2. Increased parking demand
3. Increased noise and disturbance in a quiet rural settlement and completely out of keeping with this local area

All of which are relevant planning considerations. And need to be taken very seriously.

6. Impact on Residential Amenity (Material Consideration)

Coldbackie is a small, quiet, rural community.

An HMO introduces:

1. Higher occupancy levels
2. More vehicle movements at irregular hours with increased noise from multiple unrelated adults living independently
3. And the unknown of who would be living there coming from outside of the local area

This is **not in keeping with the character of the area** and would negatively affect the amenity of neighbouring properties, not to mention the value of said properties

4. We have a property in Coldbackie which we let out long term. Our tenant has been there many years and is quite rightly concerned about this planning application, which could also have an adverse effect on our let

7. Emergency Access Concerns (Material Consideration)

Blocked pavements and a narrowed single-track road create a **serious risk** for:

Ambulances/ Fire Engines / Home care services etc and any delay caused by parked vehicles could have grave implications in an emergency situation.

I hope that you will take these objections on board and not simply grant a licence to this house because its owned and run by Wildland.

Yours sincerely



C Allen

D Allen