

Nicola Storrar

From: Maggie Cunningham [REDACTED]
Sent: 14 May 2023 15:38
To: CDS STL
Subject: APPLICATION FOR GRANT OF A SHORT TERM LET LICENCE - Rowan Cottage, Birnam, Dunkeld, PH8 0DW (ref FS-Case-4655278418)
Attachments: Application for ST let Licence .docx; Copy email from R Gray.docx; EXTRACT FROM HOLIDAY COTTAGES CHARTER.docx; Info sent prior to guests coming.docx

CAUTION: This email originated from an external organisation. Do not follow guidance, click links, or open attachments unless you have verified the sender and know the content is safe.

For the attention of D G M Gilkison, Licensing Manager.

Dear Ms Gilkison

I am attaching written representation and supporting documentation with regards to my application for an STL Licence. My submission includes responses to the objection submitted by Mr Robin Gray. It is my understanding that my submission will be issued in full along with all attachments to the Members of the Council's Licensing Committee prior to the meeting at which my application will be considered. The meeting is to be held on 29th May 2023 @ 1pm.

My submission comprises the following documents:

Appendix 1 - Representation including responses to the objection

Appendix 2.- Plan of properties (Sent by separate email)

Appendix 3. - Photo showing Mr Gray's hedging taken 29 July 2020 (Sent by separate e-mail)

Appendix 4. - Mr Gray's e-mail of July 2021 and our response

Appendix 5 - Extract from Holiday Cottages' Charter showing Holidaymakers' responsibilities

Appendix 6. - Information sent by me to guests prior to their visit

Applicant's Submission - Appendix 1

APPLICATION FOR GRANT OF A SHORT TERM LET LICENCE

Rowan Cottage, Birnam, Dunkeld, PH8 0DW

This is the written representation and supporting documentation submitted by me, the applicant, Mrs Margaret Cunningham. Included are responses to the objection submitted by Mr Robin Gray on 04 January 2023.

Mrs Cunningham is the Licence applicant as she manages the letting of the property, but Mr Cunningham is involved on the practical side of things and can answer questions on matters such as the access track, etc. if the Committee so wishes.

We are grateful that the Council agreed to defer our hearing until the May Licensing Committee meeting. We did not receive notification of the meeting to be held on 17th April nor any copy of the objection until 30th March. As we were going on holiday on 1st April for 3 weeks we would have been unable to attend the meeting and had no time to prepare and submit documentation, including responses to the objection.

We purchased Rowan Cottage in September 2019. Before purchase we checked the planning application and noted the detached property was designated to be a holiday let. This is now called Oak Tree Cottage and is owned by the developer. The Council Planning Report that recommended approval of the application (ref: 14/1763/FLL) contained significant statements with regard to holiday letting, quoted as follows:

- **“Economic Impact**
The economic impact of the proposal is considered to have the potential to have a long term sustained impact on the local economy through the holiday letting business, as is partly identified in the letter of support from Visit Scotland.”
- **“Conditions**
For the avoidance of doubt, the identified holiday let accommodation hereby approved shall be used as holiday accommodation only and shall not be occupied as the sole or main residence of the occupant; all to the satisfaction of the Council as Planning Authority.”

The above statements demonstrated that the Council supported holiday letting in the area as providing long term support to the local economy. This was one of the criteria that encouraged us when purchasing Rowan Cottage.

Referring now to Mr Gray's grounds for objecting, some of them contain incorrect or misleading information. However, we will address all of his 6 bullet points in turn in case they are considered to be relevant.

1. There are 5 properties in the locality, not 4 as Mr Gray states. The 5th is Inkpot Cottage, some 150m further along from Ringwood Cottage on the access track. This is owned by Murthly Estate and is occupied by a tenant.
2. Noted as information. We have no comment.
3. Mr Gray's comments are misleading. They purchased in August 2019 and we purchased on 5th September 2019. We did not meet or speak to the Grays before they purchased so we could not possibly have affected their decision to purchase. Mr Gray's statements that *“later the owners admitted”* and *“if we had been advised of the truth”* implies that we had lied to them, which we did not.
4. Mr Gray states that guests *“invade our privacy with behaviour often associated with tourists”*. We fail to understand the comment regarding tourists, the vast majority of whom in our experience are well behaved and this applies particularly to our guests. Regarding invasion of privacy and visibility of our guests (and our family?) we can only assume this means that Mr Gray is rather sensitive to people being in an adjoining property and garden. This situation applies to most semi-detached properties when it is quite common for neighbours to erect fencing and plant hedges for increased privacy. Mr Gray has chosen to spend considerable sums on expensive beech hedging and fence panels but probably would have done so irrespective of Rowan Cottage being a holiday let.

In this regard, please refer to the attached plan (**Attachment 2**) and note the following points:

- Our garden boundaries (front/back) that are mutual with the Grays are 42m long. Along these boundaries they have planted 30m of beech hedging and erected 12m of fence panels 2.3m high. (Note that without planning permission the maximum legal height of a fence is 2m.)
 - On boundaries that are **not** mutual with Rowan Cottage, the Grays planted another 90m of beech hedging and erected another 28m of fence panels. Note that some of this hedging is beyond our mutual boundary and is on land owned by Murthly Estate.
 - Mr Gray attributes a high cost of privacy screening to Rowan Cottage. Please note he used a landscape contractor to supply and plant expensive potted copper beech hedge plants that were around 2m tall. These were planted along 30m of our mutual boundary before the end of July 2020. We estimate this needed over 100 potted plants. It is important to note that this planting was done **before** we had our first holiday let guests in August 2020. (**See Attachment 3 - photo taken on 29 July 2020**). It is therefore clearly not true for Mr Gray to state in his objection *"Subsequently we had to invest £5,000 in privacy screening in an effort to reduce the intrusion and visibility of numerous tourists staying at Rowan Cottage"*.
 - Rowan Cottage has a small patio area that faces towards the 2.3m high fence at the rear of the Gray's property. Behind that fence they have a only a narrow strip of land and a path where they keep their bins and garden implements, etc. The Gray's own patio area is on the other side of their property and faces towards their other neighbour's property, Oak Tree Cottage.
5. We comment on the number of properties in point 1 above. To state "more than 50%" is incorrect.
6. Mr Gray's comments on the access track are misleading. It was constructed of course bitumen macadam, not "dirt". Yes, it had potholes but it is exaggeration to state that it could not be safely used.

Mr Gray is wrong to imply that the poor condition of the track has been caused by our guests' cars. He is fully aware that the condition deteriorated due to the heavy construction vehicles used to build the new properties. It has remained in fairly good condition beyond the stretch used heavily by the contractors, including outside both of our properties. The developer promised to repair the track but failed to do so despite repeated requests from residents. Repairs were carried out recently after we (Mr Cunningham) had liaised with Murthly Estate (who own the track) and a contractor to organise repairs. Residents have all agreed to pay a share of the repair costs.

Mr Gray wrongly states we have 4 parking spaces. We have 3 spaces on our land and our guests are advised of this limit. Guests may occasionally have visitors but this applies to any property. We advise guests not to park on the access track. The track has been made slightly wider opposite our property to allow large vehicles to turn into our parking area, especially the truck needed to empty our septic tank.

We would now like to present information regarding the alleged behaviour of our guests.

The Council's Licensing Policy Statement, clause 7.16 states:

"The Licence Applicant is entitled to fair notice of complaints. If the objection is based on alleged incidents, then for each alleged incident, the objector should answer questions such as: What happened? What was the day, date and time? Was there any official complaint (e.g., to Police, Council)? If so, what action was taken?"

In his objection email, Mr Gray has not advised the Council of any alleged incidents. We ask the Committee to take that point and the following information into account when considering our application.

After purchase, we spent months preparing the house and garden. Then Covid hit and we did not have our first booking until August 2020. At that time we advised the Grays to call us or our agent if there were any problems with guests, giving them contact telephone numbers. We said it was imperative to advise us while guests were still resident so we could deal with any situation as it arose. The Grays made no calls to us or our agent.

Since August 2020 we have received only one complaint from Mr Gray, that was nearly a year later by email on 26 July 2021 (**see Attachment 4**). There had been young children playing noisily in the garden and kicking a football against fencing, also two dogs barking. The guests had left the property on 24 July so it was too late for us to deal with the situation. We responded by email to Mr Gray on 28 July 2021 (**See Attachment 4**). Note that in Mr Gray's email he stated "*the majority of your renters have been fine*" but he also requested that we should not accept booking from families with young children.

Given our concerns over this complaint, we checked with our neighbour on the other side. She said she hadn't been bothered by the noise, that it was just children playing. Regarding dogs, our letting website stated only one dog was allowed but our agent had agreed to two without our knowledge. We immediately advised our agent to ensure that the one dog condition was adhered to.

Since that one complaint in July 2021 we have not been contacted with any complaints. Mrs Gray has told Mrs Cunningham recently on more than one occasion that they have no problems with our guests. She has said that we get nice people and they chat to most of them, also that Rowan Cottage did things properly. She told her that their problems were with guests staying at Oak Tree Cottage on their other side. That has a patio area with a hot tub and Mrs Gray told me they have complained on several occasions to the owner of Oak Tree Cottage about the noise from guests partying outside late into the night. Mrs Cunningham told her that our new agent had suggested that having a hot tub would increase our rating from 4 to 5 stars but there was no way we would have considered this out of respect for our neighbours.

We changed agent last year to Travel Chapter (Holiday Cottages) who are classed as a "Responsible Holiday Provider". They have a Responsible Holiday Charter which clearly states the holiday makers' responsibilities. (**see Attachment 5**). We now have direct contact with guests via email and phone which ensures a more personal touch. We send out our information (**see Attachment 6**) along with an introductory email prior to their visit. We have found that guests are more likely to read information prior to arriving rather than just leaving the information in the cottage. Please note that under the headings Noise, Parking and Dogs, we stress respect for neighbours, use of the track, number of parking spaces and dog issues.

For information - Over the last financial year we had 37 bookings with 195 days booked = 53% of the year.

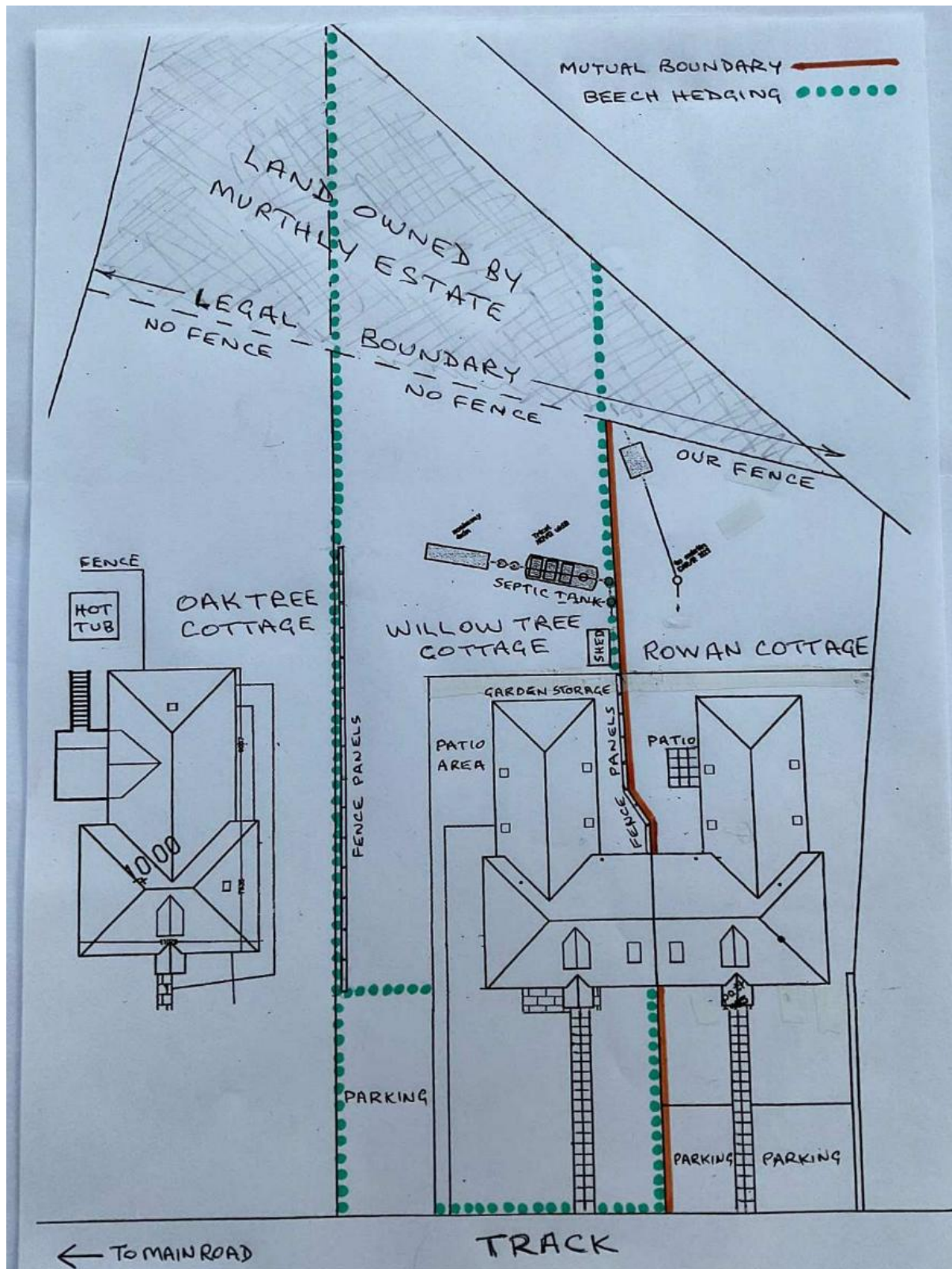
When our application is being considered we would hope that we will not be penalised due to the alleged behaviour of guests and visitors at the Gray's other neighbours.

We have always endeavoured to provide a high standard of accommodation for our guests and also to ensure that the neighbourhood is respected.

If the committee wishes to view the property online it can be viewed at:
holidaycottages.co.uk (under the name of West Ringwood).

Applicant's Submission - Appendix 2

Plan of properties showing boundaries and other details



Applicant's Submission - Appendix 3

Photo taken on 29 July 2020 showing boundary beech hedging already in place



Applicant's Submission - Appendix 4

From: David Cunningham [REDACTED]
Date: 28 July 2021 at 14:43:05 BST
To: Robin Gray [REDACTED]
Subject: Re: Last week - your renter

Robin,

We are sorry you found last week's renter noisy but unfortunately we are unable to do anything after the event. We understand it's not for you to police the property but in previous discussions we agreed that you could call the agent if you felt there were problems. She has assured us that she would contact or visit renters to deal with issues of this nature. We gave you the number of the agent but also said that you could contact us direct to make us aware of any problems in which case we would then of course contact the agent.

We can assure you that documentation in the cottage states that respect should be shown to neighbours by keeping noise to a reasonable level and to a minimum after 10pm, also that dogs have to be kept under control and no incessant barking. We have asked our agent to ensure these points are covered in the information she issues to renters.

Best wishes,

David and Maggie

On 26 Jul 2021, at 10:27, Robin Gray [REDACTED] wrote:

Hi David,

Whilst the majority of your renters have been fine and well behaved we did have significant and unacceptable disturbance last week. Your renter was a young lady with 3 children who were all probably under 7s old. Add to this there were 2 dogs.

For all of last week we had 2 dogs continually barking and kids screaming and shouting. We also had a football being kicked off the wall on your patio side plus footballs bouncing off the fencing. The noise was such that both Ellen & myself found that trying to work alongside this level of intrusion was difficult and unacceptable. Your renter had many visitors and often was joined by another young lady who had 2/3 children with her. The noise level coming from your rental meant that we could not work indoors, outdoors or indeed enjoy any of our private space.

I did not complain to the young lady and her guests as it's not my responsibility to control and police the people who rent your property.

We accept that kids will make some noise and dogs will bark but going forward I would request that you do not accept bookings from families who have very young children and noisy dogs. I would also like you to emphasise and remind your renters and letting agent (on your website listing and any literature) that West Ringwood is a private residential area and should be treated as such.

Kind regards

Robin

Robin Gray
Manufacturers Agent & Distributor

<image001.png>



Applicant's Submission - Appendix 5

EXTRACT FROM HOLIDAY COTTAGES CHARTER

5 . Holidaymakers' responsibilities

You will ensure that you and all Holidaymakers will:

- act responsibly and carefully whilst at the Property, abiding by any property specific house rules and leave the Property, and all things in or at it, in the same state of repair and cleanliness as at the start of the holiday;
- report to the Owner any damage or breakages made during the holiday occupancy and pay for damage (wear and tear accepted);
- not smoke at the Property nor allow anyone else to smoke at the Property;
- not allow more than the maximum number of people or pets to stay at the Property as stated on the Website;
- at all times comply with any applicable laws and local or Government guidance, and ensure that no Holidaymaker or their guests (if allowed at the Property) or pets (if allowed at the Property) do anything which is illegal, or may cause unreasonable damage, noise, behaviour or disturbance;
- not enter the Property before the stated arrival date and time and will leave the Property before the stated departure date and time;
- treat people with respect and not act in a way which is abusive, violent, destructive, menacing, or harassing towards an Owner, any member of their team, any member of the community in which the Property is situated, or any of our employees, directors, consultants or other party acting on our behalf;
- secure the Property (including all windows and doors) whenever leaving the Property.

We and the Owner will be entitled to make a reasonable charge where Holidaymakers have failed to comply with these responsibilities. In serious cases, Holidaymakers may have to leave the Property early without any compensation or refund.

Applicant's Submission - Appendix 6

Rowan Cottage,
DUNKELD & BIRNAM, PH8 0DW

David & Maggie welcome you to Rowan Cottage and hope you have a great time.

In the house, there is additional information but here are some things which will help you before you arrive, along with some of the basic housekeeping requirements.

Arrival/Keys

Arrival time is 5pm and departure time is 10am. If you require an earlier time, please ask and we will see if that is possible.

A front door key can be found in the key safe which is located on the left-hand pillar at the front door. Press both buttons on either side of the the safe and the front will drop down. Enter the Code **xxxx**. Remove the key, close the safe and YOU MUST then scramble the numbers.

Additional keys for the French windows and back door are in the locks. Please leave these in the locks, do not remove them. To lock the French windows, you need to bring the handle up quite firmly to its maximum (do not force) then back to horizontal before turning the key. Please then check that the door is locked as sometimes we find the latches have not engaged sufficiently. Each window has keys located next to them.

After your stay, please return the front door key to the safe using the same code as to open and then YOU MUST please again scramble the numbers once the keys are back. Check that the other keys are in the appropriate locks.

Parking

Parking is at the front of the house and there is room for 3 cars **only** if parked with care. Do not park on the track outside the house or on the verge as access is required 24 hours per day for other residents who live further up the track. The woodland opposite does not belong to us but to the Murthly Estate. Also please drive slowly along the track.

Noise

The cottage is situated in a quiet residential area. It is important that you respect our neighbours by always keeping noise at a reasonable level and to a minimum after 10pm. Please do not play music outside during the day or from the inside with doors open after 10pm.

Smoking

Rowan Cottage is a non-smoking establishment. If this is not observed a charge maybe made to cover cleaning of curtains, carpets, upholstery to remove the smell. If smoking in the garden, please dispose of cigarette ends in the tin marked cigarettes which can be found in the ash bucket, NOT on the ground.

Septic tank

Rowan Cottage is served by a private septic tank. This is sensitive so we ask all guests to safeguard the smooth running of the system by using the bags and bins provided for anything other than toilet paper.

Dogs

One well behaved dog (as per your booking) is welcome but must be restricted to the ground floor social areas. Do not allow them on furniture, beds or leave them alone in the house as they may damage the furniture. The dog should not be allowed outside the garden unaccompanied. Please remove all dog hairs from the house and any dog fouling from the garden before you leave. Dog Poo bags are provided under the kitchen sink. Please dispose of them in the general waste bin.

Ensure that your dog does not cause a nuisance by straying or incessant barking.

Linen

Linen for the beds, one bath towel and one hand towel per person is provided. Two Tea Towels and dishcloth are also provided. Please bring your own beach towels and any additional towels or tea towels you may require.

Travel Cot and Highchair

A Travel Cot and Highchair is available at the property. Please contact us prior to your visit so these can be made available for your use.

Internet

The house has Wi-Fi Internet PLUSNET – XFC2PF and the password is ckchLXp7aT6qCk. Data is unlimited but due to location the download speeds can vary so the downloading of films/music may not work. In certain weather conditions i.e. Rain or wind the internet service may buffer. Mobile reception is good.

Bird Feeders

You are welcome to refill the bird feeders if you wish to see the great variety of birds that come to our bird table located outside the kitchen window. There is bird seed, etc. in the Utility Room. You will see Coal Tits, Great Tits, Robins, Greenfinch, Dunnocks, Chaffinch, Sparrows, Nuthatch and if you are lucky a Greater Spotted Woodpecker, which is a shy bird but has been seen on many occasions. A red squirrel is also an occasional visitor at the bird table.

Cleaning

We ask you to kindly

- Leave all towels, tea towels, etc. in the bath and strip all beds and also leave the bed linen in the laundry bag provided. Please do not mix them.
- Leave the kitchen clean and return all crockery and pans to original places.
- Empty all rubbish bins into the general waste bin that is kept at the end of the track and labelled Rowan Cottage. NO GLASS MUST BE PLACED IN THIS BIN.
- Empty all recyclable waste into the bin at the end of the road with the blue top and labelled Rowan Cottage. NO GLASS MUST BE PLACED IN THIS BIN.
- Glass to be placed in the box labelled glass outside. Please take all bottles and glass to the recycling centre, see information for their location.

- Empty fridge and freezer.
- Return all furniture to its original place, especially if you move beds.
- Please leave a note with any breakages and malfunctioning items.
- Check all external and internal lights are off.
- Make sure all windows are closed and locked. Window levers should point fully left before locking.
- Check you have left the back door key and French window key in the lock and that these doors are locked. Remember to return the front door key to the key safe and scramble the numbers as you leave.
- Check that you have packed all your belongings!

If you need any further assistance, please either contact us or Holiday Cottages:

David & Maggie Cunningham: 07919313313

e-mail: laurelbank1947@icloud.com

Holiday Cottages: Customer Service Department, Tel. No. 01237 459910