

Short Term Lets Licence Applications  
Moray Council  
High Street  
Elgin  
IV30 1BX

8<sup>th</sup> December 2023

Objection to Short Term Licence Application by Mrs Bresilda Haka 1 Woodside  
Calcots Road Elgin IV30 8BW

Dear Sirs

My wife Kay and I who live at 4 Woodside Calcots Road Elgin IV30 8BW wish to object to the above application. The property involved is part of a quadrangle involving 5 adjoining properties. Our main objection is based on the fact that on the Scottish Government's website one of the competent grounds for objection is that the application runs contrary to other legal or contractual requirements. In the missives (copy attached) for all 5 of the properties it is clearly stated under the Burdens section at No 3, Each dwelling house shall be used for residential purposes only and not for any business or commercial purpose.

Running the house as an Air B&B where you are no longer resident would obviously be changing the house from a residence to a business.

In addition in the missives for the properties there is communal parking provision for all 5 properties and the additional visitors (up to 5 cars if there are 5 rooms let out) will make this more awkward and put the parking capacity under strain as well as adding to the wear and tear of the lockblock area which is communal. There is a safety concern that the parking area is used by children as a play area and all the residents are aware of this but visitors would not be. The house is going to be let in total so there will be no control on up to 10 residents and there must be a possibility of noise late in the evening of visitors arriving or having parties. We have already had an instance of visitors trying to get keys from a keybox at [REDACTED] late at night.

The house at [REDACTED] has been operating as an Air B&B for the last two years and because the five houses are adjoining and look the same visitors assume that the whole development is a holiday complex and look for keys, come into gardens and park awkwardly for residents needing access.

Finally there is a danger that if one house is granted a licence in contravention of the missives that others will follow and what is a quiet residential development will become a holiday complex.

We also note that the display of the public notice although attached to the house cannot be read without entering the garden.

Yours sincerely

Jim and Kay Gibson



21/06/2023, 13:15 Title Information for MOR12476 - ScotLIS - Registers of Scotland conditions in this Deed of Conditions are expressly stated to apply.

### 2.3 Variation and Discharge of community burdens

A community burden may be varied or discharged by a deed of variation or discharge under Section 33 of the Title Conditions (Scotland) Act 2003 granted:

2.3.1 by or on behalf of the Owners of at least 3 of the Plots,

### 2.4 Lands Tribunal applications

No application may be made to the Lands Tribunal for Scotland under sections 90(1)(a)(i) and 91(1) of the Title Conditions (Scotland) Act 2003 in respect of the community burdens and servitudes created in this Deed for a period of five years after the date of registration of this Deed of Conditions in the Land Register of Scotland.

3 Each Dwellinghouse shall be used for residential purposes only and not for any business or commercial purpose.

4 The Owner of each Plot will be responsible for the whole cost of maintaining any boundary fences or walls which do not separate the Plot from another Plot on the Development and for a one-half share of the cost of maintaining any Mutual Property.

5 Where any items of property are in common ownership or are used by more than one Plot such property and the Development Common Parts shall be maintained at the joint expense of all Plots having an interest therein in equal shares counting one share for each Plot unless provision for a different proportion is made in the Disposition of that Plot or in this Deed of Conditions.

6 No building or structure shall be erected over the line of any sewer, drain or water pipe without the prior written consent of the parties using the same.

7 The Pend shall be maintained by the Owners of Plots 2, 3 and 4, Plot 2 bearing a 25% share, Plot 3 a 50% share and Plot 4 a 25% share but for the avoidance of doubt the dwellinghouse situated above the Plot shall be maintained at the sole cost of the Owner of Plot 3.

8 Servitudes

The rights in this Condition are servitudes imposed on the relevant burdened properties in favour of the relevant benefited properties

## 8.1 Community Servitudes

8.1.1 For the purposes of this Condition 8.1:

(i) the burdened property is the Development, and (ii) each Plot is a benefited property.