**An analysis of occupation and ownership of dwellings in Elgol, Glasnakille, Drinan, Kilmarie, Strathaird and Kirkibost.**

**Background**

The intensity of debate surrounding the issues of access to affordable homes and the provision of short term lets within the Scottish tourist industry has the potential to be very destructive to community cohesion. Further, the complexities of the arguments involved run a permanent risk of basing decisions on anecdote, conjecture and assumption rather than hard data and related facts.

These risks are particularly dangerous in rural areas that are heavily reliant on the tourist industry for their economic health. There is also the parallel and related problem that there are often considerable variations in the key indicators between adjoining communities in the same regional area. In turn this means that a one size fits all policy approach can only create losers and the impact on the “losers” may well outweigh any purported benefits that are accrued in the short, medium and long term.

It is our contention that the imposition of the Scottish Government’s STL Planning Control Zones and Licensing regulations will have a significant and negative impact on the lives and livelihoods of considerably more local residents in the Highlands and Islands than has hitherto been acknowledged by the Scottish Government in their STL BRIA and Scottish Islands Impact Assessment.

The Skye community of Elgol and its surrounding area is often identified as a second holiday home and self-catering accommodation hotspot. There is little doubt that a strong call may be made for Highland Council to declare the area an STL Planning Control Zone in the near future. As a consequence, an in-depth survey of the dwellings in the area has been undertaken which has categorised each dwelling by types of ownership and occupation. What follows is an analysis of the data produced in the survey in the context of both Planning Control Zone and Licensing implications.

In reality the population in Elgol and the surrounding areas has increased since the 2011 census. This increase has been fuelled by people permanently moving to the area with a proportion of them building new homes or renovating derelict croft houses.

One key factor in evaluating the data has been the risks for the local population if an Overprovision policy for a Planning Control Zone is applied in the absence of any analysis of the likely implications for local residents. Hitherto the Scottish Government has failed to consider this in either the proposed regulations, guidance or regulatory impact assessments.

The spreadsheet has been shared with two members of the Broadford and Strathaird Community Council.

**The data**

The data collected is in full recognition of the fact that both the Planning Control Zone and Licensing Orders focus entirely on the existence of short term lets and, in the case of the Highlands and Islands, these short term lets are universally likely to be for holiday letting purposes. Although a great deal of anecdote and assumption has been attached to the issue of second ‘holiday’ home prevalence on Skye it is important to recognise that the only direct impact that either Licensing or Planning Control Zones can have on second home ownership or usage, if the property is not currently let to holiday makers, would be when the property concerned is sold. Even then a Planning Control Zone could not restrict sales to local owner occupiers or for local only rental. It could only prevent the property being used for short term lets where this would exceed the local overprovision policy. Prospective second homeowners who did not want to use their property for short term let income generation would be unaffected by the legislation. The economic loss to the area would thus be permanently exacerbated by any imposition of STL planning or licensing restrictions.

A list was drawn up of all the properties, that would be classified as individual “dwellings” according to the criteria for STL Licensing or Planning Control Zone or both, between Elgol Pier in the South and Kirkibost/Keppoch to the North. This includes the communities of Elgol, Glasnakille, Drinan, Kilmarie, Strathaird and Kirkibost.

The spreadsheet contains 120 individual dwellings which are then sub-categorised by:-

1. 55 – Solely full time local owner-occupied main residence. (Including 5 properties run as Bed and Breakfasts)
2. 23 – Absentee owned second holiday homes which are **not let**, and empty for 40+ weeks a year. One of these is inaccessible for residential purposes being 6 miles from the nearest road.
3. 13 – Absentee owner second homes advertised and **let** to tourists.
4. 11 – Local owned **holiday lets** (including 4 additional home sharing dwellings in category 1, and 3 within one sub divided property. Only 5 of the 11 are suitable for or able to be used for long term lets.
5. 4 – Locally owned private rental tenancies.
6. 7 – Absentee owned private rental tenancies. (4 of which are currently empty)
7. 8 – Caravans or pods within the garden/grounds of local owner-occupied category. None of these is currently suitable for permanent occupation

As of October 2021, 62 of the 107 dwellings are in full time, permanent occupation. It is relevant to note that the 2011 census shows 53 dwellings in full time permanent occupation.

**Findings**

* Whilst there are 120 prospective dwellings for STL Licensing and PCZ purposes, in reality there are only a maximum of 107 that could be appropriately used for high quality, full time or permanent occupancy. The 8 caravans and pods plus 4 home shares and one inaccessible bothy have been deducted for analysis purposes.
* 69 of these 107 properties are locally owned, plus the additional 8 caravans or pods that would be requiring licensing or planning permission being in owner occupier’s grounds.
* 43 dwellings are owned by those that are businesses, including the John Muir Trust which owns most of the land, or resident out of area. Some of these non-residents have long standing local family connections.
* 23 of the 43 dwellings currently owned by those that are business or resident out of area would not need PCZ planning permission or a STL License, with a further 7 already operating as private long-term rentals.
* These 23 would not be subject to any regulation until the point of sale. Even then there is nothing in the PCZ and proposed Licensing regulations to prevent a purchase from third parties wanting to use the dwelling solely as a holiday home for family and friends use only.
* This leaves 13 out of the 43 who might need and opt to apply for an STL License or PCZ planning permission to continue operating. The majority of these could opt **not** to obtain planning permission and/or an STL License and leave their properties empty for the majority of the year.
* There are 11 locally and absentee landlord owned long term private rental tenancies in the area with 4 (absentee owned) currently being vacant.
* 15 local resident families are partially or entirely dependent for their income on bed and breakfast or self-catering provision.
* A further 4 local resident families gain some income from long term rentals, with a further 8 local women workers being part time employed in the sector.

**Conclusions**

1. A maximum of 13 non-resident owners of the 120 “dwellings” at the end of the Strathaird peninsula will require either planning permission and/or an STL License to continue operating.
2. The 23 second holiday homeowners will be unaffected by the regulations until they decide to sell their property.
3. 19 locally owned “dwellings” and 5 locally owned and run Bed & Breakfasts (24 in total) may require PCZ planning permission and will have to obtain an STL License in order to continue operating.
4. Nearly twice as many local residents as non-resident property owners will be adversely affected by PCZ and licensing controls. The impact on their livelihoods will be disproportionately negative in comparison to their non-resident neighbours.
5. It is not fanciful to suppose that non-resident owners are more likely to be able to afford to mount legal challenges to any retrospective restrictions imposed on the use and enjoyment of their property. The fact that 24 out of 107 dwelling owners can afford to keep them empty for 40+ weeks a year strongly suggests they have the financial means to do so.
6. By comparison local owner occupiers are much less likely to be able to afford relevant legal challenges, including appeals, to licensing and planning permission decisions.
7. There is already evidence to suggest that some local owner occupiers will be forced into selling up and leaving the area. 4 properties in the area have sold over the last 4 months within days of being advertised. Given the high levels of current demand for housing for permanent or holiday home occupancy on Skye from every part of the UK, there is every reason to suppose that any owner occupiers intending to leave the area will find it relatively easy to sell.