

Agenda item	11.3
Report no	HLC/40/26

THE HIGHLAND COUNCIL

Committee: THE HIGHLAND LICENSING COMMITTEE

Date: 31 March 2026

Report title: Application for the grant of a short term let licence – Innisbeg, Kingussie, PH21 1NT (Ward 20 – Badenoch and Strathspey)

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 5 December 2025 a validated application for the grant of a short term let licence was received from Mr Nicholas Lyon of Igloo Highland Ltd, agent acting on behalf of Dr Colin Bothwell Donald.
- 4.2 The property to which the application relates is Innisbeg, Kingussie, PH21 1NT (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 the said Dr Donald will be the host/operator of the Premises. The application was made after 1 October 2023 and, as such, the host/operator cannot operate the premises as a short term let until they have obtained a licence.
- 4.4 The said Dr Donald, Dr Michael John Donald and Mrs Elizabeth Alison Connolly 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 Lyon and Ms Erin McBean.
- 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 dwellinghouse which can accommodate a maximum capacity of eight guests. Floor plans of the Premises were provided by the applicant as part of the application process, and these can be found on page 2 of Appendix 1.

5. Process

5.1 The application was circulated to the following Agencies/Services for consultation:

- Police Scotland;
- Scottish Fire & Rescue Service;
- The Highland Council's Environmental Health Service;
- The Highland Council's Building Standards; and
- The Highland Council's Planning Service.

5.2 All Agencies/Services have confirmed that they have no objections to the application.

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 5 December 2025.

7. Public objection

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 objection was received and is attached as an Appendix to this report:

- Objection received by email on 16 December 2025 from Mr Colin McPherson and Ms Jackie Clark (**Appendix 2**).

7.2 The applicant has submitted a written response to the objection and this is attached as an Appendix to this report (**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 shall 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;
- c) where the licence applied for relates to an activity consisting of or including the use of premises or a vehicle or vessel, those premises are not or, as the case

may be, that vehicle or vessel is not suitable or convenient for the conduct of the activity having regard to—

- (i) the location, character or condition of the premises or the character or condition of the vehicle or vessel;
- (ii) the nature and extent of the proposed activity;
- (iii) the kind of persons likely to be in the premises, vehicle or vessel;
- (iv) the possibility of undue public nuisance; or
- (iv) public order or public safety; or

d) there is other good reason for refusing the application.

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

- 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 Both 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 email of objection found at Appendix 2, 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: 11 February 2026

Author: Alexander Florence

Reference: [FS771083149](#)

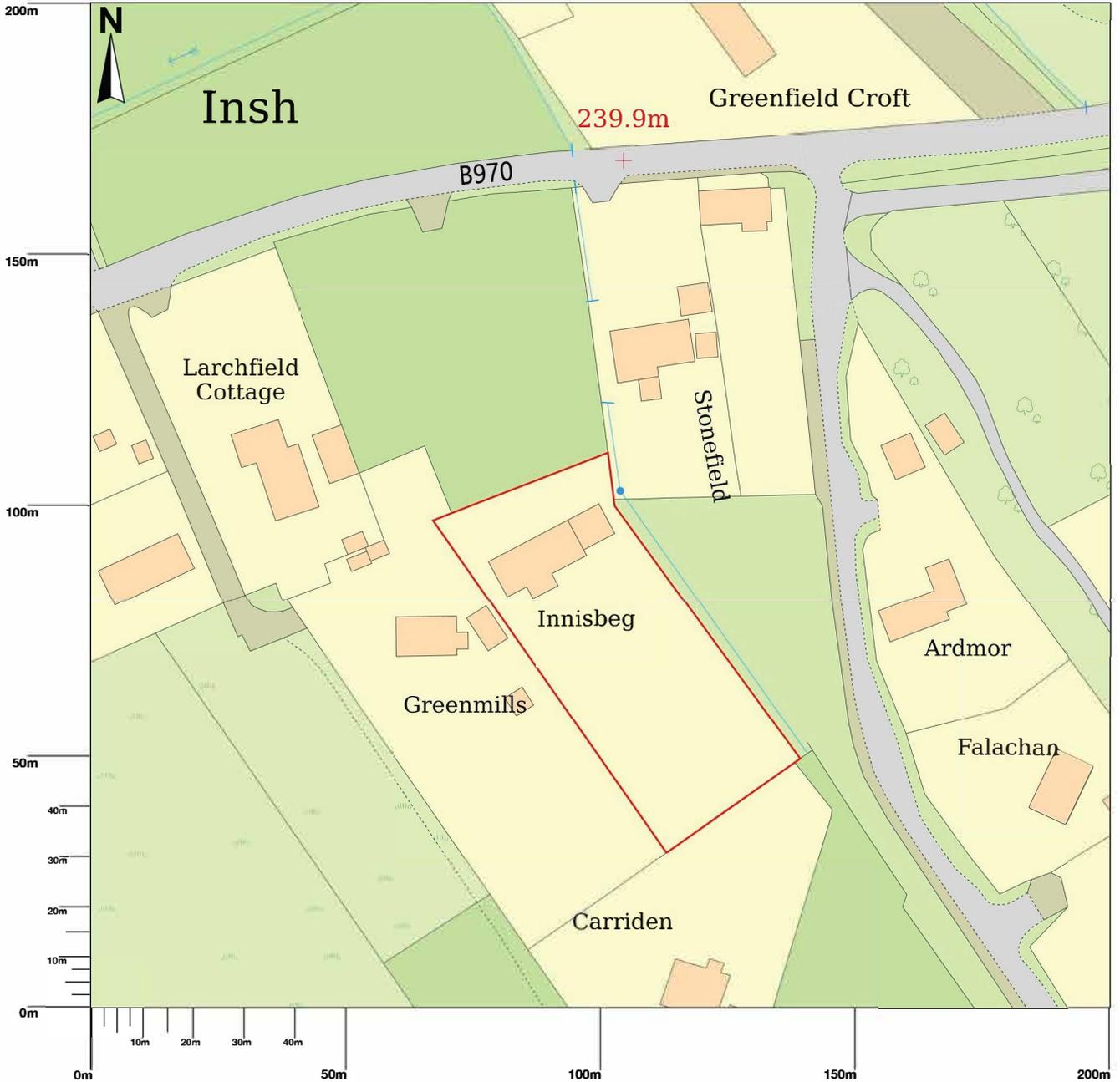
Background Papers:

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

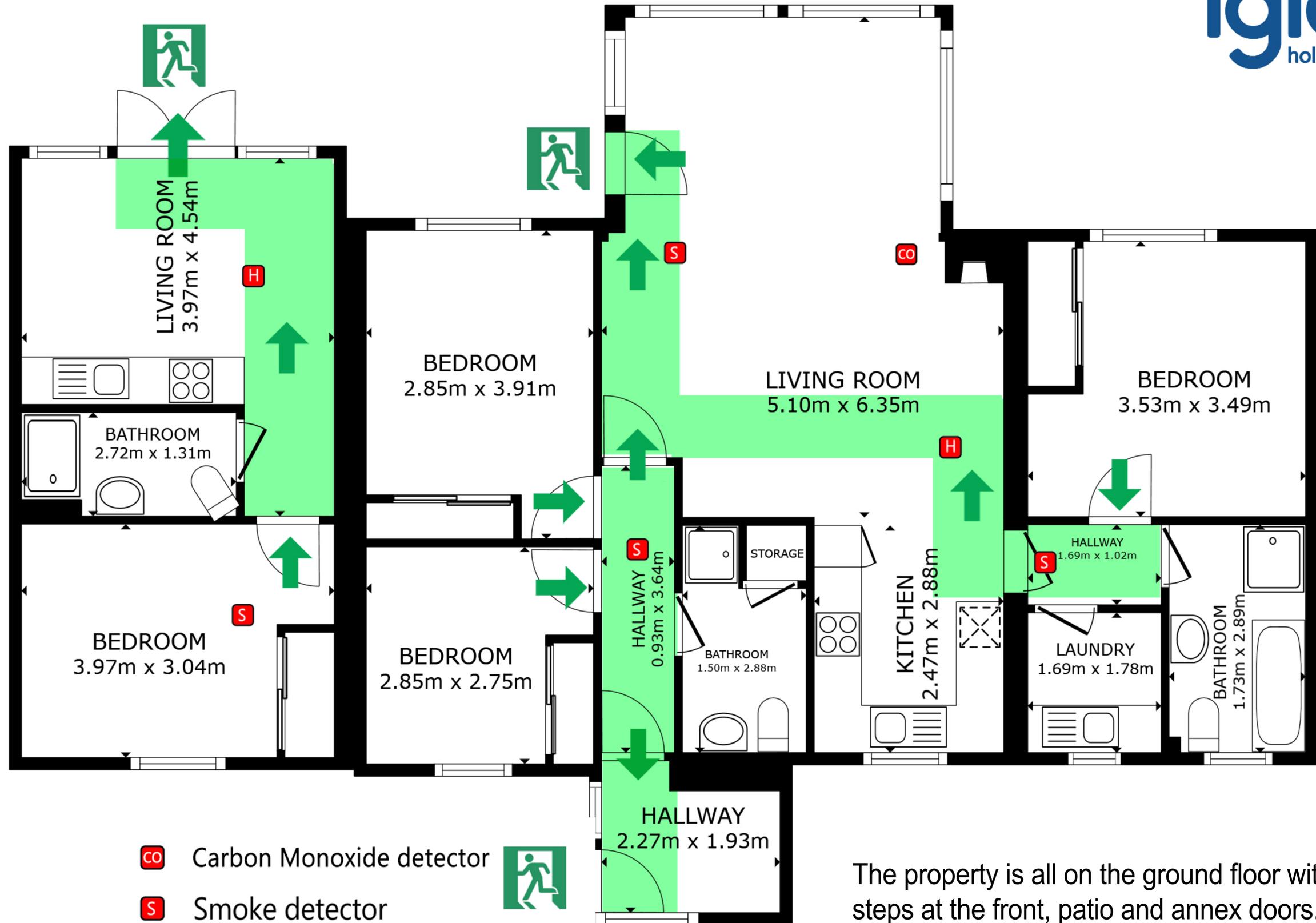
Appendices:

- Appendix 1: Site plan detailing the extent of the Premises and floor plans for the Premises.
- Appendix 2: Objection received by email on 16 December 2025 from Mr Colin McPherson and Ms Jackie Clark.
- Appendix 3: Written submission received by email on 9 February 2026 from the applicant, Dr Colin Donald.

Innisbeg, Insh, Kingussie, PH21 1NT



Scale 1:1250



Innisbeg
Insh
Kingussie
PH21 1NT

- Carbon Monoxide detector
- Smoke detector
- Heat detector
- Exit
- Fire escape routes

The property is all on the ground floor with steps at the front, patio and annex doors. There are no internal steps. There are three walk in showers. A 3D tour is available so guests can decide suitability for their needs.

Capacity: 8 people



Short Term Licence Application – Innisbeg, Insh, PH21 1NT. Objection

My wife Jackie and I reside at [REDACTED], and wish to object to the Short Term Let license application for the following reasons:

- Innisbeg has access to their property using our drive via a burden placed on our property. Due to the change of use of the property from residential to commercial, we believe that this burden has become onerous and not in keeping with that for which it was originally intended. Planning did not see this as a planning issue, however we believe it may be relevant to the license application. This relates to the **location** of the property.
- Our drive also serves as a footpath from the road to the Badenoch and Speyside way long distance paths. As such, there is quite a lot of foot traffic up the drive from local residents as well as visitors to the area. Visitors to a short term let at Innisbeg will not likely be aware of the use of this as a path, leading to an increased risk to the safety of walkers using the drive. Our property can be seen on Google maps via the link [REDACTED] which shows our drive as well as the proximity of Innisbeg. This relates to **public safety**.
- Any issues which we would have with the owners of Innisbeg relating to their use of the drive (the speed of cars, awareness of pedestrians) could easily be resolved long term via discussion. This is not the case with short term let – each week there is the potential for dangerous use of the drive by clients who could ignore warnings. This relates to the **kind of persons likely to be in the premises**.
- The nature of short term lets is that there will be occasions when the clients do not follow the rules. We regularly hear via our neighbours about complaints relating to short term lets in the adjacent property (Carriden) due to noise and behaviour of tenants. It is more than likely that on occasion, there will be issues with Innisbeg if a short term let license is approved. From our perspective, every week we will be stressed worrying if this is the week that the behaviour of clients will be unacceptable, and on occasion leading to loss of enjoyment of our property. This is not speculation – we are already worried about this and are certain, that on occasions, there will be issues. This will affect our mental well-being. This relates to **undue public nuisance**.
- Our drive is not busy. With increased traffic it is likely that we would incur increased maintenance costs due to a short term let at Innisbeg. The owners have never approached us to discuss this (or any) issue relating to the short term let. This relates to **other good reasons**.
- We are permanent residents in the village. The impact of many short term lets within the village is detrimental to a functioning community. Note there are already at least 5 short term lets in a village of approximately 50-60 houses, more

of which are already used as holiday homes. There is no shortage of short term lets in the area – we do not need another one. This relates to **other good reasons**.

- During the planning application (planning ref 25/00864/FUL), the planning officers made it clear that they did not take into consideration the views of the neighbouring residents. Short term let licensing should, in our opinion, take our views and concerns seriously when considering the application.

Regards,

Colin McPherson and Jackie Clark
16th December 2025.

To: [REDACTED]

6th February 2026

CIVIC GOVERNMENT (SCOTLAND) ACT 1982
APPLICATION FOR GRANT OF SHORT TERM LET LICENCE
ADDRESS OF STL PROPERTY: Innisbeg, Kingussie, PH21 1NT Ref
FS771083149: GS/AF

Dear Mr Somers,

Mr Nick Lyon of Igloo Highland Ltd has forwarded to me your letter of 2nd February regarding the above.

I am the co-owner of Innisbeg together with my brother Michael Donald and sister Alison Connolly.

It has been suggested it might be helpful to your committee if I gave some background and other information to this application.

Our property Innisbeg has been in our family now for very nearly 32 years. It has been a long term project of our parents who have invested much time and resource making it the home it is now. They are not using it nearly as frequently as they once did. On the other hand we, the next generation, are rapidly approaching the age our parents were when they purchased Innisbeg and used it regularly. We are not quite there yet but are trying to find more time to do so.

The house has never been rented and it is not the family's first choice but the costs of running a property have increased significantly over recent years. The primary objective here is not therefore to maximise rental income but to help offset these costs, as we, and our children too, now some independently, wish to have continued use of it.

Innisbeg is regularly used by us and our families and it is our wish that it is other families who will also have the opportunity to enjoy it too. We are looking to let it on weekly lets rather than short stays.

The house will be professionally managed by Igloo Highland Ltd who have been recommended to us by two family friends quite independently. Igloo is a self catering agency based in Aviemore who offer marketing, guest support and regular compliance checks. We chose Igloo specifically for their local presence, extensive experience in short-term let regulations and their rigorous approach to licensing compliance.

Their management service includes: regular checks to ensure the property continuously meets all fire, gas, and electrical safety standards required by the 2022 Order. As Igloo are based in Aviemore, they provide a 24-hour point of contact to resolve any guest or neighbour issues. Igloo issues a comprehensive guest guide before arrival which includes specific instructions on house rules including parking restrictions and quiet hours. We are fully committed to any additional licensing conditions the Committee may deem necessary regarding vehicle numbers or guest management to ensure the continued peace of the area.

Our licence application follows the formal approval of planning permission (Ref: 25/00864/FUL) on 8 August 2025. In granting this, the Planning Authority specifically determined that the use of Innisbeg as a short-term let would have no unacceptable impact on the character or residential amenity of the neighbourhood. The Planning Authority also expressly considered the impact on infrastructure and concluded that the proposed limit of two guest cars per booking is unlikely to generate more traffic than if the property were used as a permanent residence. We have accepted all planning conditions, including the strict

adherence to our Management and Operation Plan, to ensure the property is a well-managed and appropriate addition to the local community .

We appreciate the concerns expressed by the near neighbours and I have written to them suggesting a meeting might be helpful to discuss their concerns and how these might be managed. We are hoping such a meeting will happen in the very near future and before the committee meets.

I shall notify you by the due date if I or my brother and sister can attend the meeting. Given our work commitments and the travel time it is unlikely that we shall be able to attend in person but at least one of us should be able to attend remotely and I believe Mr Lyon of Igloo Highland Ltd will also be present remotely.

I hope these comments are helpful.

yours faithfully,

Dr C B Donald



CC Dr M J Donald
Mrs E A Connolly