

Agenda item	14.1
Report no	HLC/60/26

THE HIGHLAND COUNCIL

Committee: THE HIGHLAND LICENSING COMMITTEE

Date: 12 May 2026

Report title: Application for the grant of a short term let licence – Martinet Bothy, Gorthleck, IV2 6UJ (Ward 20 – Badenoch 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 26 January 2026 a validated application for the grant of a short term let licence was received from Mr Philip Joseph Rushton.
- 4.2 The property to which the application relates is Martinet Bothy, Gorthleck, IV2 6UJ (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 Mr Philip Rushton and Mrs Susanne Rushton will be the hosts/operators of the Premises. The application was made after 1 October 2023 and, as such, the hosts/operators cannot operate the premises as a short term let until they have obtained a licence.
- 4.4 Martinet Properties Limited (Company number SC831009) is named on the application as the owner of the Premises.
- 4.5 The person named on the application as being responsible for the day-to-day management of the Premises is the said Mr Rushton.
- 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 an annex ancillary to a dwellinghouse with external socialising area, which can accommodate a maximum capacity of two 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
- Highland Council Environmental Health Service; and
- Highland Council Building Standards Team.

5.2 Police Scotland and The Highland Council's Environmental Health Service have both confirmed that they have no objections to the application.

5.3 The Scottish Fire & Rescue Service and The Highland Council's Building Standards Team have both been consulted on the application, and at the time of writing, a response is awaited from both. If available, a verbal update can be provided to the Committee by the Principal Solicitor – Regulatory Services.

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 26 January 2026.

7. Public objections

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 objections were received and are attached as an Appendices to this report:

- Objection received by email on 10 February 2026 from Ms Emily Roberts and Mr Ian Mulvey (**Appendix 2**).
- Objection received by email on 11 February 2026 from Ms Jan Bain and Mr Paul Bain (**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 all been invited to attend and will be provided with an opportunity to be heard by the Committee.
- 8.3 All parties have also been advised of the procedure which will be followed at the meeting which may also be viewed via the following link:

[Highland Licensing Committee Procedure for Hearings Applicants for License/License Holders](#)

9. Observations on objections

- 9.1 In the emails of objection found at Appendices 2 and 3, 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: 20 April 2026

Author: Audra MacDonald

Reference: [FS733476911](#)

Background Papers:

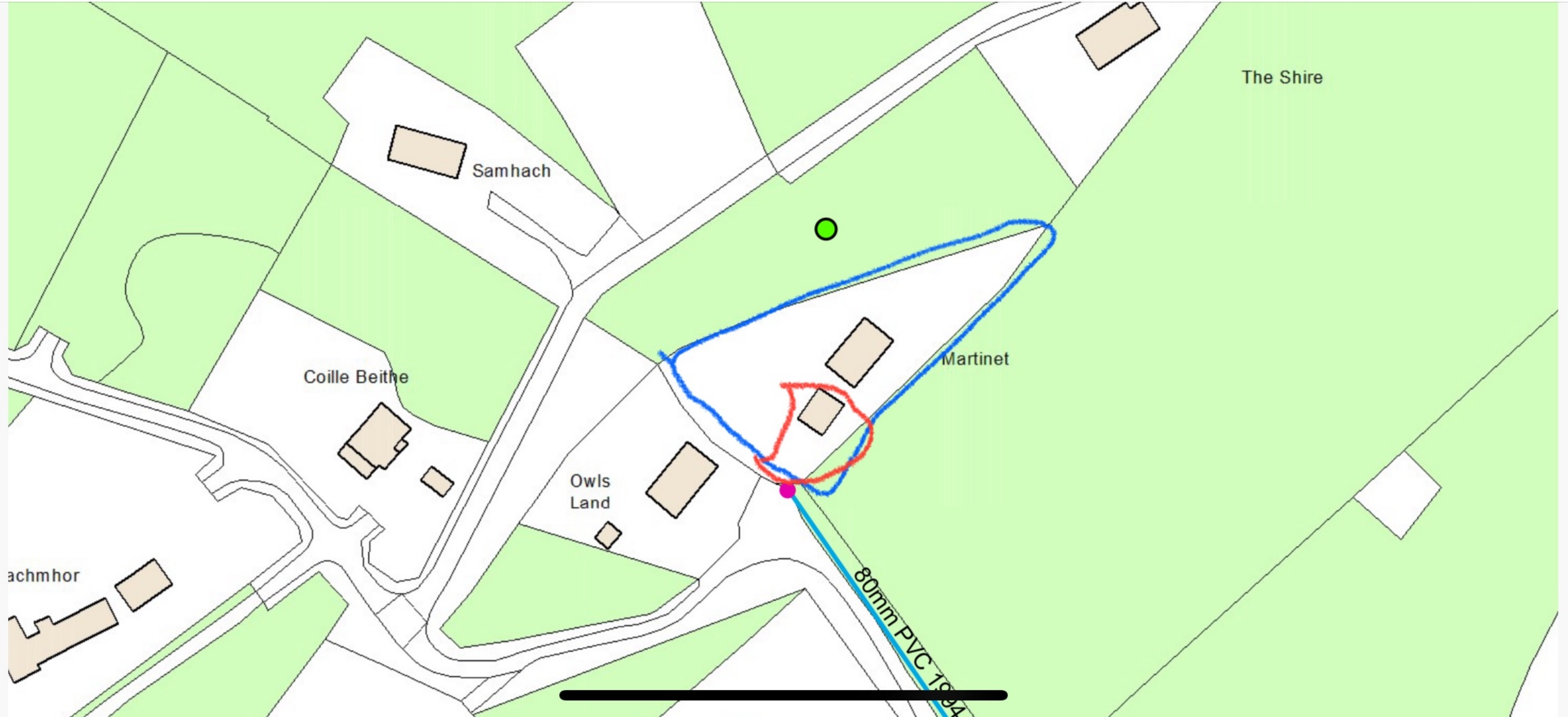
- Civic Government (Scotland) Act 1982
- The Civic Government (Scotland) Act 1982 (Licensing of Short-term Lets) Order 2022

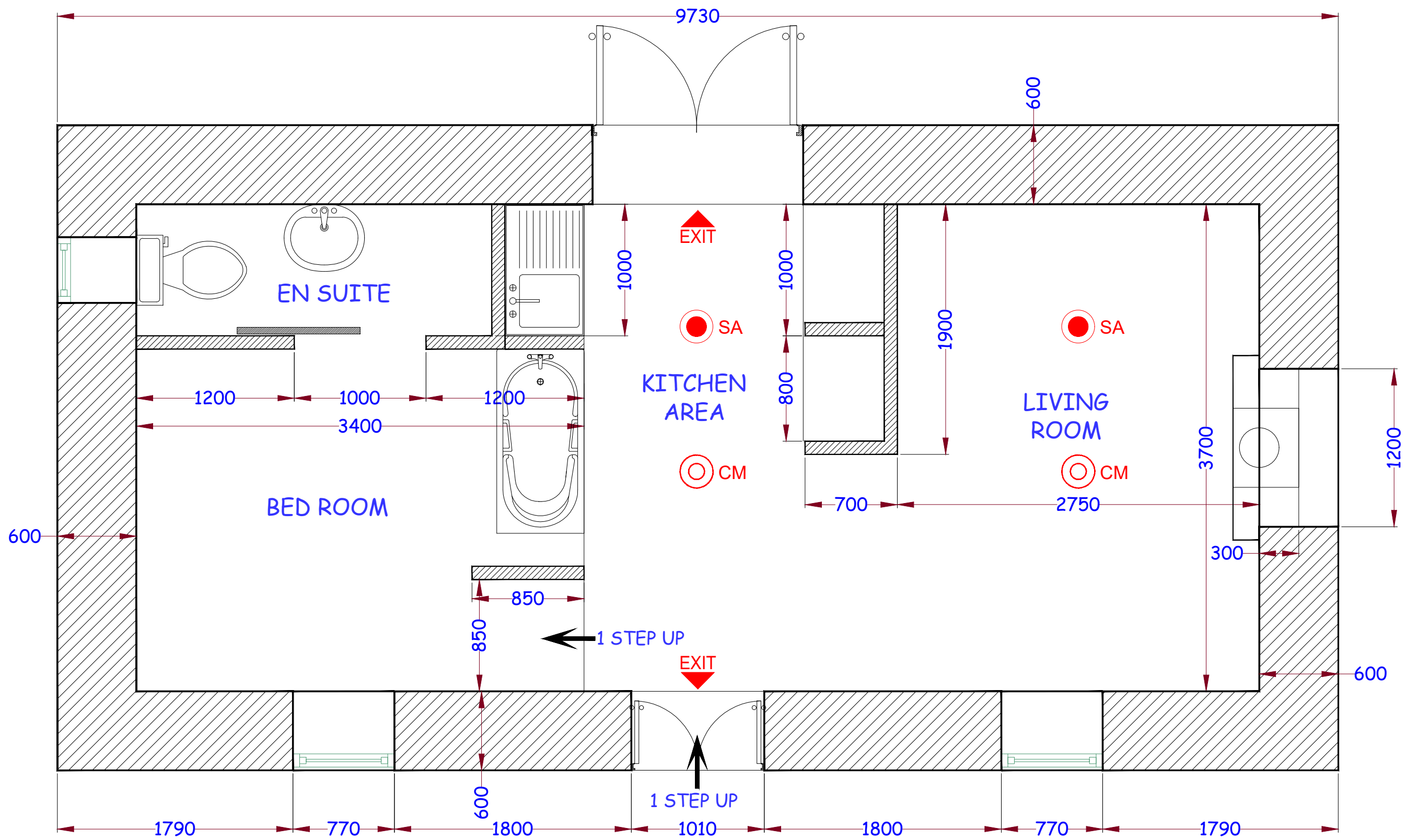
Appendices:

Appendix 1: Site plan detailing the extent of the Premises and floor plans for the Premises;

Appendix 2: Objection received by email on 10 February 2026 from Ms Emily Roberts and Mr Ian Mulvey; and

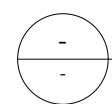
Appendix 3: Objection received by email on 11 February 2026 from Ms Jan Bain and Mr Paul Bain.





LEGEND:

- SA SMOKE ALARM
- CM CARBON-MONOXIDE ALARM



GROUND FLOOR PLAN

SCALE 1:300

APPENDIX 2

From: [REDACTED]
To: [STL Licensing](#)
Subject: Objection to Short-Term Lets Application
Date: 10 February 2026 17:34:21

CAUTION: This email was sent from outside of the organisation. Do not click links or open attachments unless you recognise the sender and know the content is safe.

Dear Sir or Madam,

Re: Martinet, Gorthleck, IV26UJ - Application for a Short Term Lets Licence

We wish to formally object to the above short-term let application on the following grounds:

1. Unsuitability of Location

The proposed cabins are highly unsuitable for a small, permanent residential community. These structures are located in close proximity to four other homes, all of which are occupied by permanent residents, including two families with children. The small size and nature of the community make this proposal inappropriate and disruptive to the quality of life of those already living in the area.

2. Concerns about Public Nuisance, Safety, and Security

We are deeply concerned about the potential negative impact this short-term let could have on the safety, privacy, and peace of our community:

- **Noise Disturbance & Anti-Social Behaviour:** The constant turnover of transient tenants may lead to noise pollution, increased risk of antisocial behaviour, and disturbances in an otherwise quiet area.
- **Safety & Security:** The proximity of the holiday lets to our properties raises significant concerns about personal safety and security. The proposed cabins overlook our private properties, compromising our sense of privacy and making us vulnerable to security risks.

3. Commercial Intent Over Community Consideration

It is clear that the primary motivation behind the proposed cabins is commercial gain, rather than consideration for local residents. The Short Term Lets in Scotland Licensing Scheme encourages operators to "establish good relationships with your neighbours," yet this has not been the case here. The owner has demonstrated a lack of respect for the local community, as evidenced by:

- **Lack of Communication:** The owner has not addressed residents' queries adequately and has responded with hostility to concerns. This lack of respect undermines trust and indicates that the owner is unlikely to address any future issues with the same disregard for neighbours' well-being.
- **Management of the Property:** The owner works abroad for extended periods and is frequently not present locally. This raises serious concerns regarding effective day-to-day management, including the ability to respond promptly to issues such as noise disturbance, antisocial behaviour, waste management problems, or emergency situations involving guests. Remote ownership, without robust local management arrangements, is not appropriate in a residential environment.

4. Ongoing Issues with Property Management

There are serious ongoing concerns about the way the property is managed:

- **Construction Noise:** The owner has already violated agreed-upon construction hours and other terms of the planning permission, suggesting a lack of oversight and responsibility.
- **Waste Management Issues:** The owner has repeatedly mishandled waste disposal, leading to contaminated waste being left in the recycling bins uncollected for prolonged periods, attracting pests and failing to maintain proper hygiene. The owner's ongoing failure to manage their own household waste responsibly, raises serious concerns regarding their ability to manage the increased volume of waste generated by short-term let guests.
- **Barbecues & Fire Safety:** The potential use of fires or barbecues in close proximity to neighbouring dwellings raises concerns regarding smoke nuisance, noise and fire safety.

5. Blocked Access and Environmental Concerns

The owner has consistently blocked the local access path with bins, vehicles, building materials and other items, outside of their site boundary. This has previously resulted in obstruction of a local access path used regularly by residents. The inappropriate siting and contamination of the recycling bins has been reported to the Highland Council as an environmental concern. This behaviour demonstrates a lack of consideration for neighbours and the shared residential environment.

6. Overprovision of Holiday Lets in the Area

There are already two holiday let properties in the Tom a Mhoid community, which sufficiently meet the needs of visiting tourists. The addition of more holiday cabins is therefore unnecessary and will likely contribute to the overdevelopment of the area, negatively affecting the well-being of permanent residents.

7. Lack of Fit and Proper Management

A fundamental concern is the owner's ability and willingness to manage the short-term lets effectively. From the outset, there has been a lack of transparency and engagement with neighbouring residents. This behaviour raises concerns about compliance with licence conditions and the proactive management required for short-term accommodation in a residential setting.

Taken collectively, these matters raise serious doubt as to whether the applicant can be considered a fit and proper person to be granted a short-term let licence. The evidence suggests a pattern of poor management, lack of accountability, and disregard for neighbour amenity.

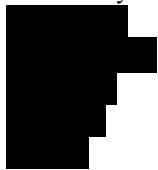
Conclusion

We respectfully ask that the planning application be denied. This proposal represents a commercial activity that would disrupt the peaceful and secure environment that current residents value. Short-term holiday lets should be located in areas zoned for tourism or commercial use, not in residential communities where they can have a detrimental impact on the lives of local people.

We urge the council to consider the impact on the residents and prioritise the well-being of the community when making their decision.

Yours Sincerely,

Ian Mulvey & Emily Roberts



From: [REDACTED]
To: [STL Licensing](#); [REDACTED]
Subject: Re: Objection to Short-Term Let Application – Martinet, Gorthleck, IV26UJ (130099296)
Date: 11 February 2026 09:38:05
Attachments: [REDACTED]

CAUTION: This email was sent from outside of the organisation. Do not click links or open attachments unless you recognise the sender and know the content is safe.

Mr and Mrs Paul Bain

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

Wednesday 11th of February 2026.

Dear Sir or Madam,

I wish to formally object to the above short-term let application for the following reasons.

The property is located in a remote rural setting and is accessed via a private, shared gravel road which serves a small number of permanent residents. (See photo attached) There is no formal maintenance agreement in place for this road, and it is maintained informally by the residents who rely on it for daily access. Increased use associated with a short-term let would place an unreasonable financial and practical burden on neighbouring residents who have not consented to additional traffic levels.

The road is not designed or constructed for frequent visitor traffic or repeated vehicle movements. Increased usage would accelerate surface degradation and, due to the gravel construction, would exacerbate rainwater run-off, erosion, and pooling during periods of rainfall. This raises concerns regarding road stability, surface damage, and safe access, particularly given the Highland climate.

There are permanent neighbours in close proximity to the property. The introduction of a short-term let would materially change the character of the area from a quiet residential environment to a commercial use. This would result in a loss of residential amenity, including increased noise, disturbance, dust, and vehicle movements at unsocial hours, all associated with transient occupancy.

There are also security and safety concerns arising from the regular presence of unknown and changing occupants using the property. In a remote location with shared private access and close neighbouring dwellings with children, this raises legitimate concerns for residents' personal safety, property security, and privacy, particularly given the lack of natural surveillance.

In addition, the applicant is understood to work overseas for extended periods of time, this raises further concern regarding the effective day-to-day management of the property, the ability to respond promptly to issues such as disturbance, misuse of the access road, or emergencies, and the practical enforcement of licence conditions in the absence of an on-site or readily available responsible person.

Given the remote nature of the location, there are further concerns regarding emergency access, waste management, and effective enforcement of licence conditions, all of which are made more problematic by the shared private access and lack of suitable infrastructure.

In my view, the proposal conflicts with the need to protect residential amenity, rural character, safe access arrangements, and neighbour safety, and would have a disproportionate negative impact on existing permanent residents.

For the reasons outlined above, I respectfully request that this application be refused.

Please can you confirm receipt of this email.

Yours faithfully,

Paul Bain

Sent from Outlook for Android

Sent from [Outlook for Android](#)

[Redacted signature block]