

Agenda Item	6.5
Report No	PLS/32/26

HIGHLAND COUNCIL

Committee: South Planning Applications Committee
Date: 13 May 2026
Report Title: 26/00427/FUL: Mr Kevin Space
The Lookout, 3 Lodge Lane, High Burnside, Aviemore PH22 1UJ
Report By: Area Planning Manager - South

Purpose/Executive Summary

Description: Use of property as short term letting unit

Ward: 20 – Badenoch and Strathspey

Development category: Local

Reason referred to Committee: Ward Member referral

All relevant matters have been taken into account when appraising this application. It is considered that the proposal accords with the principles and policies contained within the Development Plan and is acceptable in terms of all other applicable material considerations.

Recommendation

Members are asked to agree the recommendation to **GRANT** the application as set out in section 11 of the report.

1. PROPOSED DEVELOPMENT

- 1.1 Planning permission is sought for the use of the property as a short-term let (STL). The property is a detached five-bedroom house which has been operating as a short-term let since 2018.
- 1.2 No physical alterations to the property are proposed as part of this application.
- 1.3 Pre Application Consultation: None
- 1.4 Supporting Information: Planning Statement
- 1.5 Variations: None

2. SITE DESCRIPTION

- 2.1 The site is a detached 1.75 storey dwellinghouse in the High Burnside area to the west of Aviemore. The house is set on a generous plot with a large rear garden. The garden contains a decked area with outdoor dining and hot tub. There is a detached garage to the rear. There is a driveway to the side of the property and rear parking outside the garage, capable of accommodating a total of 6no. cars within the curtilage of the property.
- 2.2 A road forms the northern and western boundaries of the plot. To the east, there is a neighbouring property, while open space lies to the south. The two properties located directly across the road to the north operate as short-term lets, and the neighbouring property to the east is also in use as a short-term let.

3. PLANNING HISTORY

- 3.1 12 September 2012 12/02611/FUL: Construction of driveway Permission granted

4. PUBLIC PARTICIPATION

- 4.1 Advertised: Unknown Neighbour
Date Advertised: 05 March 2026
Representation deadline: 24 March 2026
Timeous representations: 1
Late representations: 0
- 4.2 Material considerations raised are summarised as follows:
 - a) Priority should be given to the retention of homes for permanent residents given the town's well documented housing crisis and low ratio of permanent to transient residents. The community would be far better served by having long-term neighbours who contribute to the area year-round, rather than having more holiday units.

- 4.3 All letters of representation are available for inspection via the Council's eplanning portal which can be accessed through the internet www.wam.highland.gov.uk/wam.

5. CONSULTATIONS

- 5.1 **Aviemore & Vicinity Community Council:** Object. In May 2024 Aviemore and Vicinity Community Council agreed to object to all new applications for short term lets within the community council boundary in line with our support for the short term let control zone. We feel that the need for accommodation for people to live and work permanently in our community greatly outstrips the need for further holiday accommodation, which the local economy cannot currently adequately support.

6. DEVELOPMENT PLAN POLICY

The following policies are relevant to the assessment of the application

6.1 National Planning Framework 4 (2023) (NPF4)

Policy 1 - Tackling the Climate and Nature Crises

Policy 2 - Climate Mitigation and Adaptation

Policy 3 - Biodiversity

Policy 13 - Sustainable Transport

Policy 14 - Design Quality and Place

Policy 15 - Local Living and 20 Minute Neighbourhoods

Policy 16 - Quality Homes

Policy 30 – Tourism

6.2 Cairngorms National Park Local Development Plan (CNPLDP) (2021)

3 – Design and Placemaking

6.3 Cairngorms National Park Guidance

3 – Sustainable Design – Non-statutory Guidance

7. OTHER MATERIAL POLICY CONSIDERATIONS

7.1 Scottish Government Planning Policy and Guidance

Planning Circular 1/2023: short-term lets and planning

7.2 The Highland Council guidance and advice

Highland Council Non-Statutory Short-Term Let Control Area Planning Policy (2023)

8. PLANNING APPRAISAL

- 8.1 Section 25 of the Town and Country Planning (Scotland) Act 1997 requires planning applications to be determined in accordance with the development plan unless material considerations indicate otherwise.

Determining Issues

- 8.2 This means that the application requires to be assessed against all policies of the Development Plan relevant to the application, all national and local policy guidance and all other material considerations relevant to the application.

Planning Considerations

- 8.3 The key considerations in this case are:
- a) compliance with the development plan and other planning policy
 - b) impact of loss of residential use
 - c) impact on amenity and character of area
 - d) impact on infrastructure and services
 - e) any other material considerations

Development plan/other planning policy

- 8.4 Planning permission is sought for use of the property at 3 Lodge Lane, High Burnside, Aviemore as a short-term letting unit.
- 8.5 The property has been utilised as a short term let prior to the establishment of Ward 20 as a Short Term Let Control Area (STLCA). However, due to the scale of the property, the number of bedrooms, and anticipated occupancy, the change is deemed to be material.
- 8.6 The Cairngorms National Park Local Development Plan (CNPLDP) has policies that support tourism development, including provision of tourist accommodation, but does not have a specific policy on the use of existing residential buildings for short term lets. The principal policy that this proposal must be considered against is therefore NPF4 Policy 30 Tourism.
- 8.7 NPF4 Policy 30 e) Tourism sets out that for the reuse of existing buildings for short term holiday letting will not be supported where the proposal will result in:
- i. An unacceptable impact on local amenity or the character of a neighbourhood or area; or
 - ii. The loss of residential accommodation where such loss is not outweighed by demonstrable local economic benefits.
- 8.8 The Council's Non-Statutory Short-term Lets within a Control Area Planning Policy was introduced in 2023. It does not form part of the Development Plan but is a material consideration in the determination of applications for this type of use.
- 8.9 This states that, within a Control Area, the Council will support the use of an existing dwellinghouse as a short-term let that falls within one of the following categories:
- 1. It is a long-term empty dwellinghouse that will be brought back into active use. Supporting evidence will be required to be submitted to demonstrate

- this; or
2. The dwellinghouse is located above a commercial unit within a City, Town or Village centre; or
 3. The dwellinghouse has no fewer than four bedrooms, as it existed at the date of the establishment of the Control Area or, if constructed after the designation of the Control Area, as originally built.

8.10 Providing that the loss of the residential property to short term let can be justified on the grounds of supporting the local economy and that the proposal would not lead to an unacceptable impact on local amenity or the character of the neighbourhood or area, it could be considered to comply with the Development Plan.

Impact of loss of residential use

8.11 While the proposal would result in a change from residential to short term let, this property, at 5no. bedrooms, is of a size where a change of use to short term let would in principle be acceptable under the Council's Non-Statutory Short-Term Lets within a Control Area Planning Policy, without adverse impact on the local housing market and would, at the same time, support the local tourism economy.

Impact on amenity and character of area

8.12 Due to the location and surrounding property uses, it is considered in this case that use of the property for short-term letting is acceptable in that the impact on residential amenity and the character of the area is not considered significant and the proposal therefore complies with NPF4 Policy 30e(i).

Impact on infrastructure and services

8.13 The property has sufficient in-curtilage car parking spaces to meet the Council's standards for a property of this size. There are no developer contributions required for this type of development.

Other material considerations

8.14 The Council's Non-Statutory Short-Term Lets within a Control Area Planning Policy, published in November 2023, supports the use of dwellinghouses as short-term lets if they fall within one of three categories. The use of the property as a short term let would fit within one of the categories, having more than three bedrooms, and therefore the proposed use would be supported by the non-statutory guidance.

Non-material considerations

8.15 Impact of new Council tax premiums and how these measures risk an increase in applications for STLs, further depleting local housing stock. This is not a material consideration.

Matters to be secured by Legal Agreement / Upfront Payment

8.16 None

9. CONCLUSION

- 9.1 Planning permission is sought for the use of an existing property as a short term let. It is not considered to have an unacceptable impact on either the character or the amenity of the area and would therefore meet with the requirements of NPF4 Policy 30 e) part i.
- 9.2 The property is of a size where a change of use to short term let would be acceptable under the Council's Non-Statutory Short-term Lets within a Control Area Planning Policy.
- 9.3 All relevant matters have been taken into account when appraising this application. It is considered that the proposal accords with the principles and policies contained within the Development Plan and is acceptable in terms of all other applicable material considerations.

10. IMPLICATIONS

- 10.1 Resource: Not applicable
- 10.2 Legal: Not applicable
- 10.3 Community (Equality, Poverty and Rural): Not applicable
- 10.4 Climate Change/Carbon Clever: Not applicable
- 10.5 Risk: Not applicable
- 10.6 Gaelic: Not applicable

11. RECOMMENDATION

Action required before decision issued	N
Notification to Scottish Ministers	N
Conclusion of Section 75 Obligation	N
Revocation of previous permission	N

Recommended to **GRANT** the application subject to the following conditions and reasons:

1. The development to which this planning permission relates must commence within THREE YEARS of the date of this decision notice. If development has not commenced within this period, then this planning permission shall lapse.

Reason: In accordance with Section 58 of the Town and Country Planning (Scotland) Act 1997 (as amended).

REASON FOR DECISION

All relevant matters have been taken into account when appraising this application. It is considered that the proposal accords with the principles and policies contained within the Development Plan and is acceptable in terms of all other applicable material considerations.

INFORMATIVES

Initiation and Completion Notices

The Town and Country Planning (Scotland) Act 1997 (as amended) requires all developers to submit notices to the Planning Authority prior to, and upon completion of, development. These are in addition to any other similar requirements (such as Building Warrant completion notices) and failure to comply represents a breach of planning control and may result in formal enforcement action.

1. The developer must submit a Notice of Initiation of Development in accordance with Section 27A of the Act to the Planning Authority prior to work commencing on site.
2. On completion of the development, the developer must submit a Notice of Completion in accordance with Section 27B of the Act to the Planning Authority.

Copies of the notices referred to are attached to this decision notice for your convenience.

Signature: Bob Robertson
Designation: (Acting) Planning Manager South
Author: Ross Cubey
Background Papers: Documents referred to in report and in case file.
Relevant Plans:
Plan 1 - LOCATION PLAN - 000001
Plan 2 - GROUND FLOOR PLAN - LOWER - 000003
Plan 3 - GROUND FLOOR PLAN - 000004
Plan 4 - GROUND FLOOR PLAN – 000005
Plan 5 - FLOOR PLAN - 000007
Plan 6 - FLOOR PLAN - 000008
Plan 7 - FIRST FLOOR PLAN - 000009
Plan 8 - FIRST FLOOR PLAN - 000010

The Lookout, 3, Lodge Lane, High Burnside, Aviemore, Highland, PH22 1UJ

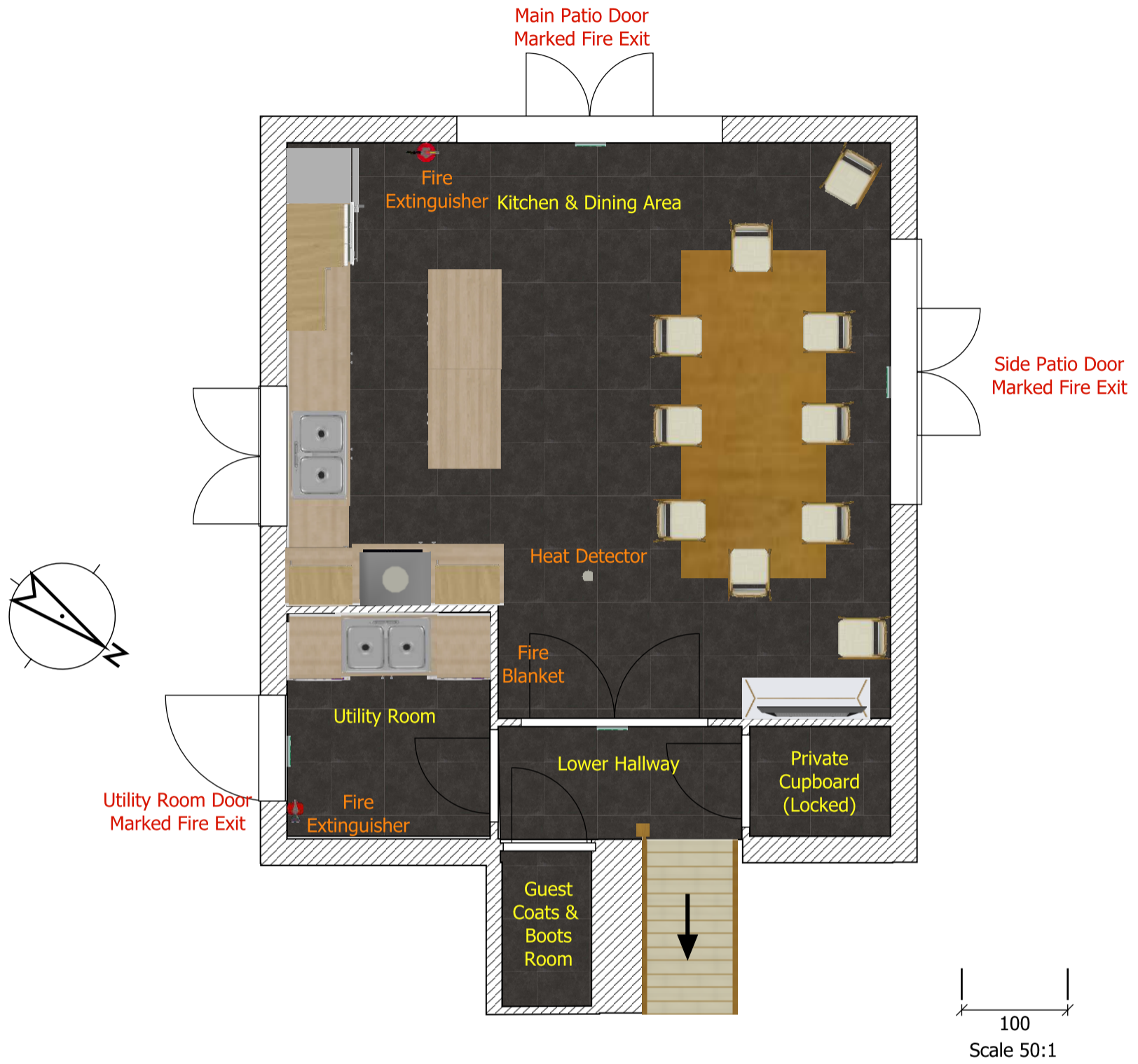


Site Plan (also called a Block Plan) shows area bounded by: 289248.57, 814074.43 289338.57, 814164.43 (at a scale of 1:500), OSGridRef: NH89291411. The representation of a road, track or path is no evidence of a right of way. The representation of features as lines is no evidence of a property boundary.

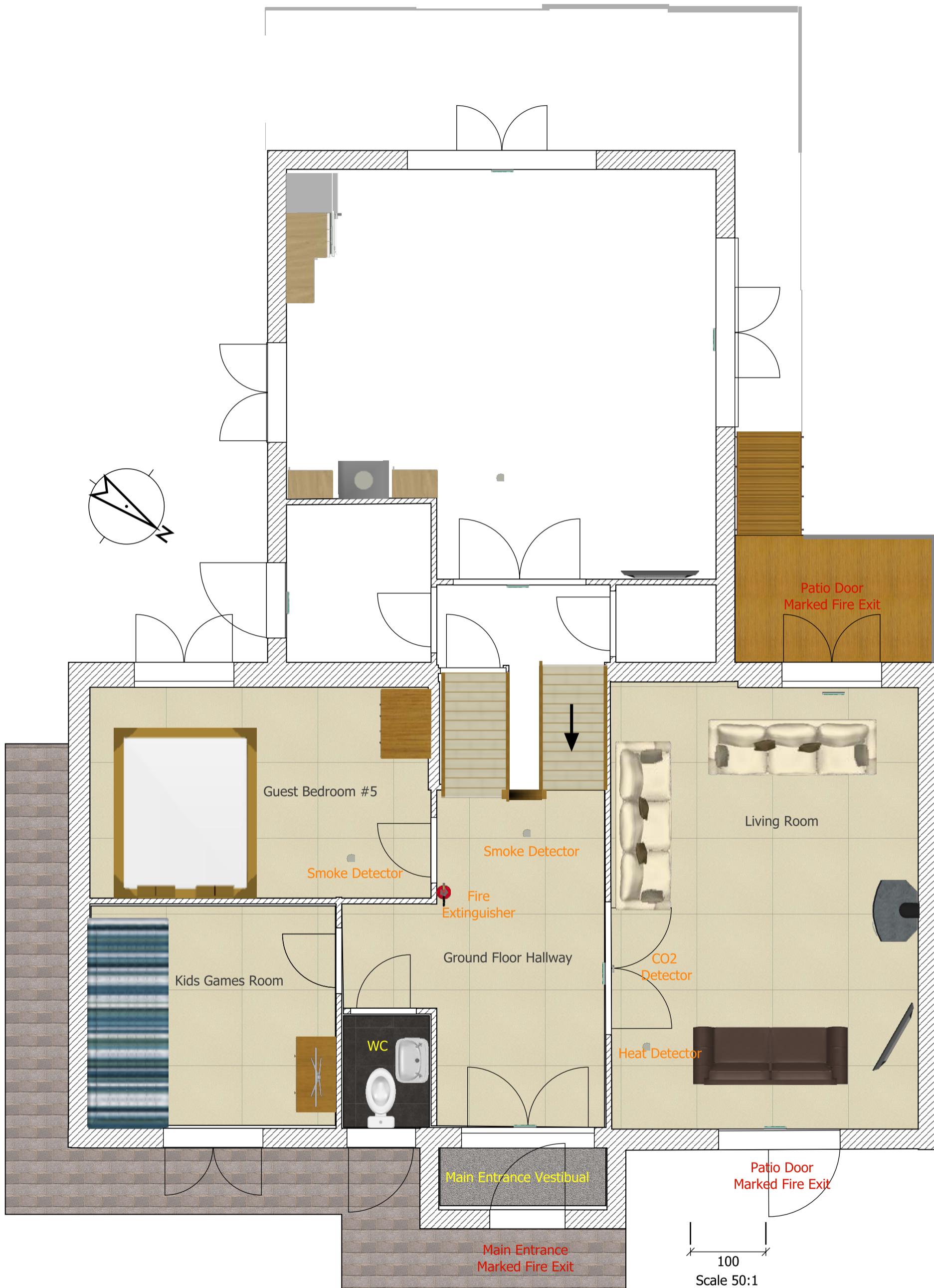
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Lower Ground Floor



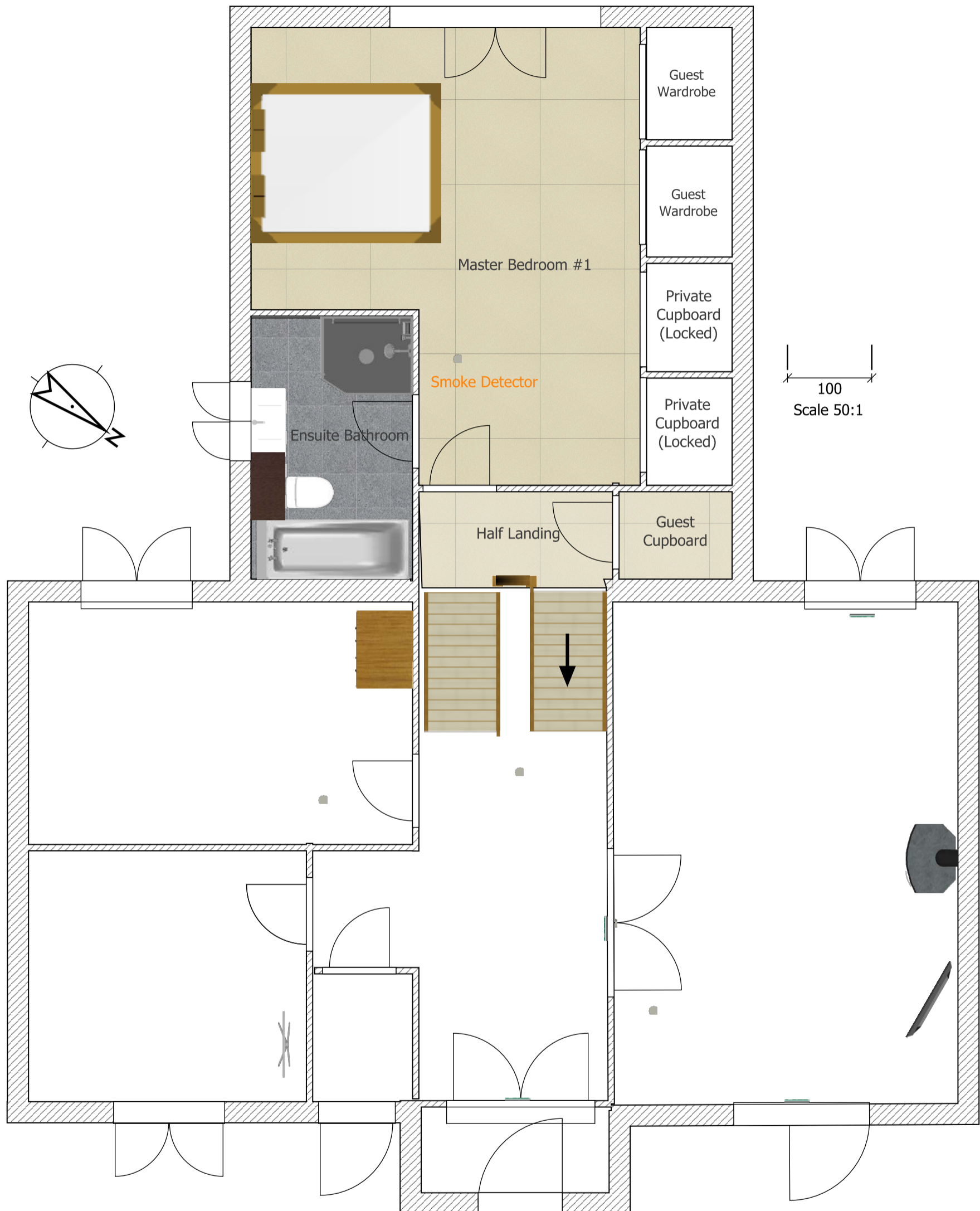
Ground floor



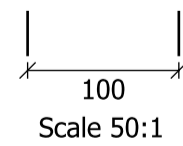
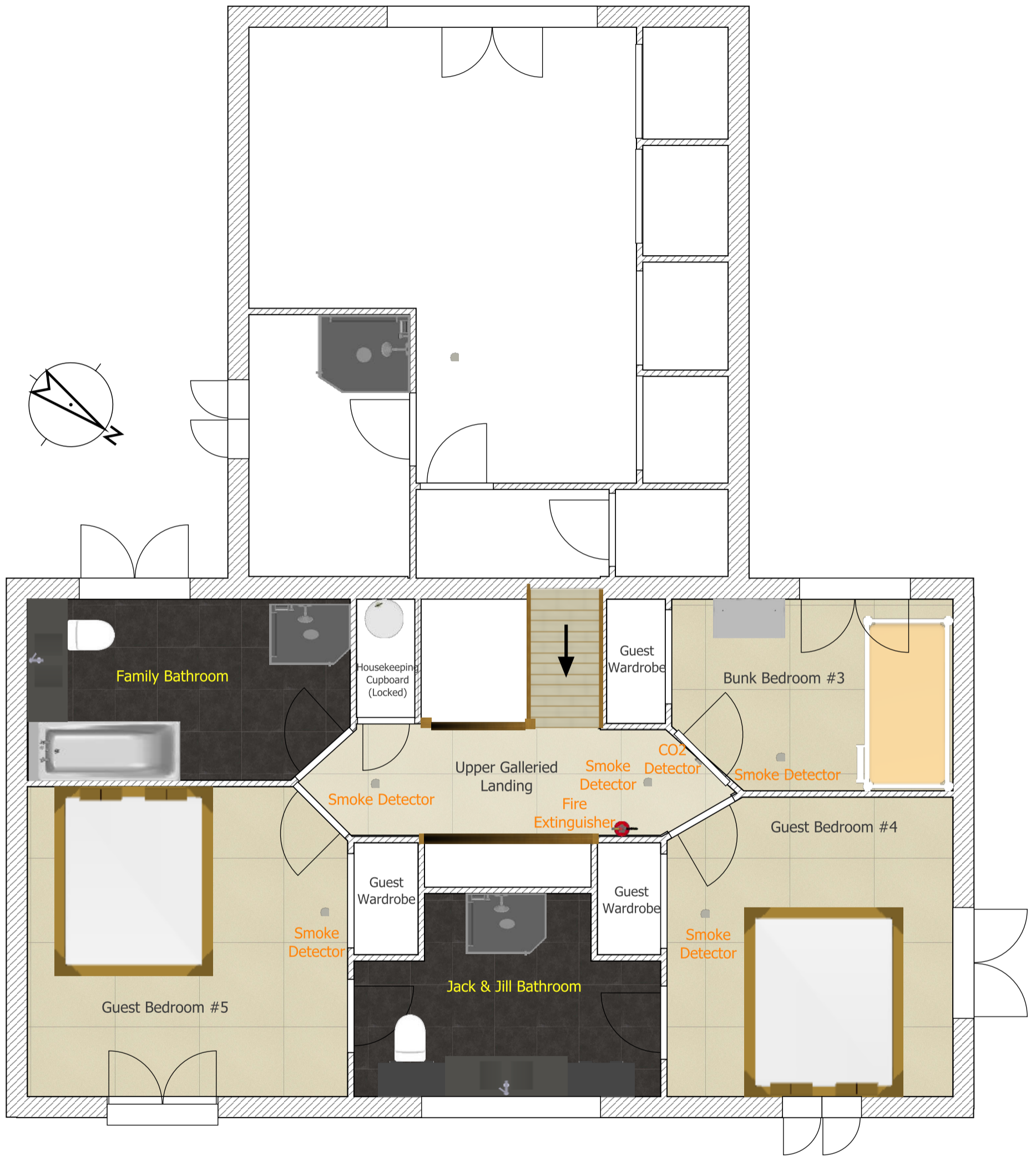
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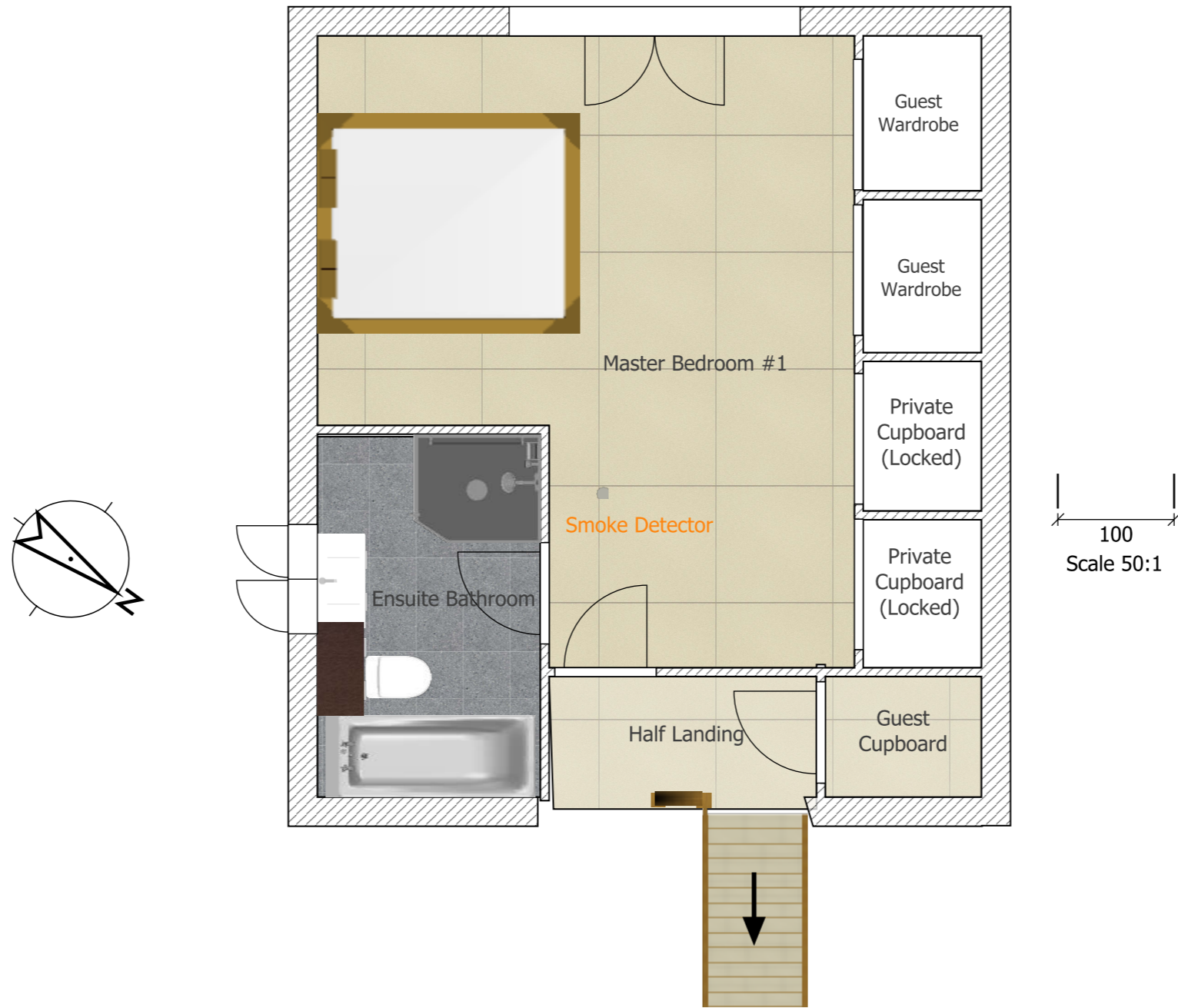
Mid Level Floor



Upper Level



Mid Level Floor



Upper Level

