

THE HIGHLAND COUNCIL

Committee: **THE HIGHLAND LICENSING COMMITTEE**

Date: **15 September 2026**

Report title: **Application for the renewal of a short term let licence –
10 Bynack House, Bynack More, Aviemore, PH22 1UU
(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 renewal 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 24 February 2026 an application was submitted for the renewal of a short term let licence from Mr Kieran Buchanan.
- 4.2 The property to which the application relates is 10 Bynack House, Bynack More, Aviemore, PH22 1UU (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 plans on pages 1 and 2 of Appendix 1.
- 4.3 The application for the renewal of a short term let licence has been made on the basis that Mr Buchanan and Miss Kelly Southgate will be the hosts/operators of the Premises. The application for the renewal of the short term let licence has been made prior to expiry of the current licence and the host/operator is, therefore, able to continue to operate pending determination of the renewal application.
- 4.4 Mr Buchanan and Miss Southgate 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 Mr Nicholas Lyon and Mrs 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 flat with private entrance which can accommodate a maximum capacity of four guests. Floor plans of the Premises were provided by the applicant as part of the application process, and these can be found on page 3 of Appendix 1.

5. Process

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

- Police Scotland;
- Highland Council Environmental Health Service; and
- The Highland Council Planning Service

- 5.2 Police Scotland, The Highland Council's Environmental Health Service and The Highland Council Planning Service have all confirmed that they have no objections to the application. In addition, it has been confirmed that The Highland Council's Planning Service issued a Certificate of Lawfulness for short term letting use of the premises on 4 June 2026, planning reference 26/01243/CLE.

- 5.3 The Scottish Fire & Rescue Service was not further consulted on the application as the fire safety checklist, which was completed by the applicant, pertaining to the application was deemed satisfactory.

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 6 March 2026.

7. Public objections/representations

- 7.1 It is open to any member of the public to submit an objection or representation in relation to an application for the renewal of 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 27 March 2026 from Mr Thomas Hutchinson and Ms Abbie Sheikh (**Appendix 2**).

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 both 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:

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

9. Observations on objection/representation

- 9.1 In the email of objection found at Appendix 2, a point has been made which should not be taken into account by the Committee when determining this licence application, as it is 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

10.1 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: 26 August 2026

Author: Sophie Shearer

Reference: [FS803160132](#)

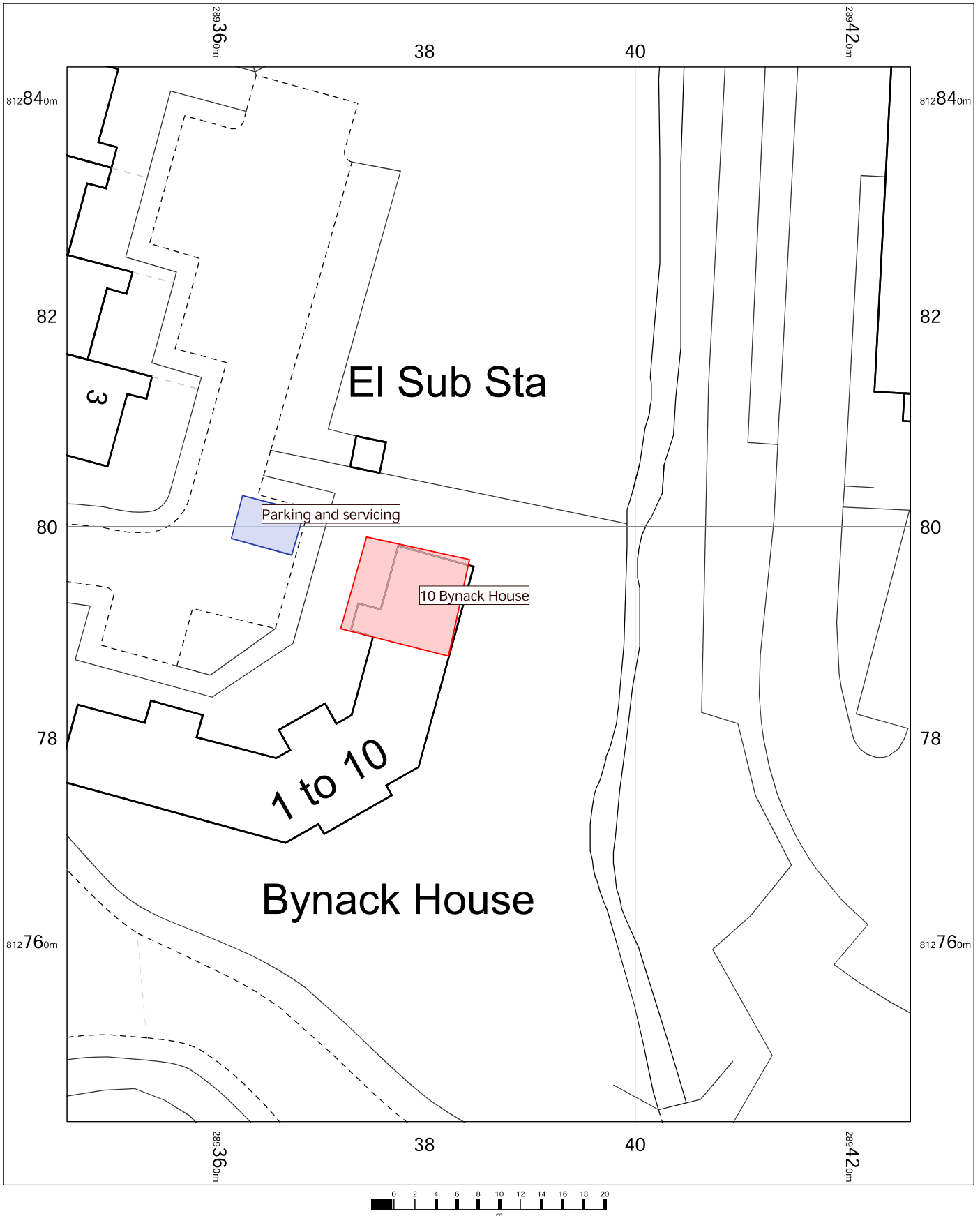
Background Papers:

- 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;

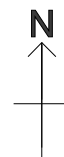
Appendix 2: Objection received by email on 27 March 2026 from Mr Thomas Hutchinson and Ms Abbie Sheikh



OS MasterMap 1250/2500/10000 scale
Monday, October 17, 2022, ID: CM-01067020
www.centremapslive.co.uk

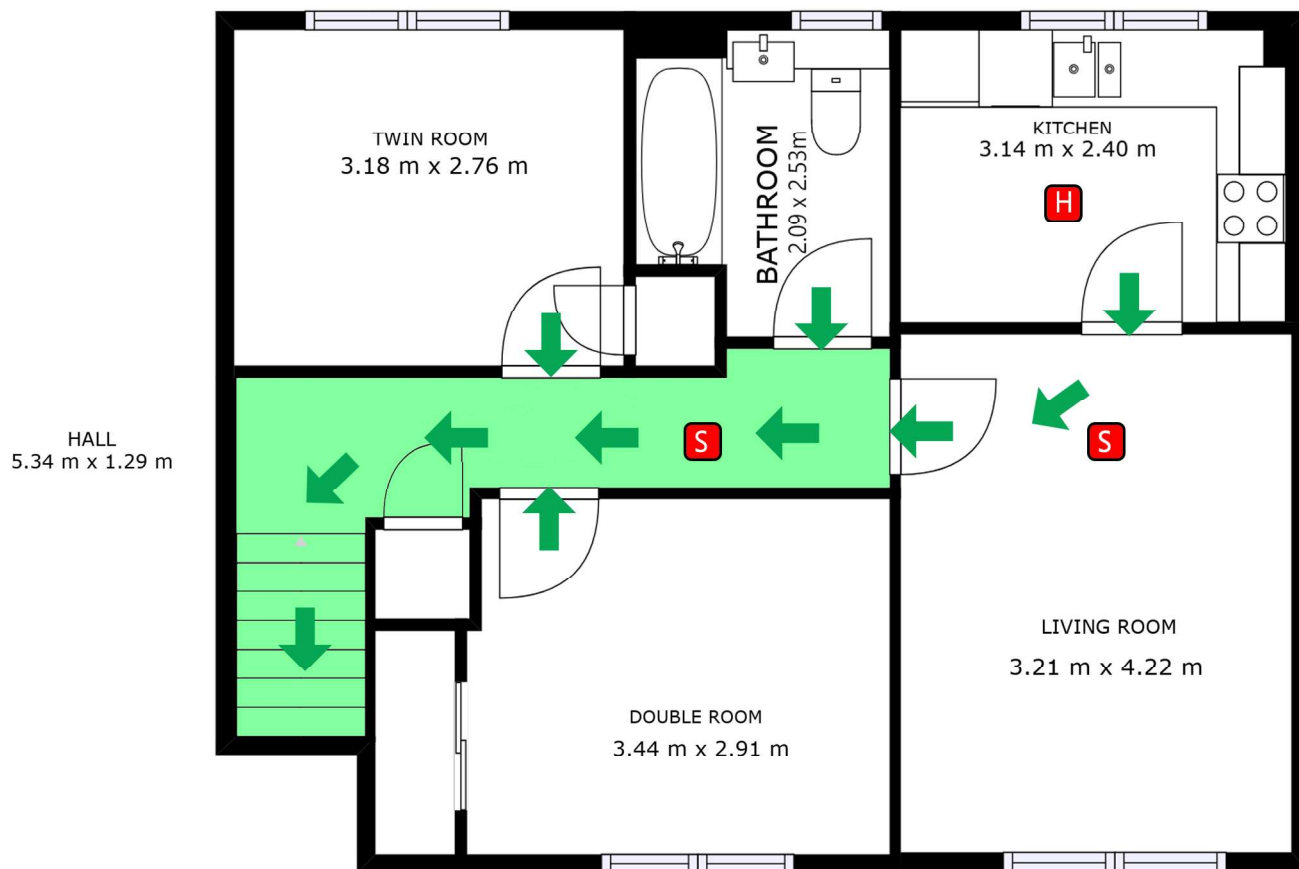
1:500 scale print at A4, Centre: 289386 E, 812794 N

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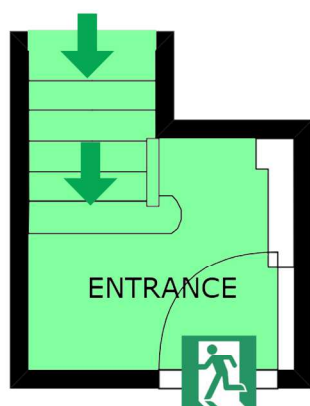


Pl n f rr T





First floor



Ground floor



Accessibility:

The property is an upstairs apartment with its own access door. There is a single flight of stairs up into the property. The bathroom has a bath with a shower over it. Guests can assess the suitability of the accommodation for their needs on the property's 3D tour.

10 Bynack House
Bynack More
Aviemore
PH22 1UU

GROSS INTERNAL AREA
FLOOR 1: 5 m², FLOOR 2: 57 m²
TOTAL: 62 m²

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

Sophie Shearer (Legal (Licensing))

From: Abbie Sheikh [REDACTED]
Sent: 27 March 2026 10:56
To: STL Licensing
Cc: Tom Hutchinson
Subject: 10 Bynack - Objection to renewal of short term lets license

Attachments: 10 Bynack - Objection to renewal of short term lets license..pdf

Follow Up Flag: Follow up
Flag Status: Flagged

Categories: Objection, Sophie

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/Madam,

Attached is our objection to the renewal of the short term let license of 10 Bynack house.

If you need any more information from us please let us know.

Thank you,

Kind regards,

Abbie Sheikh and Tom Hutchinson

[REDACTED]
27/03/2026

10 Bynack House

Objection to renewal of short term lets license

Dear Sir/Madam,

We are writing to submit a representation regarding the application for a short term lets licence for the property at 10 Bynack House, Bynack More, Aviemore. We are writing to object to the renewal of the full licence for short term lets licence.

We live in the property directly below ([REDACTED]) and we are objecting on two grounds:-

Firstly, there is a shortage of affordable housing in Aviemore for the local community; we know first hand that the local businesses are struggling to get staff because there is simply nowhere for workers to live. Whilst we understand the local economy relies on tourism, there are many options for tourists to stay in the town: hotels, B&Bs, caravans, holiday parks, and other lets. This property is in a shared residential building designed for residential use, not for short term lets. We feel the need of the local community should be put before the short-term profits of landlords.

Secondly, the holiday let is not managed with the fact it is a residential area in mind. We regularly have problems with guests' waste being in our bins and incorrectly disposed of, which then falls on the residents to sort out. There have also been regular occurrences where noise levels, particularly in the evenings and late at night, have been quite disruptive. This has included loud movements such as children jumping from furniture, on occasion as late as midnight, which carries significantly into the property below. We have also had to contact the letting agency about the cleaner showing up during unsociable hours.

As stated, we have previously raised these concerns with the landlord and letting agent, and while we appreciate that managing short term guests can be challenging, the disturbances have continued to the same level. On a few occasions it has been so bad that we have had to politely ask occupants to reduce noise levels, again as late as 11pm - the responses are often not positive.

We would appreciate consideration of the impact on neighbouring residents, particularly within a shared residential building. Thank you for taking the time to consider this, and we hope it is helpful as part of your assessment.

Further to this, on the morning of our submission (27/03/2026), the letting agent removed the public notice from the door of the property. This was 7 days before the 28 day period allowed for representations to be submitted. While we are unsure if the notice must be displayed for the full 28 day period, we thought it was worth mentioning.

Yours faithfully,

Thomas Hutchinson and Abbie Sheikh

