

THE HIGHLAND COUNCIL

Committee: **THE HIGHLAND LICENSING COMMITTEE**

Date: **15 September 2026**

Report title: **Application for the grant of a short term let licence –
Greenwood, Nethy Bridge, PH25 3DB (Ward 20 – Badenoch
and Strathspey)**

Report by: **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 13 March 2026 an application for the grant of a short term let licence was received from Mr Duncan McVitie.
- 4.2 The property to which the application relates is Greenwood, Nethy Bridge, PH25 3DB (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 McVitie and Mrs Fiona McVitie 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 Mr Duncan McVitie, Mrs Fiona McVitie and Mrs Gillian McVitie are named on the application as the owners 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 McVitie.
- 4.6 The type of letting which has been applied for is 'home letting', which means the host/operator is using all or part of their own home for short-term lets whilst they are absent.

- 4.7 The Premises is described as a detached house which can accommodate a maximum capacity of six 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. In addition, the applicant has confirmed on the application form that there is an external socialising area described as a patio with seating.

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.

- 5.2 Police Scotland, the Highland Council's Environmental Health Service, and the Highland Council Building Standards have all confirmed that they have no objections to the application.

- 5.3 The Scottish Fire & Rescue Service have been consulted on the application, and at the time of writing, a response is awaited. 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 23 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 9 April 2026 from Ms Heather Tucker, Secretary of Nethy Bridge & Vicinity Community Council (**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 objector 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: 25 August 2026

Author: Audra MacDonald

Reference: [FS811888272](#)

Background Papers:

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

Appendices:

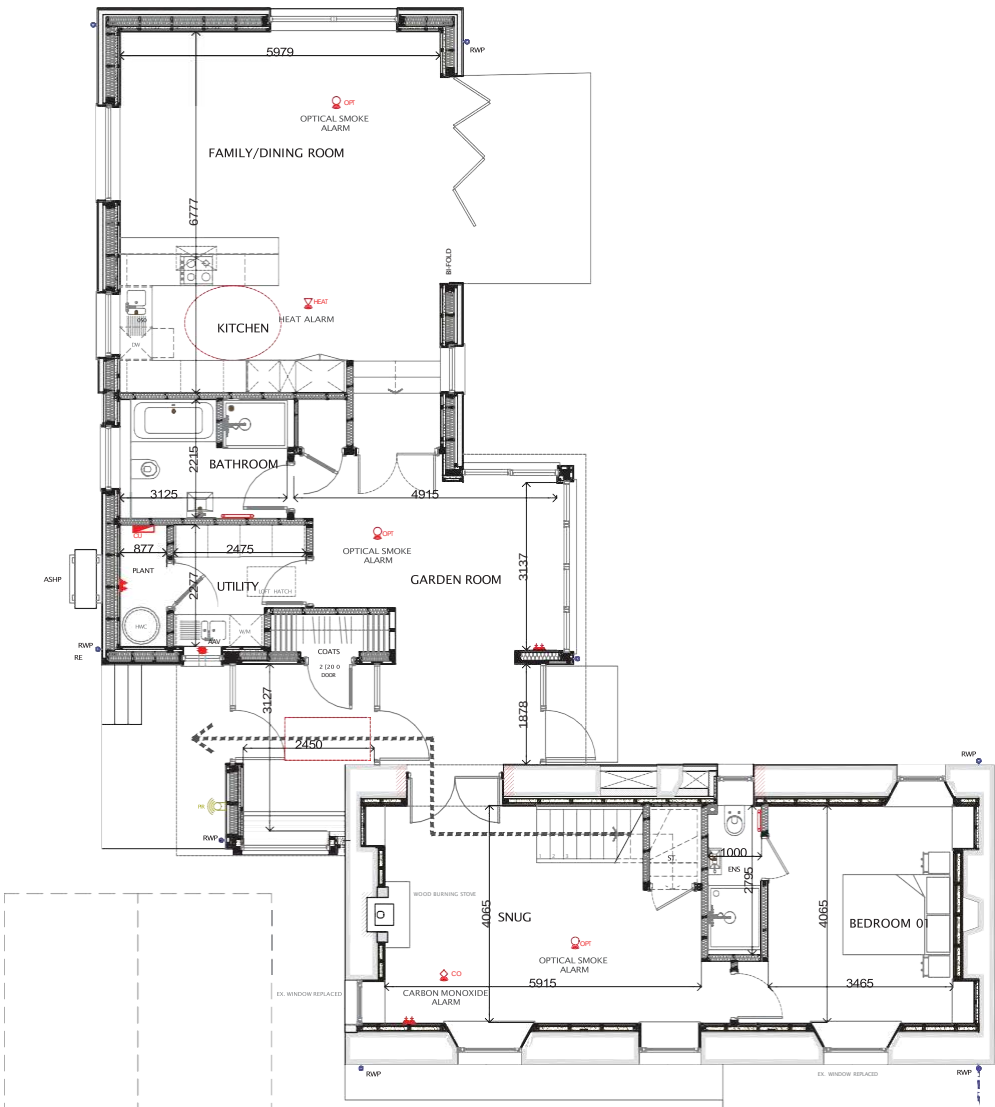
Appendix 1: Site plan detailing the extent of the Premises and floor plans for the Premises;

Appendix 2: Objection received by email on 9 April 2026 from Ms Heather Tucker, Secretary of Nethy Bridge & Vicinity Community Council.

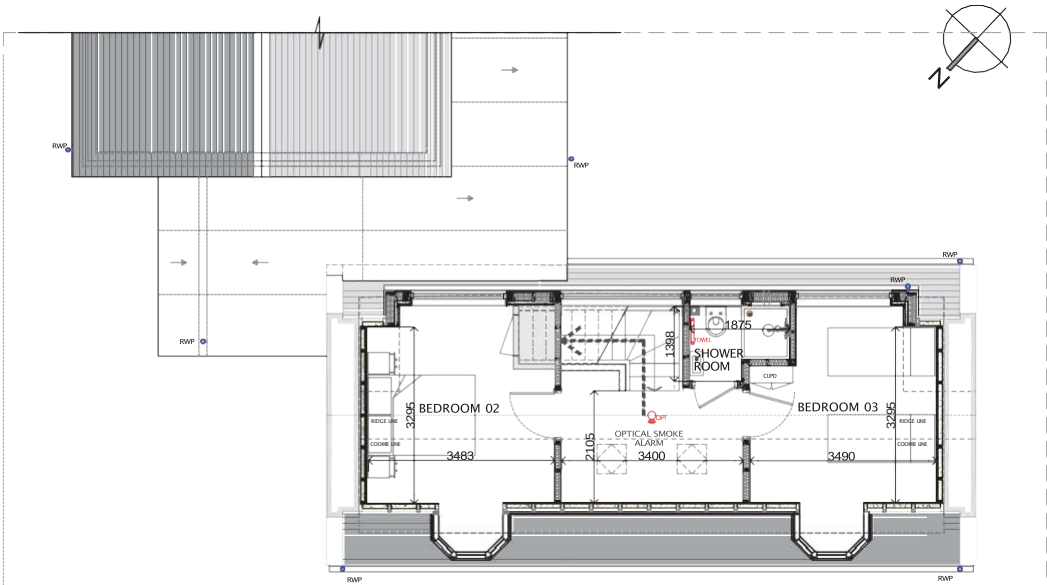


GREENWOOD, NETHY BRIDGE

APPROXIMATE SIZES ONLY. ALL DIMENSIONS TO BE CHECKED ON SITE.



PROPOSED GROUND FLOOR PLAN



PROPOSED FIRST FLOOR PLAN

Audra MacDonald (Legal (Licensing))

-----Original Message-----

From: Heather Tucker [REDACTED]
Sent: 09 April 2026 13:51
To: STL Licensing <STL@highland.gov.uk>
Subject: Application

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.

Good Afternoon

Nethy Bridge & Vicinity Community Council discussed the application for a short term let at Greenwood, Nethy Bridge at our latest meeting.

We would like to object to this application, on the grounds that there are already a large number of short term lets within the village.

Regards

Heather Tucker
[REDACTED]
[REDACTED]
[REDACTED]

Sent from my iPad