Agenda Item	**3.2**
Report No	**HLC/122/26**

THE HIGHLAND COUNCIL

Committee: **THE HIGHLAND LICENSING COMMITTEE**

Date: **24 November 2026**

Report title: **Application for the grant of a short term let licence – Broomfield Lodge, 11 Croftside, Aviemore, PH22 1QJ (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 9 April 2026 an application for the grant of a short term let licence was received from Mr Jonathan Samuel Philip.

4.2 The property to which the application relates is Broomfield Lodge, 11 Croftside, Aviemore, PH22 1QJ (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 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 Mr Philip 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 Philip.

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 detached 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;
- Highland Council Environmental Health Service;
- Highland Council Building Standards Service; and
- Highland Council Planning Service.

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

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. **Highland Council's Planning Service**

6.1 The Highland Council's Planning Service sought to object to the licence application on 29 April 2026 on the basis that the applicant has failed to demonstrate compliance with Paragraph 13 of Schedule 3 to The Civic Government (Scotland) Act 1982 (Licensing of Short-term Lets) Order 2022 ("Mandatory Licence Condition 13").

6.2 Mandatory Licence Condition 13 states the following:

"Where the premises is in a short-term let control area for the purposes of section 26B of the Town and Country Planning (Scotland) Act 1997 ("the 1997 Act"), the holder of the licence must, where the use of the premises for a short-term let requires planning permission under the 1997 Act, ensure that either –

a) an application has been made for planning permission under the 1997 Act and has not yet been determined, or
b) planning permission under the 1997 Act is in force."

6.3 The applicant confirmed to the Council's Licensing team that they applied for planning permission for use of the Premises as a short term let (planning reference: 26/01489/FUL). This planning application was initially refused by the Council's Planning Service. The applicant has confirmed that they have applied for a review of that decision to the Council's Planning Review Body (reference: 26/00052/RBREF). At the time of writing, the review of this decision remains pending determination. If available, a verbal update can be provided to the Committee by the Solicitor – Regulatory Services.

6.4 At the time of writing, the Applicant has demonstrated compliance with Mandatory Licence Condition 13 by virtue of them having an application for planning permission for use of the Premises as a short term let which has not yet been determined as it is pending review. Accordingly, the Council's Planning Service's earlier correspondence is not being treated as an objection to the licence application.

7. Certificate of Compliance

7.1 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 10 April 2026.

8. Public objections/representations

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

- Objection received by letter dated 13 April 2026 from Ms Janice Robson **(Appendix 2),**
- Objection received by letter dated 13 April 2026 from Mr David Horrocks and Mrs Janet Horrocks **(Appendix 3),** and
- Objection received by letter dated 21 April 2026 from Dr John Henderson **(Appendix 4).**

9. Determining issues

9.1 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.

9.2 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.

9.3 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

10. Observations on objections/representations

10.1 In the letters of objection found at Appendices 2, 3 and 4 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 9.1 of this Report.

10.2 If required, the Principal Solicitor – Regulatory Services will offer further advice or clarification on these points.

11. Policies

11.1 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.

12. Implications

12.1 Not applicable.

Date: 3 November 2026

Author: Sophie Shearer

Reference: FS824855869

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 letter dated 13 April 2026 from Ms Janice Robson;
Appendix 3: Objection received by letter dated 13 April 2026 from Mr David and Mrs Janet Horrocks; and
Appendix 4: Objection received by letter dated 21 April 2026 from Dr John Henderson.

Appendix 1



11 Croftside,
Aviemore,
Highland
PH22 1QJ

OS MasterMap 1250/2500/10000 scale
Thursday, April 9, 2026, ID: MPMM4-01272283
www.nicolsondigital.com

1:1250 scale print at A4, Centre: 289536 E, 813904 N

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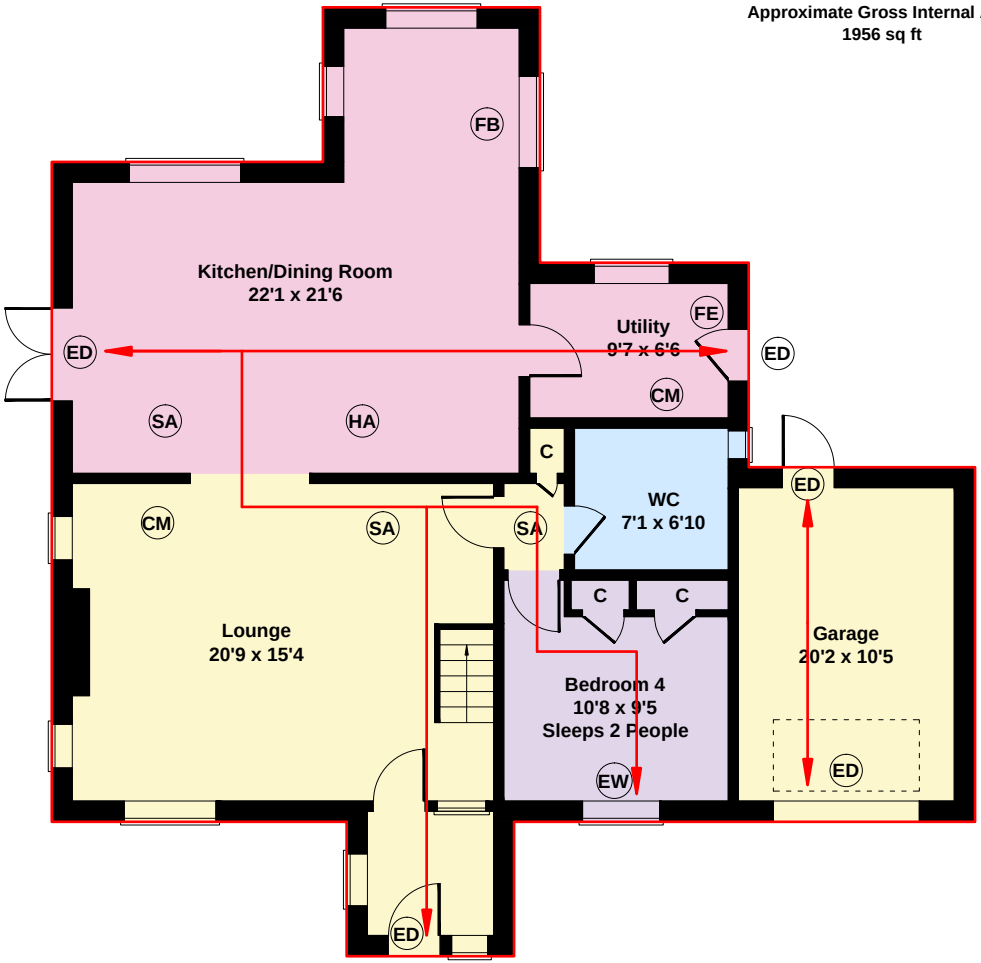
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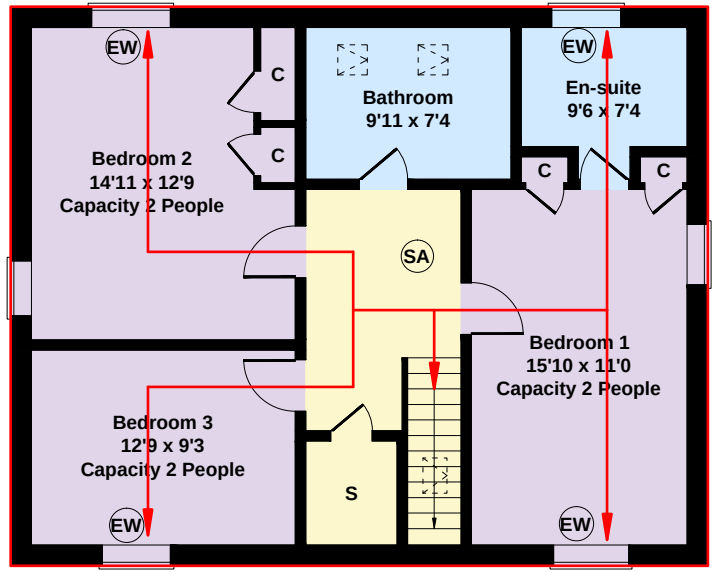
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11 Croftside

Approximate Gross Internal Area
1956 sq ft



GROUND FLOOR



FIRST FLOOR

SA = Smoke Alarm
CM = Carbon Monoxide Alarm
HA = Heat Alarm
EW = Escape Window
ED = Escape Door
FE = Fire Extinguisher
FB = Fire Blanket

Not to Scale. Produced by The Plan Portal 2026
For Illustrative Purposes Only.

[redacted]

13 April 2026

Licensing Department
Highland Council
Charles Kennedy Building
Achintore Rd
Fort William
PH33 7RQ

Dear Sir/Madam

Re: Application for Short-Term Let Licence at 11 Croftside, Aviemore PH22 1QJ

I am writing to formally express my concerns regarding the application for a short-term let licence for the above property, which is located across from my home in a residential cul-de-sac in Aviemore.

The property in question is a four-bedroom detached house. Given its size and the nature of short-term holiday letting, it is reasonable to anticipate that it may accommodate a relatively large number of guests at any one time. This raises particular concerns in relation to parking provision.

The cul-de-sac in which the property is situated has limited parking capacity. While the property itself has some off-street parking, it is unlikely to be sufficient to accommodate multiple vehicles associated with a full occupancy of the house. As a result, there is a significant risk that guests will park on the street, potentially obstructing access for residents, emergency vehicles, and service providers.

Such overspill parking could lead to congestion, reduced road safety, and ongoing disruption for neighbouring households.

Additionally, the quiet residential nature of the cul-de-sac is likely to be adversely affected by increased traffic and parking pressures, together with noise often associated with holiday letting and which is not consistent with its original design and intended use.

I respectfully request that these concerns are carefully considered as part of the licensing decision. In particular, I would ask that the adequacy of parking provision be thoroughly assessed, and that appropriate conditions or limitations be imposed if the application is to be approved.

I look forward to hearing from you and thanks in anticipation.

Yours sincerely

[redacted]

Janice Robson

[redacted]

Appendix 3

David & Janet Horrocks
[redacted]

13 April 2026

Licensing Department
Highland Council
Charles Kennedy Building
Achintore Rd
Fort William
PH33 7RQ

Dear Sir/Madam

Re: Application for Short-Term Let Licence at 11 Croftside, Aviemore PH22 1QJ

I am writing to formally express my concerns regarding the application for a short-term let licence for the above property, which is located adjacent to my home in a residential cul-de-sac in Aviemore.

The property in question is a four-bedroom detached house. Given its size and the nature of short-term holiday letting, it is reasonable to anticipate that it may accommodate a relatively large number of guests at any one time. This raises particular concerns in relation to parking provision.

The cul-de-sac in which the property is situated has limited parking capacity. While the property itself may have some off-street parking, it is unlikely to be sufficient to accommodate multiple vehicles associated with a full occupancy of the house. As a result, there is a significant risk that guests will park on the street, potentially obstructing access for residents, emergency vehicles, and service providers. Such overspill parking could lead to congestion, reduced road safety, and ongoing disruption for neighbouring households. The quiet residential nature of the cul-de-sac may be adversely affected by increased traffic and parking pressures, which are not consistent with its original design and intended use.

We wish to record our additional concerns about the potential for excessive noise at the property. We believe that groups of people enjoying a holiday may sometimes create unacceptable levels of noise at unsocial hours, particularly when using the property's outdoor spaces. All neighbouring properties have permanent residents, many of whom are elderly and with significant health issues. We would therefore urge that the granting of a license be conditional on some clear requirement to restrict noise levels after 22.30 hrs.

I respectfully request that these concerns are carefully considered as part of the licensing decision. In particular, I would ask that the adequacy of parking provision be thoroughly assessed, and that appropriate conditions or limitations be imposed and that noise levels will be appropriately monitored and controlled if the application is to be approved.

Thank you for taking the time to consider this representation.

Yours faithfully

[redacted]

D Horrocks

Dr John Henderson

Appendix 4

[redacted]

21 April, 2026

Licensing Department
Highland Council
Charles Kennedy Building
Achintore Rd
Fort William
PH33 7RQ

Short-term letting: 11, Croftside, Aviemore PH22 1QJ

Dear Sir or Madam

The housing development at Croftside, Aviemore is about 25 years old. It has always been a stable, quiet development characterised by mutual respect of neighbours. Many of the residents are now past retirement age and a few now have significant illnesses. In my case, I am receiving treatment for three cancers ([redacted]). I do suffer from many sources of pain and my sleep is regularly disturbed. Sleep and peace are important to my quality of life.

Number 11, the house in question, is at the North end of the Croftside cul-de-sac. It is next door to my house. The North end is Y-shaped and is frequently needed for turning by many vehicles.

I am concerned that short-term letting of the above property will have a detrimental effect on the quality of life of myself and of my neighbours. My first concern relates to parking. Most of the Croftside properties have parking for at least 2 vehicles and residents do not park on the street. This leaves room for service vehicles, tradespeople and deliveries as well as emergency vehicles. I have required emergency paramedic care a number of times in recent years.

I believe that a condition of this short-term let should be that parking should be limited to the grounds of the property. This would be consistent with the original design and intended use of the properly and facilitate quality of life and any emergency care required.

In addition, there is the question of noise. There have been instances of excessive noise late in the evening in short-term lets in Aviemore and elsewhere. These problems have often been associated with the use of hot tubs. In some instances actions taken by the property owners have included fitting of timers which restrict use of hot tubs to the hours before 10 pm. I believe that such a restriction would be appropriate for Croftside.

Thank you for your consideration of these issues.

Your faithfully,

John Henderson [redacted]