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| Agenda Item | **3.8** |
| Report No | **HLC/128/26** |

**THE HIGHLAND COUNCIL**

**Committee:** **THE HIGHLAND LICENSING COMMITTEE**

**Date:** **24 November 2026**

**Report title:** **Application for the grant of a short term let licence – Failte, 2 Main Street, Kyle, IV40 8DA (Ward 5 – Wester Ross, Strathpeffer and Lochalsh)**

**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 16 June 2026 an application for the grant of a short term let licence was received from Mrs Donna MacDiarmid on behalf of D&C Highland Letting Ltd (Company number SC824378) and having their registered office at 22 Camuslongart, Dornie, Kyle, Scotland, IV40 8EX.

4.2 The property to which the application relates is Failte, 2 Main Street, Kyle, IV40 8DA (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 D&C Highland Letting Ltd 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 D&C Highland Letting Ltd is named on the application as the owner of the Premises.

4.5 The persons named on the application as being responsible for the day-to-day management of the Premises are the said Mrs Donna MacDiarmid and Mr Colin Ian MacDiarmid.

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 semi-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.

## 5. Process

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

- Police Scotland;
- Highland Council Environmental Health Service; and
- Highland Council Building Standards Team.

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 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 17 July 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 grant 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 email on 7 August 2026 from Ms Barbara Jones and Mr Alan Howie **(Appendix 2).**
- Objection received by email on 10 August 2026 from Ms Marie Murphy and Mr Douglas Main **(Appendix 3).**
- Objection received by emails of 2 August 2026 and 11 August 2026 from Mr Robert Matheson **(Appendix 4).**

## 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 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/representations**

9.1 In the emails of objections 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 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: 4 November 2026

Author: Martina Plechacova

Reference: FS846182690

Background Papers:

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

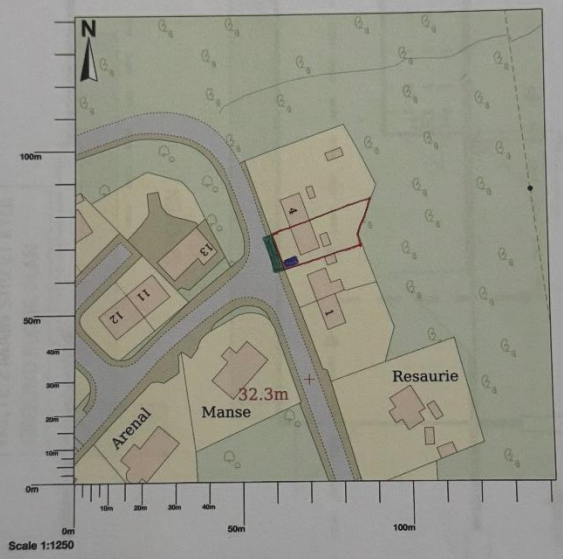
Appendices:

Appendix 1: Site plan detailing the extent of the Premises and floor plans for the Premises.
Appendix 2: Objection received by email on 07 August 2026 from Ms Barbara Jones and Mr Alan Howie.
Appendix 3: Objection received by email on 10 August 2026 from Ms Marie Murphy and Mr Douglas Main.
Appendix 4: Objection received by emails on 2 August 2026 and 11 August 2026 from Mr Robert Matheson.

# APPENDIX 1

UK Planning Maps

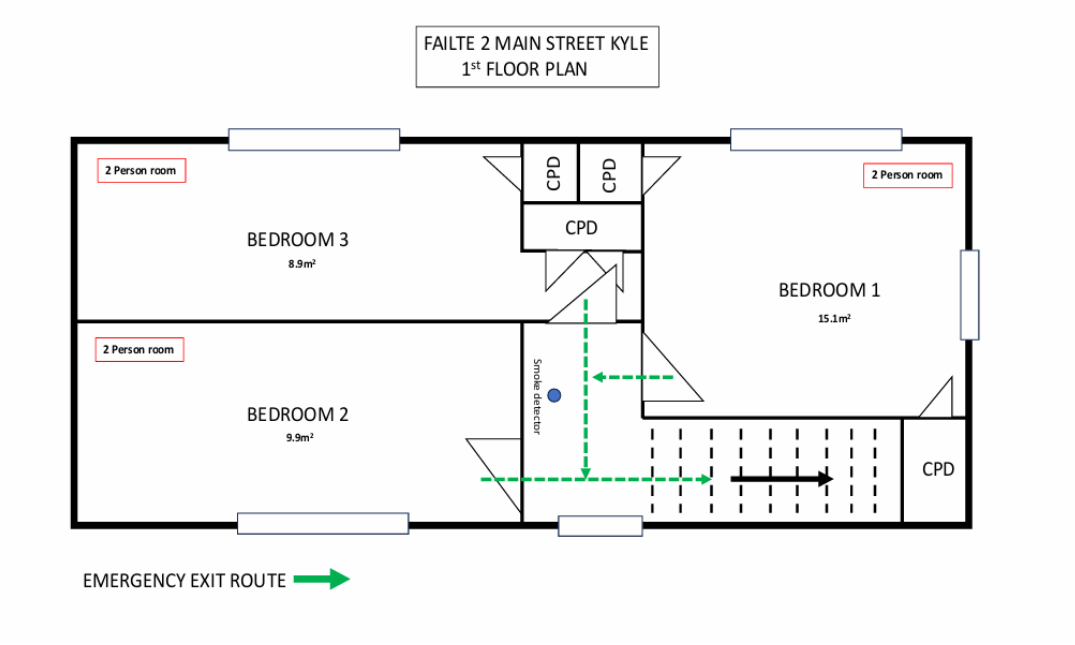
**Failte, Main Street, Kyle, IV40 8DA**

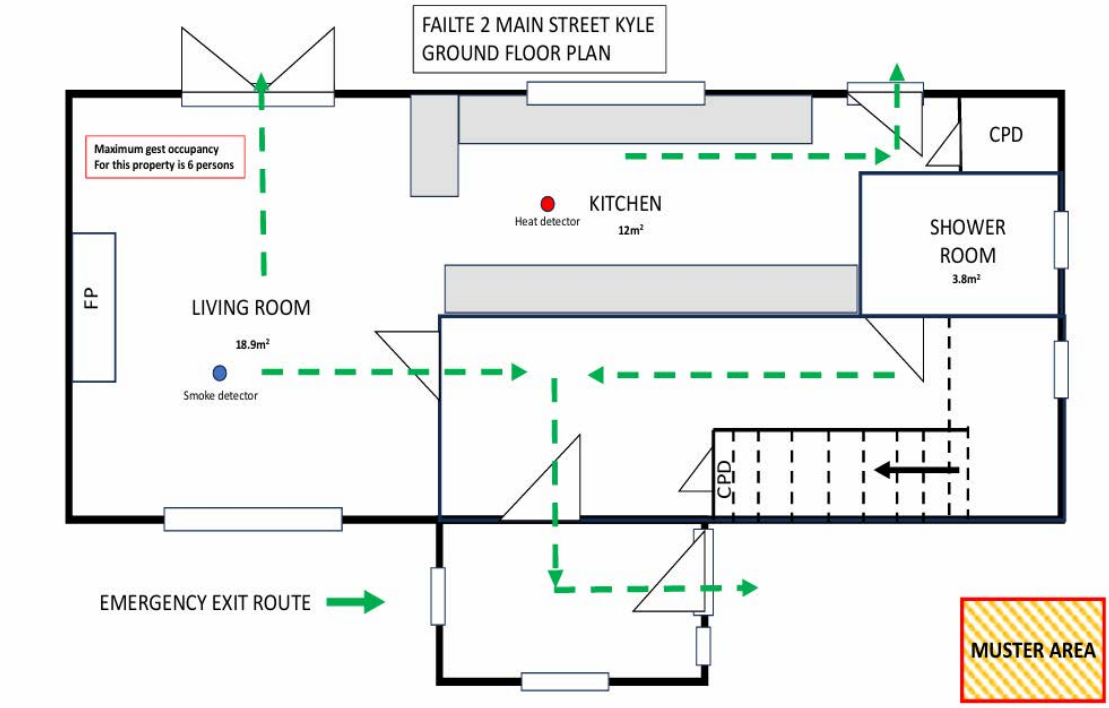



RECYCLING POINT
ON STREET PARKING FOR ONE CAR
PROPERTY BOUNDARY

© Crown copyright and database rights 2026 OS 100054135. Map area bounded by: 176120,827900 176262,828042. Produced on 12 June 2026 from the OS National Geographic Database. Supplied by UKPlanningMaps.com. Unique plan reference: p2f/uk/1432281/1917630

Ordnance Survey
Licensed Mapping


FAILTE 2 MAIN STREET KYLE
1st FLOOR PLAN
2 Person room
BEDROOM 3
8.9m²
CPD
CPD
CPD
2 Person room
BEDROOM 1
15.1m²
2 Person room
BEDROOM 2
9.9m²
Smoke detector
CPD
EMERGENCY EXIT ROUTE


FAILTE 2 MAIN STREET KYLE
GROUND FLOOR PLAN
Maximum gest occupancy
For this property is 6 persons
CPD
KITCHEN
Heat detector
12m²
SHOWER
ROOM
3.8m²
FP
LIVING ROOM
18.9m²
Smoke detector
CPD
EMERGENCY EXIT ROUTE
MUSTER AREA

Outlook

# Appendix 2

**Objection to Short-Term Let Licence Application for Failte Kyle of Lochalsh IV408DA**

**From** Barbara Jones [redacted]
**Date** Fri 07/08/2026 15:34
**To** STL Licensing <STL@highland.gov.uk>

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.

Subject: Objection to Short-Term Let Licence Application – no reference number given

Address of property for requested STL by Donna and Colin Ian MacDiarmid :

Failte
Main Street
Kyle of Lochalsh
IV40 8DA

1. Objector Details

Barbara Jones and Alan Howie

[redacted]

Proximity: We are permanent residents of 28 years living two doors away from the target premises.

2. Applicant Details

Donna and Colin Ian MacDiarmid

[redacted]

Type of Licence: STL

3. Grounds for Objection
We wish to object to the granting of this short-term let licence under the grounds of premises unsuitability and undue risk of public nuisance.

Specific Point 1 (Noise/Nuisance): The proposed premises sits within a quiet, residential part of Kyle of Lochalsh. A secondary letting operation two doors away creates an unacceptable risk of late-night noise, car alarms, disturbance from baggage handling, and anti-social behaviour due to varying guest schedules.

Specific Point 2 (Parking/Safety): Our street has limited parking capacity. The introduction of a commercial short-term let could result in vehicle congestion, blocked residential access, and localized road safety issues.
There is a busy junction and school bus stop directly opposite the property named Failte. School buses for Plockton High School need clear access to pick up or drop off pupils at the junction of School Road and Main Street, which leads to Kyle Primary School within a short distance.
Also a blind double bend is yards from the aforesaid property towards Erbusaig direction, so parking outside Failte is not desirable. It is within a 20mph zone which is mostly ignored by through traffic.
Parking in front of our property Scorrybreac would be an invasion of privacy since it would be in front of our living room and below the bedroom window. Our visitors or tradespeople would have nowhere to park if guests ignored our privacy.
Also our property is on the brow of a hill. Anyone parked in front of our property reduces the line of visibility entering and exiting our driveway into Main Street.
Parking outside my neighbours house at Paparangi is also problematic given that there are several valves in the road there that Scottish Water and the Fire Service require access to 24/7.

Of course if the MacDiarmids were granted a dropped kerb for a driveway so that their guests may park at the property called Failte it would be a huge problem solved.

Specific Point 3 The high turnover of transient occupants fundamentally alters the safe, secure, and residential character of this quiet neighbourhood . Quality of life for residents is reduced by STL's.

Specific Point 4 There is already a multitude of Air BnB's, Pods, Hostels and Guest Houses in Kyle. This does of course severely impact the Community. There is a huge need for affordable housing, or long term rentals for the many that seek employment here.

Specific Point 5 These properties were built in 1956, Swedish Timber Houses with an expected lifespan of just 40 years. There is an added fire risk with an all timber construction reflected in the difficulty of getting Home Insurance or a Mortgage.
Also the NTS have Covenants applied in the title deeds and these need to be looked at in case of any violation. They own all the surrounding

land. Even erecting a shed requires their permission.

Specific Point 6  The application notice was posted on a gate at Failte that is always left open. We had to enter the property down the steps to view it. Only yesterday was the sign reposted on the fence for the general public to view.  I have photos I can post showing proof of  this on request.
At no stage were we or our neighbours given any information or contacted that there was to be an application for the STL.

7. Conclusion
For the reasons stated above, I respectfully request that the Licensing Committee refuses this application. Please keep me informed of any committee hearing dates regarding this matter.

Signed: Barbara Jones and Alan Howie
Date: 7th August 2026

# Appendix 3

The Highland Council,
Tigh na Sgire,
Park Lane,
Portree,
IV51 9GP

Monday 10th August 2026

Re: STL Application for Failte, 2 Main Street, Kyle of Lochalsh, Ross-Shire, IV40 8DA

To whom it may concern,

We are owner/occupiers of the house to the right of Failte. We are objecting to the application for this Short Term Letting Licence for the following reasons:

1. **This is a residential neighbourhood -** This area is not suitable for influxes of strangers coming and going. This part of the village has many residents that have lived here long term creating a sense of neighbourliness.
2. **Impact on community -** Kyle has, in recent years, become saturated with Short Term Let accommodation and Kyle as a village is losing its sense of community due to the transient nature of Short Term Lets. I have spoken with the Kyle Community Council who have in the past raised objections on behalf of the community to the licencing of some premises due to parking issues and lack of long term accommodation and housing for locals and key workers wishing to reside in the village. This is another residential house that would not be available for long term residents should a STL licence be granted.
3. **Non-compliance of notification** – As neighbours, we have a statutory right to be informed of change of use of Failte to a Short Term Letting accommodation. This notification has not been placed prominently for public viewing on more than one occasion. This notification was placed on the gate which was predominantly left open therefore rarely available for public view without entering the property to read the notice and was only placed on the outside fence on 05th August.

We are aware that Highland Council is currently in consultation regarding Lochalsh becoming a Short Term Let Control area and are recommending this be put in place; we have been informed that the outcome is likely to become known in October and would request that this is taken into consideration and that any decision on Failte is delayed until that time.

We have lived in our home for over 20 years but feel that the granting of a STL licence for this property would have a negative impact on our sense of community, wellbeing, quality of life and privacy in our own home.

We therefore request that this licence is not granted for the above reasons.
Kind regards,

[redacted]

Marie Murphy & Douglas Main

[redacted]



STL Notification attached to gate usually open and facing in to Failte.
The gate was left open from 17th-27th July & the majority of time between 29th-05th August.

Outlook

# Appendix 4

Re: Failte 2 Main Street Kyle

**From** Robert Matheson <[redacted]
**Date** Tue 11/08/2026 11:16
**To** STL Licensing <STL@highland.gov.uk>
**Cc** [redacted]

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Thank you for your email.

I wish for this to remain as an objection.

Regards

Robert Matheson

On Tue, Aug 11, 2026, 09:51 STL Licensing <STL@highland.gov.uk> wrote:

> Dear Mr Matheson,
>
> Thank you for your response. Please can you confirm whether you wish for your email of 2 August 2026 to remain as an objection to the short-term let licence application, or are you content to withdraw your objection? It is not possible to conditionally submit an objection as requested.
>
> As outlined in our previous email, matters relating to parking on the public road and road safety are not matters which the short-term let licensing regime can duplicate where they fall to be regulated under other legislation.
>
> If your objection remains, we will record it accordingly and this application will require to be brought before a future Highland Licensing Committee, when the application would be determined. You would be invited to attend and have the opportunity to address the Committee regarding your objection.
>
> If, however, you wish to withdraw your objection, please confirm this by return.
>
> *Kind Regards*
>
> *Martina Plechacova*
> Administrative Assistant – Legal Team (Licensing) – Highland Council
> **Phone number:** [redacted]
> **Email:** stl@highland.gov.uk

[redacted]

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---

**From:** Robert Matheson [redacted]
**Sent:** 10 August 2026 18:40
**To:** STL Licensing <STL@highland.gov.uk>
**Cc:** EH Short Term Lets <ehstl@highland.gov.uk>
**Subject:** Re: Failte 2 Main Street Kyle

**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 evening Martin

I would only object to the STL if the parking isn't correctly sorted.

Yours sincerely

Robert Matheson

On Mon, Aug 10, 2026, 15:49 STL Licensing <STL@highland.gov.uk> wrote:

> Good afternoon
>
> Thank you for your email of 2 August 2026 which has been forwarded to the Licensing Team by the Environmental Health Service. Please can you confirm by reply whether you wish this email to be treated as an objection to this short term let licence application? Please note that the last day for timeous public objections to be received by the licensing authority in respect of this application is 14 August 2026.
>
> Meantime, by way of background, the main purpose of short term let licensing legislation is to (1) ensure properties are safe for use for the occupants and (2) are being managed effectively by persons who are deemed fit and proper to do so.
>
> This is contrasted with planning legislation, which is a separate regulatory matter. Planning legislation is directed at the development of land and the use of premises upon it. The Planning Authority can consider amenity issues such as parking and traffic problems in the area (per the points in your email), whether a proposal will lead to an unacceptable intensification of land use, whether the premises will negatively impact residential amenity and the concentration of short term lets premises within an area.

Licensing cannot duplicate matters that are already dealt with by other legislation or regulatory regimes.

I should also say for completeness that if an STL licence is indeed granted in the Highland Council area, there are standard mandatory and additional conditions (outlined in Appendices 3 and 4 of the STL Policy) relating for example to parking which if suspected of being breached, should be reported to the Council's Environmental Health Team for investigation and action (EHSTL@highland.gov.uk).

An STL application attracting public objection(s) will require it to go before a formal hearing of the Highland Licensing Committee. However, the Clerk to Committee does need to advise Members, about what can and cannot be legally considered as part of a licensing application.

In terms of hearing procedure, all relevant parties (including objectors) are afforded the opportunity to state their case and ask questions of the relevant parties, in line with the Council's Hearing Procedure. Members of the Committee are given advice from the Clerk on what were material considerations and non material considerations may be, and legislative grounds for refusal. Members are advised to weigh up the information before them and disregard any material that is not relevant to the statutory licensing grounds for refusal. Any party who submits an objection must be provided with the opportunity to attend a hearing to state their case, and if a person does not take every opportunity to state their case to the licensing authority, this will adversely affect any right of appeal of that party against a decision of the Committee to the Sheriff Court.

I write simply seeking to confirm the limits and scope of the licensing legislation and not to dispute the no doubt sincere points you make. It is an objector's choice as to whether they wish to withdraw their objection or proceed, regardless of the relevancy to the licensing legislation. Please note that all submitted objections are required to be circulated to the applicant, Members of the Committee and published publicly.

I should say that as Council Officers, we are not able to provide legal advice to members of the public as that would engage a conflict of interest, particularly if any decision of the Council, as licensing authority, is appealed against to the Sheriff Court. Applicants, licence holders and objectors are therefore advised to seek their own independent legal advice or representation at Committee should they wish to do so.

Please do not hesitate to contact us should you have any queries meantime. We shall record your email as a representation meantime unless you instruct otherwise, and are obliged to share this with the applicant and to bring this to a future hearing of Committee for determination, for which we will send you an invitation in due course.

*Kind Regards*


The Highland Council
Comhairle na Gàidhealtachd

*Martina Plechacova*
Administrative Assistant – Legal Team (Licensing) – Highland Council
**Phone number:** [redacted]
**Email**: stl@highland.gov.uk
[redacted]



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---

**From:** Robert Matheson <[redacted]
**Sent:** 02 August 2026 16:08
**To:** EH Short Term Lets <ehstl@highland.gov.uk>
**Subject:** Failte 2 Main Street Kyle

**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.

Sir/Madam

I am writing to give my concerns about the above address being used as a Air B and B.

We live in [redacted] across from the address.

At the moment another address in that row of houses parks on the main road causing problems coming out of school road end as it's on a bad corner, if this property is used as a Holiday let or Air B and B there is no parking for the address and the likelihood they will park on the main road directly opposite the junction.

As you will be aware it is against the highway code to park across from a Give Way if it causes problems in negotiating the junction.

Also school buses drop off and pick up from the School road end and this would not enable them to do this.

Yours Sincerely

Robert Matheson
[redacted]

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