

NOTIFICATIONS AND GROUNDS AND DECISIONS FOR APPLICATIONS DECIDED

Applications between 04/09/17 – 11/09/17

N.B. If your area is not shown in the list below, this is due to no notifications being recorded/ applications decided in your area for the specified period.

Argyll, Skye & Lochalsh, South and West Inverness

Croft: ½9 Breacais Ard
Parish: Strath
Reg No: I3929
Case Number: 76270
Application Type: Decrofting – Part Croft

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| Decision – Approved | | Extent: 0.164 ha |
| Grounds for Decision | | |
| <p>The Commission has considered your application under section 24(3) and 25(1)(a) of the Crofters (Scotland) Act 1993 (“the 1993 Act”) to decroft part of the croft to provide a site for a dwelling house and decided to grant a decrofting Direction, extending to 0.164 ha, on the following grounds:</p> <ul style="list-style-type: none"> • Under section 25(1)(a) of the Act, the application is considered to be for a reasonable purpose (within the meaning of section 20 of the Act). • Paragraph 41 of The Crofting Commission’s Policy Plan, states that; <i>“When considering applications, the Commission will wish to ensure that suitable access arrangements are provided for any croft land”</i>. There are no issues with access to the site or the remainder of the croft land. | | |
| Conditions of Direction | | |
| Purpose: | To provide a site for a dwellinghouse | |
| Enclosure of area: | <p>The land must be enclosed with a stockproof fence within four months of the completion of the development.</p> <p>That fence shall be maintained in good order and repair by each successive owner or occupier of the land.</p> | |

Croft: Croft 2 Lettershuna
Parish: Lismore & Appin
Reg No: A1647
Case Number: 80753
Application Type: Decrofting – part croft

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| Decision – Approved | | Extent: 0.114 ha |
| Grounds for Decision | | |
| <p>The application provided us with all necessary information to take a decision and is in line with the Commission Plan and Policy Guidance. We are therefore satisfied that the application does not adversely affect the interests of the estate, the crofting community, the public at large or have an adverse effect on the sustainable development of the crofting community.</p> | | |
| Conditions of Direction | | |
| Purpose: | To provide a site for a dwellinghouse | |
| Enclosure: | Within four months of completion of development | |

Croft: 60 Aird, Bernisdale
Parish: Snizort
Reg No: I3559
Case Number: 66020
Application Type: Decrofting – Part Croft – in advance of purchase

Decision – Approved

Having considered all the evidence in this application, including the comments made at the hearing held on Monday, 15 May 2017 in Skeabost Memorial Hall, the Commission have decided, in terms of section 24(3) of the Crofters (Scotland) Act 1993, [“the 1993 Act”], to grant a decrofting direction but in terms of section 25(5) of the 1993 Act to modify the area applied for to an area extending to **0.171 ha**, as shown on the enclosed plan, being the site of a proposed new dwellinghouse for which planning permission subsists.

The grounds for decision are as follows:

- In terms of section 25(1)(a) of the Act, the Commission must be satisfied that the applicant has applied for a direction in order that the croft may be used for or in connection with some reasonable purpose (within the meaning of section 20 of this Act) having relation to the good of the croft or of the estate or to the public interest or to the interests of the crofting community in the locality of the croft and that the extent of the land to which the application relates is not excessive in relation to that purpose. The Commission is satisfied that the provision of housing is a reasonable purpose within the meaning of section 20 of the Act. However, at 0.921 ha the Commission consider this to be excessive in relation to the provision of a site for a dwellinghouse and consider the modified area of 0.171 ha to be reasonable in relation to the stated purpose.
- The Commission is satisfied that the granting of the direction will not have a negative impact on the remainder of the croft.
- The Commission notes the croft is situated in a township which satisfies the definition of a crofting community in terms of section 61 of the Act. In the Commission's view the removal from crofting tenure of this whole croft would reduce the local pool of croft land available to persons who might obtain crofter status (whether tenanted or owned) and therefore the Commission considers that it would not be in the interest of the community to decroft this whole croft. However, the Commission concludes that modifying the direction to a reasonable extent for house site would not be detrimental.
- Although no demand was directly expressed to the Commission, the Reporting Officer advised there is interest from young people taking up crofting, therefore the Commission is satisfied that there would be demand for the tenancy if it was made available for let.
- In considering applications to decroft the Commission must have reference to its Policy Plan as published and in this regard we refer to paragraph 63 in support of our decision, which states:

The Commission aims to protect land from being lost to crofting. A decrofting direction irrevocably removes the land subject to the application from crofting tenure. The Commission takes a long-term view when determining applications and will exercise its discretion to consider, amongst other factors, the advantages of retaining the croft (or part thereof) as part of the pool of croft land in the locality. Applications that are made only for the reason of taking the croft, or part of the croft, out of crofting tenure are unlikely to be approved.

In agreeing to issue a decrofting direction for the modified area, the Commission are supporting Mr MacDonald's development proposals while retaining the remainder of the land in crofting for future use.

Conditions of Direction

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| Purpose: | Site of a new dwellinghouse |
| Enclosure: | Within four months of the development being completed |

Croft: 8 Peinchorran
Parish: Portree
Reg No: I3227
Case Number: 76636
Application Type: Assignation

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| Decision – Approved |
| Grounds for Decision |
| The application provided us with all necessary information to take a decision and is in line with the Commission Plan and Policy Guidance. We are therefore satisfied that the application does not adversely affect the interests of the estate, the crofting community, the public at large or have an adverse effect on the sustainable development of the crofting community. |

Croft: 5 Nether Ollach (Share)
Parish: Portree
Reg No: I6848
Case Number: 80089
Application Type: Assignation

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| Decision – Approved |
| Grounds for Decision |
| The application provided us with all necessary information to take a decision and is in line with the Commission Plan and Policy Guidance. We are therefore satisfied that the application does not adversely affect the interests of the estate, the crofting community, the public at large or have an adverse effect on the sustainable development of the crofting community. |

Croft: 6 Achnacloich
Parish: Sleat
Reg No: I5770
Case Number: 77685
Application Type: Division

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| Decision – Approved |
| Grounds for Decision |
| The application provided us with all necessary information to take a decision and is in line with the Commission Plan and Policy Guidance. We are therefore satisfied that the application does not adversely affect the interests of the estate, the crofting community, the public at large or have an adverse effect on the sustainable development of the crofting community. |

Caithness, Orkney & Shetland

Croft: **Hoganness**
Parish: **Sandsting**
Reg No: **Z1705**
Case Number: **81334**
Application Type: **Decrofting – part croft**

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| Decision – Approved | | Extent: 0.148 ha |
| Grounds for Decision | | |
| The application provided us with all necessary information to take a decision and is in line with the Commission Plan and Policy Guidance. We are therefore satisfied that the application does not adversely affect the interests of the estate, the crofting community, the public at large or have an adverse effect on the sustainable development of the crofting community. | | |
| Conditions of Direction | | |
| Purpose: | Site for a new dwellinghouse | |
| Enclosure: | Within four months of development being completed | |

Croft: **Boathouse**
Parish: **Whalsay**
Reg No: **Z1133**
Case Number: **81330**
Application Type: **Decrofting – part croft**

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| Decision – Approved | | Extent: 0.027 ha |
| Grounds for Decision | | |
| The application provided us with all necessary information to take a decision and is in line with the Commission Plan and Policy Guidance. We are therefore satisfied that the application does not adversely affect the interests of the estate, the crofting community, the public at large or have an adverse effect on the sustainable development of the crofting community. | | |
| Conditions of Direction | | |
| Purpose: | Additional Amenity Ground | |
| Enclosure: | Within four months of acquisition | |

Croft: **Loomsdale**
Parish: **Walls, Shetland**
Reg No: **Z3598**
Case Number: **80810**
Application Type: **Decrofting – part croft**

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| Decision – Approved | | Extent: 0.105 ha |
| Grounds for Decision | | |
| The application provided us with all necessary information to take a decision and is in line with the Commission Plan and Policy Guidance. We are therefore satisfied that the application does not adversely affect the interests of the estate, the crofting community, the public at large or have an adverse effect on the sustainable development of the crofting community. | | |
| Conditions of Direction | | |
| Purpose: | To provide a site for a dwellinghouse | |
| Enclosure: | Within four months of completion of development | |

Highland (excl Caithness)

Croft: North Teavarron
Parish: Kiltarlity
Reg No: I5716
Case Number: 77400
Application Type: Letting

Decision – Approved**Grounds for Decision**

The application provided us with all necessary information to take a decision and is in line with the Commission Plan and Policy Guidance. We are therefore satisfied that the application does not adversely affect the interests of the estate, the crofting community, the public at large or have an adverse effect on the sustainable development of the crofting community.

Croft: 96 & 98 Brae
Parish: Urquhart & Logie West
Reg No: R5596
Case Number: 81467
Application Type: Letting

Decision – Approved**Grounds for Decision**

The application provided us with all necessary information to take a decision and is in line with the Commission Plan and Policy Guidance. We are therefore satisfied that the application does not adversely affect the interests of the estate, the crofting community, the public at large or have an adverse effect on the sustainable development of the crofting community.

Croft: 11 Coast of Inverasdale (Share)
Parish: Gairloch
Reg No: R6662
Case Number: 81404
Application Type: Assingation

Decision – Approved**Grounds for Decision**

The application provided us with all necessary information to take a decision and is in line with the Commission Plan and Policy Guidance. We are therefore satisfied that the application does not adversely affect the interests of the estate, the crofting community, the public at large or have an adverse effect on the sustainable development of the crofting community.

Croft: 1 Badralloch
Parish: Lochbroom
Reg No: R2529
Case Number: 82157
Application Type: Assingation

Decision – Approved**Grounds for Decision**

Having considered all of the available information, the Commission is satisfied that the application does not adversely affect the interests of the estate, the crofting community, the public at large or will have an adverse effect on the sustainable development of the crofting community and the application has been granted.

Western Isles

Croft: 8 Claddach Kirkibost
Parish: North Uist
Reg No: I4346
Case Number: 77939
Application Type: Assignment

Decision – Approved

Grounds for Decision

Having considered all of the available information, the Commission is satisfied that the application does not adversely affect the interests of the estate, the crofting community, the public at large or will have an adverse effect on the sustainable development of the crofting community and the application has been granted.

Croft: 13 Knockintorran
Parish: North Uist
Reg No: I4463
Case Number: 81228
Application Type: Sublet

Decision – Approved

Grounds for Decision

The Commission has considered the application to sublet the croft and **provides its consent** to the application. We are satisfied on the available evidence that it has been demonstrated that the subtenant will be ordinarily resident on or within 32 km of the croft, and will cultivate the croft for the full duration of the period of the sublet. The sublet includes the right to graze in Knockintorran Common Grazings.

The Commission notes that no objections to the proposed subletting have been received from the landlord or any member of the crofting community.

The sublet will be for the fixed period of 5 years.

Croft: 5 Ardnastruban
Parish: North Uist
Reg No: I4196
Case Number: 82184
Application Type: Assignment

Decision – Approved

Grounds for Decision

Having considered all of the available information, the Commission is satisfied that the application does not adversely affect the interests of the estate, the crofting community, the public at large or will have an adverse effect on the sustainable development of the crofting community and the application has been granted.

Croft: 1 Paiblesgarry
Parish: North Uist
Reg No: I4601
Case Number: 81230
Application Type: Sublet

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| Decision – Approved |
| Grounds for Decision |
| <p>The Commission has considered the application to sublet the croft and provides its consent to the application. We are satisfied on the available evidence that it has been demonstrated that the subtenant will be ordinarily resident on or within 32 km of the croft, and will cultivate the croft for the full duration of the period of the sublet. The sublet includes the right to graze in Paiblesgarry Common Grazings.</p> <p>The Commission notes that no objections to the proposed subletting have been received from the landlord or any member of the crofting community.</p> <p>The sublet will be for the fixed period of 5 years.</p> |

Croft: 1 Uachdar
Parish: South Uist
Reg No: I5583
Case Number: 79425
Application Type: Decrofting – Part Croft

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| Decision – Approved | Extent: 0.051 ha |
| Grounds for Decision | |
| <p>Having considered all of the available information, the Commission is satisfied this application is for a reasonable purpose and that the extent of the land applied for is not excessive in relation to that purpose. The Commission has therefore agreed to grant the Direction as requested.</p> | |
| Conditions of Direction | |
| Purpose: | Amenity ground |
| Enclosure of area: | <p>The land must be enclosed (so far as not already enclosed) with a stockproof fence within four months of acquisition.</p> <p>That fence shall be maintained in good order and repair by each successive owner or occupier of the land.</p> |

Croft: 1 Uachdar
Parish: South Uist
Reg No: I5583
Case Number: 81061
Application Type: Decrofting – Part Croft

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| Decision – Approved | Extent: 0.050 ha |
| Grounds for Decision | |
| <p>Having considered all of the available information, the Commission is satisfied this application is for a reasonable purpose and that the extent of the land applied for is not excessive in relation to that purpose. The Commission has therefore agreed to grant the Direction as requested.</p> | |
| Conditions of Direction | |
| Purpose: | Site of an existing house |
| Enclosure of area: | <p>The land must be enclosed (so far as not already enclosed) with a stockproof fence within four months.</p> <p>That fence shall be maintained in good order and repair by each successive owner or occupier of the land.</p> |