

# NOTIFICATIONS AND GROUNDS AND DECISIONS FOR APPLICATIONS DECIDED

Applications between 02/10/17 – 09/10/17

**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:** 1 & 2 Harapul  
**Parish:** Strath  
**Reg No:** I4015  
**Case Number:** 73746  
**Application Type:** Decrofting – Part Croft - Owned

<b>Decision – Approved</b>	<b>Extent: 0.214 ha</b>
<b>Grounds for Decision</b>	
<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 and decided to grant a decrofting Direction, extending to 0.214 ha, on the following grounds:</p> <p>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).</p> <p>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.</p> <p>Although the extent of the land to which the application applies is larger than would normally be granted in relation to that purpose, the area is considered justifiable given the size of the area applied for in relation to the croft as a whole, and that there is no practical way of reducing it.</p>	
<b>Conditions of Direction</b>	
<b>Purpose:</b>	Site for a proposed dwellinghouse.
<b>Enclosure of area:</b>	<p>The land must be enclosed (so far as not already enclosed) with a stockproof fence within four months of development being completed.</p> <p>That fence shall be maintained in good order and repair by each successive owner or occupier of the land.</p>

**Croft:** **2 Lower Harrapool**  
**Parish:** **Strath**  
**Reg No:** **I4037**  
**Case Number:** **76990**  
**Application Type:** **Let**

<b>Decision – Approved</b>
<b>Grounds for Decision</b>
<p>The Commission has considered the application under section 29A of the Crofters (Scotland) Act 1993 to let part of the whole croft at 2 Lower Harrapool, Strath, Isle of Skye and have approved the application.</p> <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>

**Croft:** **1 & 2 Muirshearlich**  
**Parish:** **Kilmallie**  
**Reg No:** **I2269**  
**Case Number:** **79519**  
**Application Type:** **Decrofting – part croft**

<b>Decision – Approved</b>	<b>Extent: 0.005 ha</b>
<b>Grounds for Decision</b>	
<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>	
<b>Conditions of Direction</b>	
<b>Purpose:</b>	Additional amenity ground.
<b>Conditions:</b>	<p>The land must be enclosed (so far as not already enclosed) with a stockproof fence within four months of the date of direction.</p> <p>That fence shall be maintained in good order and repair by each successive owner or occupier of the land.</p>

**Caithness, Orkney & Shetland**

**Croft:** **Traewick**  
**Parish:** **Whalsay**  
**Reg No:** **Z1170**  
**Case Number:** **81550**  
**Application Type:** **Assignment**

<b>Decision – Approved</b>
<b>Grounds for Decision</b>
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:** **4 Hempriggs Row**  
**Parish:** **Wick**  
**Reg No:** **C1320**  
**Case Number:** **82368**  
**Application Type:** **Decrofting – part croft**

<b>Decision – Approved</b>	<b>Extent: 0.095ha</b>
<b>Grounds for Decision</b>	
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.	
<b>Conditions of Direction</b>	
<b>Purpose:</b>	Amenity ground
<b>Conditions:</b>	<ol style="list-style-type: none"><li>1. The land must be enclosed (so far as not already enclosed) with a stockproof fence within four months of the development being completed.</li><li>2. That fence shall be maintained in good order and repair by each successive owner or occupier of the land.</li></ol>

**Croft:** **Lunning (Apportionment)**  
**Parish:** **Nesting**  
**Reg No:** **Z3661**  
**Case Number:** **82173**  
**Application Type:** **Assignment**

<b>Decision – Approved</b>
<b>Grounds for Decision</b>
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.
<b>Specific Condition – Can only take effect from 3 December 2017</b>

**Croft:** Gilsbrake  
**Parish:** Lunnasting  
**Reg No:** Z1000  
**Case Number:** 81377  
**Application Type:** Letting of Vacant Croft

**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.

**Highland (excl Caithness)**

**Croft:** 142A Oldshoremore  
**Parish:** Eddrachilles  
**Reg No:** S3111  
**Case Number:** 82953  
**Application Type:** Assignation

**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:** 5 Easter Kilmachalmack  
**Parish:** Kincardine  
**Register No:** R2134  
**Case Number:** 80077  
**Application Type:** Division by Tenant

**Decision – Approved**

**Grounds for Decision**

The application provided us with all necessary information to take a 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:** Ardneaskan  
**Parish:** Lochcarron  
**Reg No:** R2726  
**Case Number:** 83010  
**Application Type:** Consent to be Absent

#### Decision – Refusal

##### Grounds for Decision

The Commission have considered your application under Section 21B of the Crofters (Scotland) Act 1993, (“The 1993 Act”) for consent for absence from your croft at Ardneaskan (Register No R2726) for a period of 3 years and have decided, for the reasons set out below, to **refuse** the application:

When considering applications for consent to be absent from a croft, the Commission will take into account any submissions received from the landlord of the croft in response to notification of the application. In this particular case we note that the landlord has made submissions to the Commission expressing the view that the interests of the crofting community are best advanced by the refusal of the application. We further note that the landlord is in the process of applying to the Scottish Land Court for an Order removing you as tenant of the croft due to your failure to comply with your crofting duties in terms of Section 5C of the Crofters (Scotland) Act 1993.

The Commission must be satisfied that an applicant has provided evidence to show their intention to be resident on the croft at the end of the requested period of consent. Our records show that you have not been resident since you obtained the croft in October 1980. In this current application, you have simply indicated that you are unable to take up residence within the next 3 years, and set out the reasons why. You have however failed to confirm that you will be taking up residence at the end of the requested period.

In addition, granting consent to be absent does not deal with the duty to cultivate the croft or put the land to a purposeful use. In this regard you advise in your application that the croft is currently unofficially sublet. I can advise, however, that Schedule 2 of the 1993 Act sets out the statutory conditions of tenure. Condition 6 states that “The crofter shall not sublet his croft or any part thereof otherwise than with the consent in writing of the Commission...” The arrangement for the working of the croft does not have the consent of the Commission and may also be a breach of your statutory conditions. The Commission therefore do not accept that the cultivation and land use duties will be satisfactorily met during the period of consent you have applied for in terms of the 1993 Act.

While the Commission are sympathetic in relation to your personal circumstances, we do not consider we can approve your request for the foregoing reasons and subsequently we refuse the application.

**Croft:** **West Achvraid**  
**Parish:** **Daviot & Dunlichity**  
**Reg No:** **I0870**  
**Case Number:** **76102**  
**Application Type:** **Decrofting – Part Croft**

<b>Complex Decision – Approved</b>		<b>Extent: 0.630 ha</b>
<b>Grounds for Decision</b>		
<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 at West Achvraid, Daviot and decided to <b>grant</b> a decrofting Direction, extending to 0.630 ha, on the following grounds:</p> <ol style="list-style-type: none"> <li>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).</li> <li>Although the extent of the land to which the application applies is exceptionally large and much more than would normally be granted, it is considered appropriate given that the area is for a house site, car parking, water supply and ground source heating pipe network. In addition it was noted that both the RPID reporting officer and countersigning officer consider that the area applied for is justifiable.</li> <li>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.</li> </ol>		
<b>Conditions of Direction</b>		
<b>Enclosure:</b>	<p>Within four months of the date of the direction.</p> <p>Fence shall be maintained in good order and repair by each successive owner or occupier of the land.</p>	

**Croft:** **N.muirnich & Wester Tomvoit**  
**Parish:** **Boleskine & Abertarff**  
**Reg No:** **I0663**  
**Case Number:** **80164**  
**Application Type:** **Decrofting – part croft**

<b>Decision – Approved</b>		<b>Extent: 0.1783ha</b>
<b>Grounds for Decision</b>		
<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>		
<b>Conditions of Direction</b>		
<b>Purpose:</b>	New dwellinghouse	
<b>Conditions:</b>	<ol style="list-style-type: none"> <li>The land must be enclosed (so far as not already enclosed) with a stockproof fence within four months of the development being completed.</li> <li>That fence shall be maintained in good order and repair by each successive owner or occupier of the land.</li> </ol>	

**Croft:** Upper Cultie, Foyers  
**Parish:** Boleskine & Abertarff  
**Reg No:** I0626  
**Case Number:** 68930  
**Application Type:** Decrofting – Part Croft

<b>Complex Decision – Approved</b>	<b>Extent: 0.498 ha</b>
<b>Grounds for Decision</b>	
<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 at Upper Cultie, Foyers. The Commission have decided to <b>grant</b> a decrofting Direction, extending to 0.498 ha, on the following grounds:</p> <ol style="list-style-type: none"> <li>1. 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).</li> <li>2. Although the extent of the land to which the application applies is exceptionally large and much more than would normally be granted, it is considered justifiable given that the area is fenced off from the remainder of the croft. In addition it was noted that the area consists of a pond and garden for the house ‘Scotshaven’. The Commission consider that decrofting the area will regularise an already existing situation</li> <li>3. 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.</li> </ol>	

**Croft:** 102 Badnellan  
**Parish:** Clyne  
**Reg No:** S0325  
**Case Number:** 82254  
**Application Type:** Decrofting – part croft

<b>Decision – Approved</b>	<b>Extent: 0.15ha</b>
<b>Grounds for Decision</b>	
<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>	
<b>Conditions of Direction</b>	
<b>Purpose:</b>	Proposed dwellinghouse
<b>Conditions:</b>	<ol style="list-style-type: none"> <li>1. The land must as a first change of use, be used, let or disposed of as a dwellinghouse.</li> <li>2. The land must be enclosed (so far as not already enclosed) with a stockproof fence within four months of the development being completed.</li> <li>3. That fence shall be maintained in good order and repair by each successive owner or occupier of the land.</li> </ol>

**Croft:** 5 Loaneckheim  
**Parish:** Kiltarlity  
**Reg No:** I2879  
**Case Number:** 80152  
**Application Type:** Decrofting – part croft

<b>Decision – Approved</b>		<b>Extent: 0.134ha</b>
<b>Grounds for Decision</b>		
<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>		
<b>Conditions of Direction</b>		
<b>Purpose:</b>	New dwellinghouse	
<b>Conditions:</b>	<ol style="list-style-type: none"> <li>1. The land must be enclosed (so far as not already enclosed) with a stockproof fence within four months of the development being completed.</li> <li>2. That fence shall be maintained in good order and repair by each successive owner or occupier of the land.</li> </ol>	



**Western Isles**

**Croft:** 8 Cromore  
**Parish:** Lochs  
**Reg No:** R2985  
**Case Number:** 78806  
**Application Type:** Assignment

<b>Decision – Approved</b>
<b>Grounds for Decision</b>
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 & 2 Balmartin  
**Parish:** North Uist  
**Reg No:** I4233  
**Case Number:** 82925  
**Application Type:** Assignment

<b>Decision – Approved</b>
<b>Grounds for Decision</b>
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:** 12 Tigharry  
**Parish:** North Uist  
**Reg No:** I4662  
**Case Number:** 82342  
**Application Type:** Decrofting – croft house site and garden ground –  
in advance of purchase

<b>Decision – Approved</b>	<b>Extent: 0.297 ha</b>
<b>Grounds for Decision</b>	
The Commission has considered the application under section 25(1)(b) and section 25(4) of the Crofters (Scotland) Act 1993 to decroft the croft house site and garden ground and has decided to <b>grant</b> a decrofting Direction, extending to 0.297 ha, on the following grounds:	
The Commission is satisfied on the available evidence that the site consists of the dwellinghouse on the croft.	
Although the extent of the land to which the application applies is larger than would normally be granted in relation to that purpose, the area is considered justifiable given the size of the area applied for in relation to the croft as a whole, and that there is no practical way of reducing it.	
<b>Conditions of Direction</b>	
<b>Enclosure of area:</b>	With a stockproof fence within four months of acquisition.
<b>Additional Conditions:</b>	Fence to be maintained in good order and repair by each successive owner or occupier of the land.