

# NOTIFICATIONS AND GROUNDS AND DECISIONS FOR APPLICATIONS DECIDED

Applications between 20/11/17 – 27/11/17

**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:** 12 Anaheilt  
**Parish:** Ardnamurchan & Sunart  
**Reg No:** A0170  
**Case Number:** 84547  
**Application Type:** Consent to be absent

### **Decision – Approved**

#### **Grounds for Decision**

The Crofting Commission gives its consent to an absence from 1 November 2017 to 1 November 2022 to you living outwith 32km of your croft, due to employment commitments, on the following grounds:

We are satisfied on the available evidence that there is good reason for you not to be ordinarily resident on, or within 32 kilometres of, your croft in that you are currently employed overseas.

You should note that the consent to be absent which has been granted does not relieve you of your duty to cultivate and maintain the croft.

I note you have advised the croft is currently being used by local crofters. However, as this is not an official use it is not recognised by the Commission in relation to your crofting duties. You may therefore wish to consider applying to make the croft use official.

Please note if you do not cultivate and maintain your croft on an official basis you will be in breach of your duties under section 19C(2)(c) of the Crofters (Scotland) Act 1993 (as amended) [“the Act”]. The Commission is empowered to take action to enforce these duties under sections 26A to 26K of the Act.

You may therefore wish to consider the option of putting in place a formal arrangement to ensure the cultivation and maintenance of the croft by way of a short-term let under section 29A of the Act.

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:** **Rhenetra**  
**Register No:** **13785**  
**Parish:** **Snizort**  
**Case Number:** **84856**  
**Application Type:** **Consent to be absent**

<b>Decision – Approved</b>
<b>Grounds for Decision</b>
<p>The Crofting Commission has considered your application for consent for absence to be ordinarily resident on or within 32 km of your croft and has agreed to grant consent until 1 November 2022.</p> <p>In granting this application, the Commission is satisfied, on the evidence available, that there is good reason for you not to be ordinarily resident on, or within 32 km of your croft due to work commitments.</p> <p>You should note that the consent to be absent which has been granted does not relieve you of your duty to cultivate and maintain the croft or put the croft to a purposeful use. It is noted you state that as a result of a fire Christmas trees growing on the croft were destroyed and that you are unable to cultivate the land at the moment as the fire damage must remain as evidence. There remains, however, a legal requirement to cultivate and maintain your croft and arrangements to ensure the land is returned to cultivation must be put in place at the earliest opportunity.</p> <p>If you do not cultivate and maintain the croft or put it to a purposeful use, you will be in breach of such duties under section 5B and 5C of the Crofters (Scotland) Act 1993 (as amended) [“the 1993 Act”]. The Commission is empowered to take action to enforce these duties under sections 26A to 26K of the 1993 Act.</p>

**Croft:** **Pt of 11 Clovulin**  
**Parish:** **Ardgour**  
**Reg No:** **A0101**  
**Case Number:** **83689**  
**Application Type:** **Decrofting – Croft House Site & Garden Ground**

<b>Decision – Approved</b>	<b>Extent: 0.155 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>	Existing croft house site and garden ground.
<b>Enclosure:</b>	Within four months of date of direction.

**Croft:** 9 & 10 North Ballachulish (share)  
**Parish:** Kilmallie  
**Reg No:** I7443  
**Case Number:** 83467  
**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:** Croft 1 Lettershuna  
**Parish:** Lismore & Appin  
**Reg No:** A1646  
**Case Number:** 83075  
**Application Type:** Decrofting – part croft

<b>Decision – Approved</b>	<b>Extent: 0.096 ha</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>	To provide a site for a dwellinghouse.
<b>Enclosure:</b>	Within four months of completion of development.

**Croft:** 1 Achnahanaid (Share)  
**Parish:** Portree  
**Reg No:** I6912  
**Case Number:** 82376  
**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:** 15 Earlish  
**Parish:** Snizort  
**Reg No:** I3677  
**Case Number:** 82066  
**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:** 19 Tarskavaig (Share)  
**Parish:** Sleat  
**Reg No:** I7387  
**Case Number:** 80887  
**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.

**Caithness, Orkney & Shetland**

**Croft:** 11 Veensgarth  
**Parish:** Tingwall  
**Reg No:** Z1894  
**Case Number:** 83760  
**Application Type:** Assignment

**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:** 9 Beolary  
**Parish:** Glenelg  
**Reg No:** I1382  
**Case Number:** 76837  
**Application Type:** Apportionment

<b>Decision – Approved</b>	<b>Extent: 0.924 ha</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:</b>	
(FIRST) The apportionment must be fenced in accordance with the attached map. If you find it is not possible to enclose the area with a stockproof fence in terms of the attached map, you must complete the fencing within the line of apportionment. You must not encroach onto the unapportioned common grazing land. However, if there are any unforeseen physical constraints which prohibit from enclosing on or within the agreed fence line you may seek a review of the condition.	
(SECOND) You and your successors shall in all time coming maintain in a stockproof condition any new fences and gates erected to complete the enclosure of the said area of ground and that without prejudice to any liability they may have for the maintenance of any other fences and gates bounding the said area of ground.	
(THIRD) The souming for the said croft in the Township Common of the said common grazings shall be reduced by one sheep, thereby reducing the souming entitlement to 5 cows and 17 sheep.	
(FOURTH) Your liability for township expenses including the expenses incurred by the Committee in maintaining the said common grazing and in providing, maintaining and replacing any fixed equipment required in connection therewith, shall, notwithstanding the foregoing abatement of souming remain as hitherto (that is to say, based on the original souming) but you may apply to the said Grazing Committee for modification of your liability for township obligations and if you are dissatisfied with the decision of the said Grazing Committee you can make representations to the Crofting Commission.	
(FIFTH) The apportionment is granted on the understanding that the area apportioned is for your own exclusive use.	
(SIXTH) All existing rights of access over the area apportioned shall be reserved.	

**Croft:** 2b Gartymore  
**Parish:** Kildonan  
**Reg No:** S3108  
**Case Number:** 84014  
**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.

## **Western Isles**

**Croft:** 16a North Dell  
**Parish:** Barvas  
**Reg No:** R0610  
**Case Number:** 82964  
**Application Type:** Decrofting – croft house site and garden ground –  
in advance of purchase

<b>Decision – Approved</b>		<b>Extent: 0.165</b>
<b>Grounds for Decision</b>		
The Commission has considered the application under section 25(4) of the Crofters (Scotland) Act 1993 to decroft the croft house site and garden ground extending to 0.165 hectares and, under sections 24(3) and 25(1)(b) of the 1993 Act, <b>gives a direction.</b> The Commission is satisfied on the available evidence that the site consists only of the dwellinghouse on or pertaining to the croft. The Commission is further satisfied that the extent of the garden ground included in the application is appropriate for the reasonable enjoyment of the dwellinghouse as a residence.		
<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.	

**Croft:** 19a Tong  
**Parish:** Stornoway  
**Reg No:** R4754  
**Case Numbers:** 82916  
**Application Type:** Subletting

<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.	
The sublet of the part croft will be for the fixed period of 8 years.	

**Croft:** 19b Tong  
**Parish:** Stornoway  
**Reg No:** R4755  
**Case Numbers:** 82917  
**Application Type:** Subletting

<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.	
The sublet of the part croft will be for the fixed period of 8 years.	

**Croft:** 4 Cross  
**Parish:** Barvas  
**Reg No:** R052  
**Case Number:** 83757  
**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:** 5 Kirivick  
**Parish:** Uig  
**Reg No:** R5320  
**Case Number:** 83034  
**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:** 5 Ardmoil  
**Parish:** Uig  
**Reg No:** R4911  
**Case Numbers:** 83294  
**Application Type:** Subletting

<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.
The sublet of the part croft will be for the fixed period of 10 years.

**Croft:** 9 Rodel  
**Parish:** Harris  
**Reg No:** I1878  
**Case Number:** 66101  
**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:** 9 Rodel (Share)  
**Parish:** Harris  
**Reg No:** R6943  
**Case Numbers:** 66104  
**Application Type:** Subletting

**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.

The sublet of the croft will be for the fixed period of 10 years.