

NOTIFICATIONS AND GROUNDS AND DECISIONS FOR APPLICATIONS DECIDED

Applications between 11/12/17 – 18/12/17

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.

Caithness, Orkney & Shetland

Croft: **Gord (Apportionment)**
Parish: **Sandwick, Shetland**
Reg No: **Z3688**
Case Number: **84131**
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.

Croft: **Westhouse**
Parish: **Aithsting**
Reg No: **Z1533**
Case Number: **83533**
Application Type: **Decrofting – part croft**

Decision – Approved	Extent: 0.0203ha
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:	
Enclosure of area:	<ol style="list-style-type: none"> 1. The land must be enclosed (so far as not already enclosed) with a stockproof fence within four months of the date of the Direction. 2. That fence shall be maintained in good order and repair by each successive owner or occupier of the land.
Additional Conditions:	The Direction will expire on 13 March 2018 unless an application for registration is received. The Direction will take effect on the date it is registered.

Croft: **Westhouse**
Parish: **Aithsting**
Reg No: **Z1533**
Case Number: **83534**
Application Type: **Decrofting – part croft**

Decision – Approved		Extent: 0.0583ha
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:		
Enclosure of area:	<ol style="list-style-type: none"> 1. The land must be enclosed (so far as not already enclosed) with a stockproof fence within four months of the date of the Direction. 2. That fence shall be maintained in good order and repair by each successive owner or occupier of the land. 	
Additional Conditions:	<p>The Direction will expire On 13 March 2018 unless an application for registration is received. The Direction will take effect on the date it is registered.</p>	

Croft: **Eastshore**
Parish: **Dunrossness**
Reg No: **Z0660**
Case Number: **84073**
Application Type: **Assignment**

Decision – Approved	
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>	

Croft: **Eastshore, Tolob (Apportionment)**
Parish: **Dunrossness**
Reg No: **Z3705**
Case Number: **84282**
Application Type: **Letting**

Decision – Approved	
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>	

Croft: **Gord**
Parish: **Sandwick, Shetland**
Reg No: **Z0495**
Case Number: **85648**
Application Type: **Owner-Occupier 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.

Highland (excl Caithness)

Croft: **2 Unachan**
Parish: **Kilmonivaig**
Reg No: **I2379**
Case Number: **76677**
Application Type: **Decrofting – part croft**

Decision – Approved	Extent: 2.237 ha
Grounds for Decision	
<ul style="list-style-type: none"> The granting of this area which comprises of two strips of land will regularise an existing situation and the Commission are satisfied that the granting of a Direction will not have a negative impact on the remainder of the croft land. No objections or expressions of demand have been received following the advertising of the application. Paragraph 67 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:	General Purpose

Croft: **143 Swordly East**
Parish: **Farr**
Reg No: **S1358**
Case Number: **83932**
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.

Croft: 1 Laide
Parish: Gairloch
Reg No: R1605
Case Number: 82560
Application Type: Decrofting – Part Croft

Decision – Approved		Extent: 0.13 ha
Grounds for Decision		
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.		
Conditions of Direction:		
Purpose:	To provide a site for a dwellinghouse	
Enclosure of area:	The land must be enclosed (so far as not already enclosed) with a stockproof fence within four months of development being completed. That fence shall be maintained in good order and repair by each successive owner or occupier of the land.	

Croft: Aird
Parish: Gairloch
Reg No: R1397
Case Number: 82324
Application Type: Decrofting – part croft

Decision – Approved		Extent: 0.2 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 the site for a dwellinghouse	
Enclosure:	Within four months of completion of development	

Western Isles

Croft: 317 Kilpheder
Parish: South Uist
Reg No: I5264
Case Number: 79299
Application Type: Decrofting – Whole Croft

Decision – Approval of modified area

Having considered all the evidence in this application, the Commission has decided, in terms of section 24B of the Crofters (Scotland) Act, [“the 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 **1.171 ha**.

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 site of a bus depot, car and commercial vehicle workshop and access road is a reasonable purpose within the meaning of section 20 of the Act. However, at 1.906 ha the Commission consider this to be excessive in relation to the purpose and consider the modified area of 1.171 ha to be reasonable in relation to the applicant’s needs.
- The Commission is satisfied that the granting of the modified direction will not have a negative impact on the remainder of the croft as the area required is confined to the rear section of the croft allowing the undeveloped and productive area to remain in crofting tenure for future use.
- 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. The Commission accepts the remaining land has modest potential. However, in the Commission’s view the removal from crofting tenure of this whole croft in the absence of a reasonable purpose in relation to the whole of the area applied for would reduce the local pool of croft land available to persons who might obtain crofter status (whether tenanted or owned) or who would wish to develop their existing activities. 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 would not be detrimental.
- Although no demand was directly expressed in response to the advertising of the application, the Commission accept and concurs with the Reporting Officer from the local SGRPID office in Uist who comments that there is latent demand for tenancies within the Uists. The Commission is therefore satisfied that there would be demand if the croft was available for letting on the open market.
- In considering applications to decroft, the Commission must have reference to its Policy Plan as published and in this regard we refer to paragraph 67 in support of our decision, which states:

When considering applications, the Commission will wish to ensure that suitable access arrangements are provided for any croft land.

The Commission determined that although the existing croft access is included in the site being decrofted, the applicant gave an undertaking to establish an alternative suitable croft access which the Commission decided should be taken from the bellend of the newly created access road to the maintenance garage, therefore the Commission is satisfied that there will be no issues with access to the remainder of the croft or any other croft land.

In considering applications to decroft the Commission must also have reference to its Policy Plan as published and in this regard we refer to paragraph 99 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.

The Commission consider its decision to issue a decrofting direction is consistent with its policy as it supports Mr Aitken's wish to have the established bus depot, the provision of a site for a vehicle maintenance garage and a new access road decrofted while retaining the remainder of the land in crofting for future use.

Conditions of Direction

Purpose:	Site of an established bus depot, the site for a car and commercial vehicle workshop and a new access road.
Enclosure:	Within four months of the date of the completion of the development.

Croft: 134(1) Brevig
Parish: Barra
Reg No: I0296
Case Number: 74245
Application Type: Decrofting – croft house site and garden ground

Decision – Approved	Extent: 0.172 ha
Grounds for Decision	
The Commission has considered the application under section 24(3), 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 grant a decrofting Direction, extending to 0.172 ha, on the following grounds:	
The Commission is satisfied on the available evidence that the site consists only of the dwellinghouse on or pertaining to the croft.	
Conditions of Direction	
Enclosure of area:	With a stockproof fence within four months of the date of the Direction.
Additional Conditions:	Fence to be maintained in good order and repair by each successive owner or occupier of the land.