

NOTIFICATIONS AND GROUNDS AND DECISIONS FOR APPLICATIONS DECIDED

Applications between 01/01/18 – 08/01/18

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: 7 Ardachy
Parish: Kilfinichen & Kilvickeon
Reg No: R2392
Case Number: 80406
Application Type: Decrofting – part croft

Decision – Approved		Extent: 0.243 ha
Grounds for Decision		
<p>The Commission has considered the application under section 24A and 25(1)(a) of the Crofters (Scotland) Act 1993 (“the Act”) to decroft part of the croft extending to 0.243 ha, being the site of an existing dwellinghouse and an established mature garden and have agreed to grant a decrofting direction on the following grounds:</p> <ol style="list-style-type: none"> 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). 2. 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. 3. There have been no objections received from any member of the crofting community in response to the advertising of the application to decroft. 4. 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 or, where appropriate, common grazing.”</i> The Commission have concluded that there are no issues with access to the remainder of the croft or to any other croft or common grazing land. 		
Conditions of Direction		
Purpose:	Being the site of an existing dwellinghouse and an established mature garden.	
Enclosure	<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 must be maintained in good order and repair by each successive owner or occupier of the land. 	

Caithness, Orkney & Shetland

Croft: **Fladdabister (Share)**
Parish: **Cunningsburgh**
Reg No: **Z3477**
Case Number: **83790**
Application Type: **Sublet**

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.

The period of sublet shall be for 6 years from 19 December 2017

Western Isles

Croft: 7 Caryshader
Parish: Uig
Reg No: R5161
Case Number: 83715
Application Type: Assignment

Decision – Approved

Grounds for Decision

The Commission has considered the application to assign the tenancy of the croft at 7 Caryshader, Uig, under section 8 of the Crofters (Scotland) Act 1993 (“the 1993 Act”) and has **approved** the application on the following grounds:

We have had regard to whether the proposed assignee will be ordinarily resident on, or within 32 kilometres, of the croft. We are satisfied from the available evidence that the assignee will be in a position to comply with the residency duty within 2 years of the approval. The reason for the 2-year timeframe is to allow the sale of their current residence in Anglesey and for a total renovation of the property on the croft to be undertaken. In the circumstances we consider 2 years to be a realistic timescale.

We have had regard to whether the croft will be cultivated or put to a purposeful use under section 5C(4) of the 1993 Act and are satisfied from the available evidence that the proposed assignee has made suitable arrangements for ensuring the croft is cultivated during her initial period of absence, and will cultivate the croft at her own hand when she is in a position to take up residence.

We have received no objection from the landlord/estate in respect of the land to which the application relates and do not therefore consider on the available evidence that the interests of the estate will be adversely affected.

We have received no objections from any members of the crofting community. The Commission considers on the available evidence that the consent hereby provided will not have an adverse effect on the interests of the crofting community in the locality of the croft or on the sustainable development of that crofting community.

We are satisfied on the available evidence that the approval of the assignment will not adversely affect the interests of the public at large.

We have not received any other objections under subsection (4) or (5A) of section 58A of the 1993 Act, nor were any expressions of demand received in respect of the tenancy of the croft.

We have had regard to the Commission’s Policy Plan and are satisfied that the consent hereby provided is consistent with our Policy Plan.