

# NOTIFICATIONS AND GROUNDS AND DECISIONS FOR APPLICATIONS DECIDED

Applications between 08/01/18 – 14/01/18

**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:** 3 & 4 South Arnish  
**Parish:** Portree  
**Reg No:** I3047  
**Case Number:** 76153  
**Application Type:** Division

<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.

## **Caithness, Orkney & Shetland**

**Croft:** Upperton (Share)  
**Parish:** Sandwick  
**Reg No:** Z3689  
**Case Number:** 84133  
**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:** **Summerside, Walls**  
**Parish:** **Walls, Shetland**  
**Reg No:** **Z2523**  
**Case Number:** **80196**  
**Application Type:** **Decrofting – part croft**

<b>Decision – Approved</b>		<b>Extent: 0.190 ha</b>
<b>Grounds for Decision</b>		
<ul style="list-style-type: none"> <li>In terms of section 25(1)(a) of the 1993 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 the 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 amenity ground is a reasonable purpose within the meaning of section 20 of the Act. However, at 0.452 ha, the area requested by the applicant is considered by the Commission to be excessive and further consider the modified area of 0.190 ha to be reasonable in relation to the stated purpose.</li> <li>In addition to excluding the area of land applied for which is situated at the rear of the dwellinghouse, the Commission have also excluded the access which was included in the original area applied for.</li> </ul> <p>Paragraph 67 of the Commission’s Policy Plan states:</p> <p><b>ACCESS:</b> <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. Such access must be suitable for agricultural or other machinery required for the cultivation and maintenance of the croft.</i></p> <p>Therefore the Commission, while seeking to accommodate the interests and wishes of the applicant, are not prepared to do so if it results in the remainder of the croft being inaccessible. When considering applications the Commission must ensure that suitable access arrangements are provided for any croft land. In this particular case the access included in the application to decroft is currently the sole access to both the house and the remainder of the croft. By including this access in the decrofting could create an issue in the future should the house and croft be held in separate ownership. By excluding this access the Commission are retaining access to the remainder of the croft as stated in their Policy Plan.</p>		
<b>Conditions of Direction</b>		
<b>Purpose:</b>	Amenity ground	
<b>Enclosure:</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 date of the direction.</li> <li>That fence must be maintained in good order and repair by each successive owner or occupier of the land.</li> </ol>	

**Highland (excl Caithness)**

**Croft:** 182, 347 & 187 Marrel  
**Parish:** Kildonan  
**Reg No:** S1542  
**Case Number:** 81890  
**Application Type:** Decrofting – croft house site and garden ground

<b>Decision – Approved</b>		<b>Extent: 0.149 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>Enclosure of area:</b>	The land must be enclosed (so far as not already enclosed) with a stockproof fence within four months of the acquisition of the date of this direction. That fence shall be maintained in good order and repair by each successive owner or occupier of the land.	

**Croft:** Bredaig  
**Parish:** Kiltarlity  
**Reg No:** I2810  
**Case Number:** 83794  
**Application Type:** Decrofting – part croft

<b>Decision – Approved</b>		<b>Extent: 0.21ha</b>
<b>Grounds for Decision</b>		
The Commission has considered your application under section 24A and 25(1)(a) of the Crofters (Scotland) Act 1993 to decroft an area of 0.210 ha, the stated purpose being to provide a site for a dwellinghouse and <b>gives a direction</b> .		
The Commission is satisfied on the available evidence that the application is for a reasonable purpose within the meaning of section 20 of the Act.		
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.		
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.		
<b>Conditions of Direction</b>		
<b>Purpose:</b>	Dwellinghouse	
<b>Conditions:</b>	1. The land must be enclosed (so far as not already enclosed) with a stockproof fence within four months of date of the development. 2. That fence must be maintained in good order and repair by each successive owner or occupier of the land.	

**Croft:** 10 Wester Baddarroch  
**Parish:** Kincardine  
**Reg No:** R2086  
**Case Number:** 84697  
**Application Type:** Assignation

<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.