

NOTIFICATIONS AND GROUNDS AND DECISIONS FOR APPLICATIONS DECIDED

Applications between 15/01/18 – 21/01/18

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: 12 Balemartine
Parish: Tiree
Reg No: A1052
Case Number: 81096
Application Type: Assignment

Decision – Approved

Grounds for Decision

We have had regard to whether the proposed assignee will be ordinarily resident on, or within 32 kilometres, of the croft and are satisfied from the available evidence that the assignee will be in a position to comply with the residency duty.

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 assignee will cultivate the croft. We note from the evidence provided in the SGRPID report that the proposed tenant is currently working his existing crofts to their full potential.

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 objection(s) 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.

In exercising our regulatory functions, the Commission must have regard to the desirability of supporting population retention in the crofting counties. The available evidence indicates that the consent hereby provided will likely have a neutral impact upon population retention in the locality.

Croft: **2 Ruaig (Share)**
Parish: Tiree
Reg No: A1712
Case Number: 83071
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: **7 Ruaig (Share)**
Parish: Tiree
Reg No: A1713
Case Number: 83076
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: **Tigh-Na-Croit**
Parish: North Knapdale
Reg No: A0856
Case Number: 85448
Application Type: Decrofting – Croft House Site and Garden Ground

Decision – Approved	Extent: 0.07 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:	
Enclosure of area:	The land must be enclosed (so far as not already enclosed) with a stockproof fence within four months of the acquisition of the land by the crofter or nominee. That fence shall be maintained in good order and repair by each successive owner or occupier of the land.

Caithness, Orkney & Shetland

Croft: **Newlands of Smerlie**
Parish: **Latheron**
Reg No: **C0623**
Case Number: **83894**
Application Type: **Decrofting – part croft**

Decision – Approved		Extent: 0.09ha
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:	Dwellinghouse	
Conditions:	<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.	

Croft: **Sparl, Brae**
Parish: **Delting**
Reg No: **Z0110**
Case Number: **81490**
Application Type: **Decrofting – part croft**

Decision – Approved		Extent: 0.046 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:	Amenity ground	
Enclosure:	The land must be enclosed (so far as not already enclosed) with a stockproof fence within four months of the date of the Direction. That fence shall be maintained in good order and repair by each successive owner or occupier of the land.	

Highland (excl Caithness)

Croft: **Ianmor Knockfarrel**
Parish: **Fodderty**
Reg No: **R1372**
Case Number: **84894**
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: **Evelix**
Parish: **Dornoch**
Reg No: **S0668**
Case Number: **84978**
Application Type: **Division**

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 Badbea**
Parish: **Lochbroom**
Reg No: **R2483**
Case Number: **85544**
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: **Corrieben**
Parish: **Fodderty**
Reg No: **R1361**
Case Number: **81916**
Application Type: **Decrofting – part croft**

Decision – Approved		Extent: 0.16ha
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:	Amenity ground	

Croft: **13 Midtown of Inverasdale**
Parish: **Gairloch**
Reg No: **R1577**
Case Number: **83813**
Application Type: **Decrofting – part croft**

Decision – Approved		Extent: 0.185ha
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:	Dwellinghouse	
Conditions:	<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. 	

Croft: **76 Scouriemore**
Parish: **Eddrachilles**
Reg No: **S2216**
Case Number: **85952**
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: 1 Garrygualach
Parish: Kilmonivaig
Reg No: I5768
Case Number: 76675
Application Type: Decrofting – whole croft

Decision – Refusal	Extent: Whole Croft
Grounds for Decision	
<p>The Commission have considered the application and have decided, for the reasons set out below, to refuse the application:</p> <p>Sections 25(1)(a) and 25(2) of the Crofters (Scotland) Act 1993 (“the 1993 Act”) sets out those matters to which the Crofting Commission (“the Commission”) must give regard when reaching a decision on applications for a Commission direction to decroft a croft or part of a croft.</p> <p>Under section 25(1)(a) the Commission must be satisfied that the applicant has applied for the 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 1993 Act).</p> <p>In this particular case, the applicant has stated in the application form that the purpose of the application was to undertake a number of tourist and land based developments to allow the croft to become sustainable and put back into productive use. The Commission consider these developments would potentially be in connection with reasonable purposes within the meaning of section 20 of the Act. However, the absence of planning permission and supporting business plans for the majority of the identified developments mean that the Commission is unable to meaningfully assess whether the area applied for is excessive in relation to the respective purposes or to assess the impact on the good of the croft or the crofting community.</p> <p>The Commission notes that the application does not consider that the croft is in a crofting community however, as there are two crofts in the township of Garrygualach, the Commission is satisfied that the two registered and contiguous crofts at Garrygualach together form a township and a crofting community. The Commission recognises that this is an unusual and geographically isolated township but, having found that there is a crofting community and a township, it must assess the application in relation to the crofting community. Therefore, as it currently stands, in the absence of planning permission for the majority of the proposals the Commission is not in a position to meaningfully carry out the balancing exercise between the interests of the applicant in having the land removed from crofting tenure, and the impact of the proposals upon the interests of the crofting community.</p> <p>The Commission is also required to consider the impact of the proposals on the public interest. The principal way of an applicant establishing this is to successfully obtain planning permission as part of a public and open process. The applicant has failed to demonstrate this for the majority of the purposes applied for.</p> <p>Further, as well as not being able to meaningfully assess the section 25(1)(a) factor relating to the size and impact of the proposals on both the croft and the community we also, in the absence of planning permission, have concerns as to whether the proposed developments (and any benefits associated with them) will go ahead.</p> <p>The Commission consider that it is detrimental to the croft and to the crofting community to have the whole of the croft decrofted where there is no planning permission supporting the proposed purpose in respect of the whole of the croft. Decrofting would result in removing the croft from the pool of croft land capable of being cultivated and/or put to a purposeful use.</p> <p>It is open to the applicant to resubmit the application once he has obtained the planning permission for the specific proposals. The Commission is happy to consider separate applications for each elements of their proposals if there are associated planning permissions and if the extent required for any such specific proposal is clearly set out in the application, including any supporting plans.</p> <p>For the foregoing reasons the application has been refused.</p>	

Croft: 1 Garrygualach
Parish: Kilmonivaig
Reg No: I5768
Case Number: 76675
Application Type: Decrofting – whole croft

Decision – Refusal	Extent: Whole Croft
Grounds for Decision	
<p>The Commission have considered the application and have decided, for the reasons set out below, to refuse the application:</p> <p>Sections 25(1)(a) and 25(2) of the Crofters (Scotland) Act 1993 (“the 1993 Act”) sets out those matters to which the Crofting Commission (“the Commission”) must give regard when reaching a decision on applications for a Commission direction to decroft a croft or part of a croft.</p> <p>Under section 25(1)(a) the Commission must be satisfied that the applicant has applied for the 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 1993 Act).</p> <p>In this particular case, the applicant has stated in the application form that the purpose of the application was to undertake a number of tourist and land based developments to allow the croft to become sustainable and put back into productive use. The Commission consider these developments would potentially be in connection with reasonable purposes within the meaning of section 20 of the Act. However, the absence of planning permission and supporting business plans for the majority of the identified developments mean that the Commission is unable to meaningfully assess whether the area applied for is excessive in relation to the respective purposes or to assess the impact on the good of the croft or the crofting community.</p> <p>The Commission notes that the application does not consider that the croft is in a crofting community however, as there are two crofts in the township of Garrygualach the Commission is satisfied that the two registered and contiguous crofts at Garrygualach together form a township and a crofting community. The Commission recognises that this is an unusual and geographically isolated township but, having found that there is a crofting community and a township, it must assess the application in relation to the crofting community. Therefore, as it currently stands, in the absence of planning permission for the majority of the proposals, the Commission is not in a position to meaningfully carry out the balancing exercise between the interests of the applicant in having the land removed from crofting tenure, and the impact of the proposals upon the interests of the crofting community.</p> <p>The Commission is also required to consider the impact of the proposals on the public interest. The principal way of an applicant establishing this is to successfully obtain planning permission as part of a public and open process. The applicant has failed to demonstrate this for the majority of the purposes applied for.</p> <p>Further, as well as not being able to meaningfully assess the section 25(1)(a) factor relating to the size and impact of the proposals on both the croft and the community, we also in the absence of planning permission have concerns as to whether the proposed developments (and any benefits associated with them) will go ahead.</p> <p>The Commission consider that it is detrimental to the croft and to the crofting community to have the whole of the croft decrofted where there is no planning permission supporting the proposed purpose in respect of the whole of the croft. Decrofting would result in removing the croft from the pool of croft land capable of being cultivated and/or put to a purposeful use.</p> <p>It is open to the applicant to resubmit the application once he has obtained the planning permission for the specific proposals. The Commission is happy to consider separate applications for each elements of their proposals if there are associated planning permissions and if the extent required for any such specific proposal is clearly set out in the application, including any supporting plans.</p> <p>For the foregoing reasons the application has been refused.</p>	

Western Isles

Croft: 4 Garryvaltos (Milton)
Parish: South Uist
Reg No: I5036
Case Number: 85255
Application Type: Consent to be absent

Decision –Approved

Grounds for Decision

The Commission has considered your application for consent to be absent from the croft for a period of 10 years and approves your application under section 21b of the Crofters (Scotland) Act 1993 (“the 1993 Act”) on the following grounds:-

That you have confirmed that it is your intention to return and take up residence on the croft in 2027, and that in the meantime you have made arrangements for the croft to be cultivated and maintained during the period of consent by a family member, in this case by your brother.

Please be aware that the consent applies only to the statutory duty not to be absent from the croft for the 10 year period. You may therefore wish to consider applying to the Commission to sublet the croft to your brother, as should any subletting application be approved, you will be considered to be in compliance with the duty to cultivate and maintain the croft during the period of the sublease. This is without prejudice in relation to the Commission’s decision on any such application, which would be considered on its individual merits.

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.

Special Conditions

Please be aware that the consent applies only to the statutory duty not to be absent from the croft for the 10 year period. You may therefore wish to consider applying to the Commission to sublet the croft to your brother, as should any subletting application be approved, you will be considered to be in compliance with the duty to cultivate and maintain the croft during the period of the sublease. This is without prejudice in relation to the Commission’s decision on any such application, which would be considered on its individual merits.

Croft: 4 Crowlista
Parish: Uig
Reg No: R5183
Case Number: 84240
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: 35 Cross
Parish: Barvas
Reg No: R0578
Case Number: 82961
Application Type: Decrofting – croft house site and garden ground –
 in advance of purchase

Decision – Approved	Extent: 0.077 ha
Grounds for Decision	
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 0.077 hectares and, under sections 24(3) and 25(1)(b) of the 1993 Act, gives a direction . 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.	
Conditions of Direction	
Enclosure of area:	With a stockproof fence within four months of acquisition.
Additional Conditions:	Fence to be maintained in good order and repair by each successive owner or occupier of the land.

Croft: 5B Garyvard
Parish: Lochs
Reg No: R6689
Case Number: 84298
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 Lemreway
Parish: Lochs
Reg No: R3201
Case Number: 84440
Application Type: Decrofting – croft house site and garden ground –
in advance of purchase

Decision – Approved		Extent: 0.114 ha
Grounds for Decision		
<p>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 0.114 hectares and, under sections 24(3) and 25(1)(b) of the 1993 Act, gives a direction. 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.</p>		
Conditions of Direction		
Enclosure of area:	With a stockproof fence within four months of acquisition.	
Additional Conditions:	Fence to be maintained in good order and repair by each successive owner or occupier of the land.	

Croft: 14 Borve, Berneray
Parish: Harris
Reg No: I1565
Case Number: 83716
Application Type: Subletting

Decision – Approved	
Grounds for Decision	
<p>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.</p>	
<p>The sublet of the part croft will be for the fixed period of 2 years.</p>	