

NOTIFICATIONS AND GROUNDS AND DECISIONS FOR APPLICATIONS DECIDED

Applications between 29/01/18 – 04/02/18

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: 11 Dunhallin
Parish: Duirinish
Reg No: 10973
Case Number: 83584
Application Type: Letting

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: Glower & Dale, Birsay
Parish: Birsay
Reg No: O0009
Case Number: 68882
Application Type: Decrofting – whole croft

Decision – Refused

Grounds for Decision

The Commission has considered this application and **refuses** it. In coming to its decision, the Commission has identified the following factors are relevant to this application:-

- Whether the application is for a reasonable purpose within the meaning of section 20(3) and 25(1)(a) of the Crofters (Scotland) Act 1993 (“the 1993 Act”);
- The discretionary provisions set out at section 24(3) and 25(2) of the 1993 Act;
- The desirability of supporting population retention as set out at section 1(2A) of the 1993 Act; and
- The impact of the changes to the overall area of land held in crofting tenure on the sustainability of crofting.

In assessing whether or not there is a reasonable purpose, the Commission is required in terms of section 25(1)(a) of the 1993 Act to consider how the purpose relates to the good of the croft or of the public interest or to the estate or to the interests of the crofting community. In order to assess these factors, the Commission has to be satisfied first that the purpose has a reasonable prospect of being achieved. The Commission note that the reason given by the applicant to decroft the land is in order to have part of the croft (consisting of two fields) noted by the planning authority for consideration as potential housing plots. The Commission considers, however, that this falls significantly short of the requirements to enable the application to be processed under the provisions which relate to reasonable purpose. The Commission would normally require sight of the relevant planning permission in order to be satisfied that the proposed reasonable purpose is likely to go ahead.

As such, the information in support of the application is in the Commission’s view insufficiently strong, and any potential benefits from the purpose too remote at this stage, for the Commission to be able to find that the stated purpose is a reasonable purpose. Accordingly, the Commission has not considered the statutory factors set out in section 25(1)(a) in any detail due to the conjectural nature of the stated reason.

It is open however to the applicant to re-apply for Commission consent if and when planning permission has been progressed and an area(s) has been identified in relation to any future planned site which would enable the Commission to consider whether the area applied for is excessive in relation to the purpose as required by section 25(1)(a) of the 1993 Act.

Having found there to be no reasonable purpose relating to the factors set out in section 25(1)(a) of the 1993 Act, the Commission notes that it has a discretionary power to decroft under section 24(3) of the 1993 Act and has regard to section 25(2) of the 1993 Act when it exercises its discretion. In exercising its discretion, the Commission has balanced the interests of the applicant in the Commission giving a decrofting direction (who states that she/he intends to sell the croft as three separate plots land) with the factors to which it must have regard in section 25(2) of the 1993 Act. The Commission notes that, as with its assessment of reasonable purpose, the likelihood of the stated purpose/project going ahead is a material consideration in assessing the weight to be given to the interests of the applicant. The Commission understands that the applicant considers that it is in their

interests in having the croft decrofted for the reason that it could be sold more easily on the open market to parties requiring loan finance to purchase the croft. However the Commission considers that these interests would have had stronger weight if information set out above had been provided in support of the application e.g. if the applicant in this case had demonstrated that they had advertised the land for sale as a croft and failed to attract a suitable purchaser, which would enable the Commission more effectively to carry out a balancing exercise in terms of section 25(2) of the 1993 Act. No such evidence had been provided in support of the application and indeed the SGRPID report states that *“No attempts have been made to market this croft prior to decrofting”*. Indeed the SGRPID report further concludes that *“The local farmers who wish to expand and are in a position that they could finance additional land would be interested in acquiring land nearby whatever the croft status”*, indicating that there would likely be demand for the croft. Therefore it is unclear why the interests of the applicant cannot be met by selling the land without having to take the irrevocable step of removing the land from crofting tenure in order to do so.

The Commission has considered whether there is a crofting community in relation to the Glower and Dale, Birsay croft and acknowledges that there is not a strong crofting community, or easily identifiable townships, in this part of Orkney. Nevertheless the Commission do not agree with the comment in the agricultural officer's report that the parish of Birsay has no crofting community. There are 30 crofts in total in the parish of Birsay with around 7 crofts in within one mile radius of the Glower and Dale croft.

As acknowledged in the SGRPID report crofts in Birsay are actively worked, whether as standalone units or as part of larger farming/agricultural businesses capable of accessing grant assistance. Therefore while the Commission accept that crofting in Orkney differs from more traditionally recognised crofting communities in areas such as the Western Isles and Skye, they do not consider that this means that they fall out with the scope of crofting communities within the meaning of the Crofters Acts.

The Commission notes the comment in the RPID report that the parish of Birsay has no crofting community because the crofts have been amalgamated into larger farms and there are no common grazings and associated communal workings. The Commission notes that this is a comment rather than a statement of fact or an explanation of the legal basis of a crofting community. The Commission notes that a crofting community is identified by means of two or more registered crofts (regardless of whether those crofts are for practical purposes amalgamated into larger farming units), and the existence of a common grazings is not essential for a crofting community to exist, though the existence of a crofts sharing in a common grazings will of itself tend to point to there being a crofting community. The Commission recognises that the nature of the crofting community in the general sense (and not as defined in the 1993 Act) differs substantially in parts of Orkney as many crofts in Orkney are worked practically as part of larger farming units, in contrast to the other parts of the crofting community where crofting is organised into discrete and readily identifiable crofting townships. Nevertheless, the Commission is of the view that there is sufficient geographical proximity between the legally registered crofts in the locality of Glower & Dale to constitute a township within which these crofts exist, and therefore a crofting community, but the Commission also readily acknowledges that such a township differs in character from a traditional discrete township with a strong crofting identity.

Although the Commission accepts that no expressions of interest in obtaining a tenancy of the croft have been made to the Commission in connection with this application, the Commission does not regard the absence of any such expressions of interest as evidence that no such interest exists, if a tenancy of Glower and Dale were genuinely available for letting on the open market. The Commission notes that the absence of any actual expressions of interest is not surprising as the croft is not actually available for letting. The Commission notes that the croft extends to some 17.36 hectares and classed as a

combination of permanent grass land or rough grazing which could be back into agricultural use. The Commission is satisfied that a croft of such a size and quality would in all likelihood attract grants and subsidies, including any grants and subsidies exclusive to crofting, and would therefore likely be of interest to existing crofters or new entrants to crofting while still being retained within crofting tenure. Indeed the SGRPID report concludes on this subject that “...it is highly likely that if the tenancy of this croft became available there would be demand”. The Commission are therefore satisfied that there would be demand should the croft be made available for letting as a croft. The Commission therefore conclude that the interests of the crofting community would be adversely affected by the removing of land from crofting tenure which would attract demand either as a tenanted or owned subject, without a compelling reason to do so.

The Commission must also consider the relevance of the application to the two further grounds set out below, namely the impact of granting a direction on population retention and the impact of granting a direction on the overall area of land held in crofting tenure on the sustainability of crofting.

In terms of section 1(2A) (a) of the 1993 Act, the Commission must have regard to the desirability of supporting population retention. In exercising its regulatory functions therefore the Commission must be mindful of the potential for any particular regulatory application to impact upon the issue of population retention. The Commission is of the view that Glower and Dale could, in view of its size and productive capacity and the likelihood that it could possibly attract agricultural and crofting grants and subsidies, support a resident croft tenant or (more likely, given the nature of crofting in Orkney) an owner-occupier crofter who would contribute to population retention within this island community if the croft were to be let or sold as a separate unit. The Commission takes a long-term view of crofting and recognises the importance of retaining crofts such as Glower and Dale within crofting tenure for both new entrants to crofting and existing crofters, in the absence of a reasonable purpose having been established to remove the land from crofting tenure.

In terms of section 1(2A)(b) of the 1993 Act, the Commission has had regard to the impact that the application, if granted, would have on the overall area of land held in crofting tenure on the sustainability of crofting. The Commission notes that Glower and Dale croft extends to 17.36(ha) of permanent grass land or rough grazing which could be brought back into agricultural use and that it is the whole of the croft that the applicant seeks to decroft. The Commission considers that 17.36(ha) is a substantial area of good quality croft land relative to the extent of croft land locally available within Birsay. The Commission notes that section 1(2A) (b) refers to the sustainability of crofting generally. The Commission understands sustainability as requiring the Commission to consider the long-term interests of crofting and the potential of crofting to support future generations of crofters. In the Commission’s view, Glower and Dale croft has the potential to sustain crofting activities and that its loss from crofting tenure would, in view of its size and quality, have a material impact locally upon the overall area of land available to crofting by reducing the pool of croft land available to future crofters.

Finally in terms of the Commission’s Policy Plan which has been agreed by Scottish Ministers, paragraph 99 states the following: “*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 has considered this case on its individual facts and circumstances and finds no compelling reason why the policy should not be applied, even though application of the policy has not been a material consideration in this case.

The Commission has, for the above reasons, decided not to give a decrofting direction in respect of Glower and Dale croft.

Highland (excl Caithness)

Croft: Scorraig
Parish: Lochbroom
Register No: R5786
Case Number: 72214
Application Type: Division by Tenant

Decision – Approved

Grounds for Decision

The Commission has considered the application under section 9 of the Crofters (Scotland) Act 1993 (“the 1993 Act”) to divide the croft at Scorraig, Lochbroom to create two new crofts and has decided to **grant** the application on the following grounds:

- Section 58A(7) of the 1993 Act stipulates the factors to which the Crofting Commission is obliged to give regard to when reaching a decision on applications for Commission consent to the division of a croft.
- In terms of sections 58A(7)(a)(i) of the 1993 Act, the Commission must have regard to whether any person is or will be ordinarily resident on, or within 32 km, of the crofts created by the division. It is noted that the applicant’s intention is to assign the smaller of the crofts to a relative, while retaining the larger of the crofts for her own use. It is further noted both parties would be ordinarily resident on, or within 32 km, of the respective crofts created by the proposed division. The Commission is therefore satisfied that the residency duty would be met.
- In terms of section 58A(7)(a)(ii) of the 1993 Act the Commission must have regard to whether the crofts will be cultivated or put to some other purposeful use. The Commission noted that the area extending to 0.702 ha (known locally as Gregor’s Croft) is smaller than would normally be expected for a new croft created through a division. However, the Commission recognise that the proposed new croft, Gregor’s Croft, has been worked separately from the remainder of the croft at Scorraig for the past 20 years, and as a result the smaller area can be justified on this occasion. The Commission is therefore satisfied that the land use duties would be met.
- In terms of section 58(7)(c), (d) and (f) of the 1993 Act, the Commission is required to have regard to the interests of the estate, the interests of the crofting community and any objections received. The Commission noted that no objections to the proposed division have been received from the landlord or any member of the crofting community. The Commission is therefore satisfied that the division will have no adverse impact on these interests.
- In terms of section 58(7)(e) of the 1993 Act, the Commission is required to have regard to the interests of the public at large. The Commission has found no evidence to suggest that the interests of the public at large would be affected, either positively or negatively, by the proposed division.
- In terms of section 58(7)(g) of the 1993 Act, the Commission is required to have regard to its own Policy Plan. Paragraph 67 of the current Policy Plan states that when considering applications “*The Commission will wish to ensure that suitable access arrangements are provided for any croft land or, where appropriate, common grazing*”. In this case it was acknowledged that the area extending to 0.702 ha (known locally as Gregor’s Croft) does not benefit from its own access. However, the Commission accepts that parties have reached agreement with regard to access and that the agents for the landlord and the tenant have signed a Croft Access Confirmation document which will secure access to the newly created croft. In these circumstances the Commission is content that there will be access to the proposed new croft Gregor’s Croft.

Croft: 257 Achnahaird
Parish: Lochbroom
Reg No: R2427
Case Number: 85246
Application Type: Corrective Decrofting Direction – croft house site and garden ground

Decision – Approved		Extent: 0.203 ha
Grounds for Decision		
<p>This Direction is in substitution for the Direction (“the original Direction”) dated 11 July 1984 issued to Donald Callum Macdonald in respect of the croft house site and garden ground, extending to 0.211 ha. The plan attached to the original Direction is of poor quality and the site referred to differs slightly from the area actually enclosed and occupied on the ground. This substitute Direction supersedes the original Direction and more accurately reflects the boundaries of the said croft house and garden ground.</p>		
Conditions of Direction:		
Enclosure of area:	None	
Additional Conditions:	None	

Croft: 257 Achnahaird
Parish: Lochbroom
Reg No: R2427
Case Number: 85614
Application Type: Corrective Decrofting Direction – part croft

Decision – Approved		Extent: 0.017 ha
Grounds for Decision		
<p>This Direction is in substitution for the Direction (“the original Direction”) dated 21 July 2004 issued in advance of purchase to the croft tenant in respect of part of the croft extending to 0.019 ha, for use as amenity ground. The boundaries of the area acquired by the tenant’s nominees differs slightly from the area shown on the plan attached to the original Direction. This substitute Direction supersedes the original Direction so that the area decrofted conforms to the title.</p>		
Conditions of Direction		
Purpose:	None	
Enclosure:	None	
Additional Conditions:	None	

Croft: Gortan Larig
Parish: Glenelg
Reg No: 11465
Case Number: 81741
Application Type: Decrofting – Part Croft

Decision – Approved		Extent: 0.022 ha
Grounds for Decision		
<p>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.</p>		
Conditions of Direction:		
Purpose:	To provide a site for a dwellinghouse	
Enclosure of area:	<p>The land must be enclosed (so far as not already enclosed) with a stockproof fence within four months of development being completed.</p> <p>That fence shall be maintained in good order and repair by each successive owner or occupier of the land.</p>	

Croft: **Croft No 1 Leckmelm**
Parish: **Lochbroom**
Reg No: **R6665**
Case Number: **84320**
Application Type: **Letting of a croft**

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: **8 Mellon Charles**
Parish: **Gairloch**
Reg No: **R1651**
Case Number: **84863**
Application Type: **Letting of a croft**

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: **29 Brawl**
Parish: **Farr**
Reg No: **S1099**
Case Number: **83879**
Application Type: **Decrofting – croft house site and garden ground**

Decision – Approved	Extent: 0.193 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 date of this direction. That fence shall be maintained in good order and repair by each successive owner or occupier of the land.

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: **119 Rhitongue**
Parish: **Tongue**
Reg No: **S2023**
Case Number: **79018**
Application Type: **Letting of a croft**

Decision – Approved

Grounds for Decision

The Commission has considered the application to let the whole croft (excluding the site of an existing ruined croft house) at 119 Rhitongue, Tongue under section 23(3) of the Crofters (Scotland) Act 1993 (“the 1993 Act”) to John MacKay and has **approved** the application on the following grounds:

- 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 letting 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.
- We have had regard to whether the proposed tenant will be ordinarily resident on, or within 32 kilometres, of the croft and are satisfied from the available evidence that the proposed tenant will be in a position to comply with the residency duty.
- We have had regard to the Commission’s policy plan and are satisfied that the approval 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: Milltown
Parish: Contin
Reg No: R5733
Case Number: 65630
Application Type: Decrofting – Whole Croft

Decision – Refused

Grounds for Decision

We have fully considered all of the evidence shown in the casepaper forwarded to you, and have refused your application. Although we appreciate you will be disappointed, we hope the following grounds will clarify why this decision has been made:

The Commission has considered this application and refuses it. In coming to its decision, the Commission has identified the following factors are relevant to this application:-

- Whether the application is for a reasonable purpose within the meaning of section 20(3) and 25(1)(a) of the Crofters (Scotland) Act 1993 (“the 1993 Act”);
- The discretionary provisions set out at section 24(3) and 25(2) of the 1993 Act;
- The desirability of supporting population retention as set out at section 1(2A) of the 1993 Act; and
- The impact of the changes to the overall area of land held in crofting tenure on the sustainability of crofting.

The Commission is required in terms of section 25(1)(a) of the 1993 Act to consider whether 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. The Commission note that the reason given by the applicant to decroft the land is in order to sell the croft back to the estate from which it was purchased. They go on to state that “...the decrofting would mean that the area of land could be put to better use as part of the larger estate and would not be left as unused land which it currently is now”. The Commission do not consider that this constitutes a reasonable purpose within the meaning of section 20 of the 1993 Act. If the intention is to put the land into productive use, the Commission notes the comment in the SGRPID report that “If the area is retained as a croft and offered for sale it may offer an opportunity for the croft to be put to productive use by another individual”. The Commission considers that there is no requirement to decroft for the purpose of selling back to the estate, and once sold the estate could apply to the Commission for approval to let the tenancy of the croft under section 23(3) of the 1993 Act to an individual who would then be subject to the statutory duties relating to residence and land use.

Having found there to be no reasonable purpose relating to the factors set out in section 25(1)(a) of the 1993 Act, the Commission notes that it has a discretionary power to decroft under section 24(3) of the 1993 Act and has regard to section 25(2) of the 1993 Act when it exercises its discretion. In exercising its discretion, the Commission has balanced the interests of the applicant in the Commission giving a decrofting direction with the factors to which it must have regard in section 25(2) of the 1993 Act... The Commission understands that the applicant considers that the land should be sold to the estate to use the ground for grazing with an opportunity to let to a tenant farmer (not a crofter). However the Commission considers that this statement would have had stronger weight if evidence had been provided in support of the application e.g. if the applicant in this case had demonstrated that they had advertised the land for sale as a croft and failed to attract a

suitable purchaser for the unit under its current crofting status and had sought to let the croft on the open market but had failed to find any interested tenant after proper marketing. No such evidence had been provided in support of the application. Therefore it is unclear why the interests of the applicant cannot be met by selling the land without having to take the irrevocable step of removing the land from crofting tenure in order to do so.

The Commission has considered whether there is a crofting community in relation to the croft at Milltown, Contin and while it acknowledges that it is the only croft with the Milltown designation, the Commission's Register of Crofts confirms that there are 19 crofts in the wider parish of Contin. The Commission further acknowledges and accepts the comment in the SGRPID report that *"Within a distance of approximately 15 miles there is a good level of crofting activity in Contin, Marybank, Fairburn and Muir of Ord and on to the Black Isle"*. The Commission therefore do not agree with the conclusion in the SGRPID report that *"There is no crofting community at present as this is the only croft in the township and the croft is an absentee owner"*. While the Commission accept that crofting in this part of the Highlands differs from more traditionally recognised crofting communities and discrete townships in areas such as the Western Isles and Skye and the north and west coasts, they do not consider that this means that more scattered townships are not crofting communities within the meaning of the 1993 Act. In addition, the fact that a croft is currently in the ownership of an individual who is in breach of their statutory duty relating to residency is not a factor in concluding that there is not a crofting community as their situation can be readily remedied by either letting the croft or transferring ownership to a tenant or owner-occupier crofter who will comply with the statutory residence and land use duties. The Commission also notes for instance that if the croft were to be of interest to other crofters in the Contin, Fairburn, Marybank and Muir of Ord areas, any such crofters could take up a tenancy of the croft and comply with their statutory residency duty. Although the Commission accepts that no expressions of interest in obtaining a tenancy of the croft have been made to the Commission in connection with this application, the Commission does not regard the absence of any such expressions of interest as evidence that no such interest exists, if a tenancy of Milltown, Contin were genuinely available for letting on the open market. The Commission notes that the absence of any actual expressions of interest is not surprising as the croft is not actually available for letting. The Commission notes the comments in the SGRPID report that *"The croft is potentially useful land in its own right. It is capable of for example grazing livestock, and/or cultivations for vegetables"*. The report goes on to state that subject to permissions being granted there is sufficient area to build a house and that while as a croft it attracts grant assistance for capital improvements through the Crofting Counties Agricultural Grants Scheme, there may be no corresponding assistance available should the land be decrofted. The Commission is satisfied that a croft of this size and quality would likely be of interest to existing crofters or new entrants to crofting while still being retained within crofting tenure. Indeed the SGRPID report concludes on this subject that *"There is evidence of interest in croft tenancies offered for letting or for sale in the open market within 20 miles of this whole croft decrofting application"*. The Commission are therefore satisfied that there would be demand should the croft be made available for letting as a croft. The Commission must also consider the relevance of the application to the two further factors set out below, namely the impact of granting a direction on population retention and the impact of granting a direction on the overall area of land held in crofting tenure on the sustainability of crofting.

In terms of section 1(2A) (a) of the 1993 Act, the Commission must have regard to the desirability of supporting population retention. In exercising its regulatory functions therefore the Commission must be mindful of the potential for any particular regulatory application to impact upon the issue of population retention. The Commission is of the view that Milltown, Contin could likely attract agricultural and crofting grants and subsidies and would support a croft tenant or an owner-occupier crofter who would contribute to population retention within this community. The Commission takes a long-term view of crofting and recognises the

importance of retaining crofts such as Milton, Contin within crofting tenure (together with all the opportunities for subsidies and grants attaching to such crofts) for both new entrants to crofting and existing crofters, in the absence of a reasonable purpose having been established to remove the land from crofting tenure.

In terms of section 1(2A)(b) of the 1993 Act, the Commission has had regard to the impact that the application, if granted, would have on the overall area of land held in crofting tenure on the sustainability of crofting. The Commission understands sustainability as requiring the Commission to consider the long-term interests of crofting and the potential of crofting to support future generations of crofters. In the Commission's view Milltown, Contin has the potential to sustain crofting activities and that its loss from crofting tenure would, in view of its size and quality, have a material impact locally upon the overall area of land available to crofting by reducing the pool of croft land available to persons who might obtain or retain crofter status (whether tenanted or owned), especially in the absence of a compelling reasonable purpose put forward by the applicant to decroft the land.

Finally in terms of the Commission's Policy Plan which has been agreed by Scottish Ministers, paragraph 99 states the following: *"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 do not consider that the applicant has provided compelling reasons why the Commission should not have regard to its Policy in this individual case, though the case has been determined with regard to its own facts and circumstances.

The Commission has, for the above reasons, decided not to give a decrofting direction in respect of the croft at Milltown, Contin.

Western Isles

Croft: 31 Arnol
Parish: Barvas
Reg No: R262
Case Numbers: 84524
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 part croft will be for the fixed period of 10 years.

Croft: **31 Lower Bayble**
Parish: **Stornoway**
Reg No: **R3655**
Case Number: **83450**
Application Type: **Decrofting – croft house site and garden ground –
in advance of purchase**

Decision – Approved		Extent: 0.087 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 0.087 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: **16a Tong**
Parish: **Stornoway**
Reg No: **R4749**
Case Number: **83591**
Application Type: **Decrofting – Part Croft – Advance of Purchase**

Decision – Approved		Extent: 0.112 ha
Grounds for Decision		
<p>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.</p>		
Conditions of Direction		
Purpose:	Existing dwellinghouse	
Enclosure of area:	<p>The land must be enclosed (so far as not already enclosed) with a stockproof fence within four months of acquisition.</p> <p>That fence shall be maintained in good order and repair by each successive owner or occupier of the land.</p>	

Croft: 15a Balallan
Parish: Lochs
Reg No: R2900
Case Number: 84248
Application Type: Assignation

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 Aird of Tong
Parish: Stornoway
Reg No: R4795
Case Number: 80634
Application Type: Decrofting – croft house site and garden ground – in advance of purchase

Decision – Approved	Extent: 0.181 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 0.181 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: 14 Marvig
Parish: Lochs
Reg No: R3318
Case Number: 83997
Application Type: Decrofting – croft house site and garden ground – in advance of purchase

Decision – Approved	Extent: 0.155 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 0.155 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: 25 Upper Shader
Parish: Barvas
Reg No: R1014
Case Number: 84945
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.

Croft: 71 Ardnamonie
Parish: South Uist
Reg No: I4750
Case Number: 85174
Application Type: Sublet

Decision – Approved

Grounds for Decision

The Commission has considered the application to sublet the croft and **provides its consent** to the application. We are satisfied on the available evidence that it has been demonstrated that the subtenant will be ordinarily resident on or within 32 km of the croft, and will cultivate the croft for the full duration of the period of the sublet. The sublet includes the right to graze in lochdar Hill District Common Grazings.

The Commission notes that no objections to the proposed subletting have been received from the landlord or any member of the crofting community.

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

Croft: 4 Upper Coll (chsgg only)
Parish: Stornoway
Reg No: R6346
Case Number: 84196
Application Type: Decrofting Section 18 Feu

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: 86 Newmarket
Parish: Stornoway
Reg No: R4319
Case Number: 82740
Application Type: Decrofting – croft house site and garden ground –
in advance of purchase

Decision – Approved		Extent: 0.236 ha
Grounds for Decision		
<p>The Commission considered the application under 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 0.236 ha, on the following grounds:</p> <ol style="list-style-type: none"> 1. The Commission is satisfied on the available evidence that the site consists of the dwellinghouse on the croft. 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. Therefore the proposed area is considered 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: 13 Swainbost
Parish: Barvas
Reg No: R1196
Case Number: 83703
Application Type: Decrofting – croft house site and garden ground –
in advance of purchase

Decision – Approved		Extent: 0.114 ha
Grounds for Decision		
<ul style="list-style-type: none"> • The Commission has considered your application under 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 0.114 ha, on the following grounds: • The Commission is satisfied on the available evidence that the site consists of the dwellinghouse on the croft. 		
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.	