

NOTIFICATIONS AND GROUNDS AND DECISIONS FOR APPLICATIONS DECIDED

Applications between 05/02/18 – 11/02/18

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: 4 Earlish
Parish: Snizort
Reg No: I3666
Case Number: 81140
Application Type: Decrofting – Part Croft

Decision – Approved		Extent: 0.10 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:	Proposed house site and garden ground.	
Enclosure of area:	The land must as a first change of use, be used, let or disposed of as a house site and garden ground. 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: 12 Lochbay (shares)
Parish: Duirinish
Reg No: I5981
Case Number: 83252
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: 13 & 14 Lochbay (Share)
Parish: Duirinish
Reg No: I7246
Case Number: 83253
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: 15 Lochbay (Share)
Parish: Duirinish
Reg No: I7223
Case Number: 83254
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: 7 Idrigill (shares)
Parish: Snizort
Reg No: I3708
Case Number: 84641
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.

Caithness, Orkney & Shetland

Croft: Midgarth
Parish: Lunnasting
Reg No: Z1000
Case Number: 85234
Application Type: Decrofting – part croft

Decision – Approved		Extent: 0.081 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:	Site for new dwellinghouse	
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 development being completed.2. That fence shall be maintained in good order and repair by each successive owner or occupier of the land.	

Croft: Lunning
Parish: Lunnasting
Reg No: Z1071
Case Number: 84739
Application Type: Decrofting – part croft – in advance of purchase

Decision – Approved		Extent: 0.089 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:	Site for a new dwelling house	
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 completion of the development.2. That fence shall be maintained in good order and repair by each successive owner or occupier of the land.	

Croft: **Swenister**
Parish: **Sandwick, Shetland**
Reg No: **Z0650**
Case Number: **83834**
Application Type: **Decrofting – croft house site and garden ground**

Decision – Approved		Extent: 0.218 ha
Grounds for Decision		
<p>The Commission has considered the application under section 24(3) and 25(1)(b) of the Crofters (Scotland) Act 1993 to decroft the croft house site and garden and 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, while slightly on the large side, is nevertheless appropriate for the reasonable enjoyment of the dwellinghouse as a residence.</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 this Direction. 2. That fence shall be maintained in good order and repair by each successive owner or occupier of the land. 	

Highland (excl Caithness)

Croft: **151 Portskerra**
Parish: **Farr**
Reg No: **S1278**
Case Number: **85414**
Application Type: **Decrofting – croft house site and garden ground**

Decision – Approved		Extent: 0.301 ha
Grounds for Decision		
<p>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 0.301 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:	<p>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.</p> <p>That fence shall be maintained in good order and repair by each successive owner or occupier of the land.</p>	

Croft: 122 Newlands
Parish: Farr
Reg No: S1234
Case Number: 80216
Application Type: Apportionment

Decision – Approved	Extent: 82.50 ha
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:	
<p>(FIRST) The apportionment must be fenced in accordance with the attached map. If you find it is not possible to enclose the area with a stockproof fence in terms of the attached map, you must complete the fencing within the line of apportionment. You must not encroach onto the unapportioned common grazing land. However, if there are any unforeseen physical constraints which prohibit from enclosing on or within the agreed fence line you may seek a review of the condition.</p> <p>(SECOND) You and your successors shall in all time coming maintain in a stockproof condition any new fences and gates erected to complete the enclosure of the said area of ground and that without prejudice to any liability they may have for the maintenance of any other fences and gates bounding the said area of ground.</p> <p>(THIRD) The souming for the said croft in the Township Common of the said common grazings shall be reduced from 12 cows plus 16 sheep to 2 cows plus 13 sheep.</p> <p>(FOURTH) Your liability for township expenses including the expenses incurred by the Committee in maintaining the said common grazing and in providing, maintaining and replacing any fixed equipment required in connection therewith, shall, notwithstanding the foregoing abatement of souming remain as hitherto (that is to say, based on the original souming) but you may apply to the said Grazing Committee for modification of your liability for township obligations and if you are dissatisfied with the decision of the said Grazing Committee you can make representations to the Crofting Commission.</p> <p>(FIFTH) The apportionment is granted on the understanding that the area apportioned is for your own exclusive use.</p> <p>(SIXTH) All existing rights of access over the area apportioned shall be reserved.</p>	

Croft: Bernera
Parish: Glenelg
Reg No: I1435
Case Number: 86416
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: 554 Easter Achnateird
Parish: Glenshiel
Reg No: R1944
Case Number: 79023
Application Type: Apportionment

Decision – Approved	Extent: 1.586 ha
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	
<p>(FIRST) The apportionment must be fenced in accordance with the attached map. If you find it is not possible to enclose the area with a stockproof fence in terms of the attached map, you must complete the fencing within the line of apportionment. You must not encroach onto the unapportioned common grazing land. However, if there are any unforeseen physical constraints which prohibit from enclosing on or within the agreed fence line you may seek a review of the condition.</p> <p>(SECOND) You and your successors shall in all time coming maintain in a stockproof condition any new fences and gates erected to complete the enclosure of the said area of ground and that without prejudice to any liability they may have for the maintenance of any other fences and gates bounding the said area of ground.</p> <p>(THIRD) The souming for the said croft in the Township Common of the said common grazings shall be reduced by three sheep from three sheep to two sheep.</p> <p>(FOURTH) Your liability for township expenses including the expenses incurred by the Committee in maintaining the said common grazing and in providing, maintaining and replacing any fixed equipment required in connection therewith, shall, notwithstanding the foregoing abatement of souming remain as hitherto (that is to say, based on the original souming) but you may apply to the said Grazing Committee for modification of your liability for township obligations and if you are dissatisfied with the decision of the said Grazing Committee you can make representations to the Crofting Commission.</p> <p>(FIFTH) The apportionment is granted on the understanding that the area apportioned is for your own exclusive use.</p> <p>(SIXTH) All existing rights of access over the area apportioned shall be reserved.</p>	

Croft: 12, 13, 14, 15 & 16 Unachan
Parish: Kilmonivaig
Reg No: R1711
Case Number: 82336
Application Type: Letting

Decision – Approved

Grounds for Decision

The Commission has considered the application to let part of the croft at 12, 13, 14, 15 & 16 Unachan, Kilmonivaig extending to 2.46 hectares under section 23(3) of the Crofters (Scotland) Act 1993 (“the 1993 Act”) and has approved the application on the following grounds:-

- 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. The Commission are satisfied from the available evidence that the proposed tenant will be in a position to comply with the residency duty.
- In terms of sections 58A(7)(a)(ii) of the 1993 Act the Commission has 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 new tenant will cultivate the croft.
- In terms of section 58A(7)(c), (d) and (f) of the 1993 Act, the Commission are 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 considers on the available evidence that the consent hereby provided will not have an adverse effect on the interests of the estate, on the crofting community in the locality of the croft or on the sustainable development of that crofting community. Indeed the Commission notes the comments in the SGRPID report that *“The prospective tenant is enthusiastic and is keen to participate in any community type activities. He intends building a house on the croft and taking up residence along with his young family. The introduction of a young family will help sustain the crofting community”*. The Commission therefore consider that the letting will have a positive impact on the interest of and the sustainable development of the local crofting community.
- In terms of section 58A(7)(e) of the 1993 Act, the Commission are 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 58A(7)(g) of the 1993 Act are required to have regard to its Policy plan. The Commission have had regard to the Commission’s Policy Plan and are satisfied that the consent hereby provided is consistent with the Policy Plan as it relates to letting. In relation to access, the Commission note and accept the comments in the SGRPID report that there is sufficient access arrangements both for the croft created by the letting and the croft land retained by the applicant.

Croft: 343 Drumbeg
Parish: Assynt
Reg No: S0182
Case Number: 73572
Application Type: Decrofting – Part Croft – Reasonable Purpose

Decision – Approval of modified area – 0.225 ha

The Commission have considered the application submitted under section 24A of the Crofters (Scotland) Act 1993 (“the 1993 Act”) to decroft an area of land extending to 0.376(ha) as part of an existing house and an area of amenity ground. Having considered all the evidence in this application, the Commission has decided, in terms of section 24B of the 1993 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 **0.225 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 applicants have 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 part of the site of an existing house and an area of amenity ground is a reasonable purpose within the meaning of section 20 of the Act.
- The Commission further considers that at 0.376(ha) the area applied for is excessive in relation to the purpose applied and that the modified area of 0.225 ha, while still in excess of what normally be considered appropriate, is considered to be reasonable in relation to the applicants’ needs taking into account the investment they have made to the house and adjoining area.
- The Commission is satisfied that the granting of the modified direction will not have a negative impact on the remainder of the croft as, by confining the area included in the direction to the house and adjoining area, it will allow continuing access for current or future occupiers of the croft to comply with the statutory duty to cultivate the croft or put the croft to another purposeful use.
- 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 of the Plan (October 2017) in support of our decision. This requires that when considering applications the Commission will wish to ensure that suitable access arrangements are provided for any croft land. Such access being suitable for agricultural or other machinery required for the cultivation and maintenance of the croft. We note that the applicant has indicated that vehicular access will be allowed through the proposed decrofted area to the remainder of the croft. However, the Commission has no locus in reserving access either over land which has been removed from crofting tenure, or over common grazing land, therefore allowing the access to be included in the direction would potentially be creating a landlocked croft. In considering applications the Commission has to balance the interests of the applicants in seeking to decroft the access against the requirement that any future occupier should be able to access the croft, should the croft land and decrofted area come under separate ownership. 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.
- For the foregoing reasons the Commission consider its decision to issue a decrofting direction for a modified area is consistent with its Policy Plan and its responsibilities under the legislation as it supports the applicants’ wish to have an area decrofted for part of a house and a reasonable area of amenity ground, while retaining appropriate access to the remainder of the croft.

Conditions of Direction

Enclosure:	Within 4 months of the date of the Direction.
Additional Conditions:	That the fence must be maintained in good order and repair by each successive owner or occupier of the land

Croft: **Craigton**
Parish: **Knockbain**
Reg No: **R2200**
Case Number: **84889**
Application Type: **Decrofting – part croft**

Decision – Approved		Extent: 0.022ha
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	
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. 	

Western Isles

Croft: **15 Knockline**
Parish: **North Uist**
Reg No: **I4487**
Case Number: **85171**
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: **146(1) Brevig**
Parish: **Barra**
Reg No: **I0310**
Case Number: **82314**
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: 14 Garrygall
Parish: Barra
Reg No: I0460
Case Number: 83134
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 Garrygall Common Grazings. The sublet excludes the croft house and garden ground.

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: 28 Eoligarry
Parish: Barra
Reg No: I0430
Case Number: 84302
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 Eoligarry Common Grazings. The sublet excludes the croft house and garden ground.

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: 15 Fivepenny Borve
Parish: Barvas
Reg No: R0720
Case Number: 84901
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: Grazings shares pertaining to 6 Paiblesgarry
Parish: North Uist
Reg No: I4606
Case Number: 84510
Application Type: Sublet

Decision – Approved
Grounds for Decision
<p>The Commission has considered the application to sublet the grazings shares pertaining to 6 Paiblesgarry 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 Paiblesgarry Common Grazings and will cultivate the grazings shares for the full duration of the period of the sublet.</p> <p>The Commission notes that no objections to the proposed subletting have been received from the landlord or any member of the crofting community.</p> <p>The sublet will be for the fixed period of 5 years.</p>

Croft: Locheport (Pier Ground)
Parish: North Uist
Reg No: I4532
Case Number: 84740
Application Type: Decrofting – croft house site and garden ground – in advance of purchase

Decision – Approved	Extent: 0.155 ha
Grounds for Decision	
<p>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 0.155 ha, on the following grounds:</p> <p>The Commission is satisfied on the available evidence that the site consists only of the dwellinghouse on or pertaining to the croft.</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: 10 Cross
Parish: Barvas
Reg No: R0557
Case Number: 84983
Application Type: Division of Croft Tenancy

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: 38 Balallan
Parish: Lochs
Reg No: R2925
Case Number: 85277
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: 6 Aignish
Parish: Stornoway
Reg No: R3509
Case Number: 85535
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: 3 Grenitote
Parish: North Uist
Reg No: I4375
Case Number: 85166
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 Grenitote 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 5 years.

Croft: 64 Tangasdale
Parish: Barra
Reg No: I0566
Case Number: 85635
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 Upper Barvas
Parish: Barvas
Reg No: R0354
Case Number: 85267
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: 8 Aignish
Parish: Stornoway
Reg No: R3511
Case Number: 85536
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: 16 Tolstachaolish
Parish: Uig
Reg No: R5500
Case Number: 85020
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.