

NOTIFICATIONS AND GROUNDS AND DECISIONS FOR APPLICATIONS DECIDED

Applications between 12/02/18 – 18/02/18

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: 8 Achnahanaid
Parish: Portree
Reg No: I3044
Case Number: 84805
Application Type: Assignment

Decision – Approved

Grounds for Decision

The Commission has considered the application under section 8 of the Crofters (Scotland) Act 1993 (“the 1993 Act”) to assign the croft at 8 Achnahanaid, Portree and 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 assignment of the tenancy 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. The Commission is satisfied that the residency duty will be met by the proposed tenant.
- 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 notes that the proposed tenant is currently utilising the croft as subtenant along with his two other tenanted crofts. The Commission is therefore satisfied that the land use duties will be met by the proposed tenant.
- In terms of section 58(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 assignment have been received from the landlord or any member of the crofting community. The Commission is therefore satisfied that the assignment will have no adverse impact on these interests. Indeed the Commission notes the comments in the application that the assignment will improve development within the community as it will allow the proposed tenant to increase both his stocking levels and his contribution to community activities. The Commission therefore consider that the assignment will have a positive impact on the interest and the sustainable development of the local crofting community.
- In terms of section 58(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 assignment.
- In terms of section 58A(7)(g) of the 1993 Act, the Commission are required to have regard to its Policy Plan. The Commission have had regard to the Commission’s Policy Plan and is satisfied that the consent hereby provided is consistent with the Policy Plan as it relates to assignment.

Croft: 50 & 51 Aird, Bernisdale
Parish: Snizort
Reg No: I3552
Case Number: 78428
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 Edinbane (Shares)
Parish: Duirinish
Reg No: I6997
Case Number: 84053
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: Garths, Aith
Parish: Aithsting
Reg No: Z1467
Case Number: 77570
Application Type: Apportionment

Decision – Approved	Extent: 7.78 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.	
Purpose:	
Stock Management Purposes	
Conditions:	
(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. (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. (THIRD) The souming for the said croft in the said common grazing shall be reduced from 41 sheep to 29 sheep. (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. (FIFTH) The apportionment is granted on the understanding that the area apportioned is for your own exclusive use. (SIXTH) All existing rights of access over the area apportioned shall be reserved.	

Croft: Gord
Parish: Sandwick, Shetland
Reg No: Z0494
Case Number: 85647
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: **Annfield**
Parish: **Sandsting**
Reg No: **Z1653**
Case Number: **81559**
Application Type: **Decrofting – CHS & GG**

Decision – Approval of modified area

The Commission has considered the request for a hearing made by the applicant, Ian Isbister into the application to decroft part of the croft, extending to 0.250 ha, being the site of the croft house site and garden ground. Where the Commission receive a request for a hearing from an applicant in relation to a decrofting application, it is required to accede to that request except where the application is in respect of the site of the dwellinghouse, where the decision to hold a hearing is at the discretion of the Commission. In this case the Commission has decided that a hearing is not necessary as the Commission consider that there is enough evidence available within the documentation to enable a decision on the application to be taken.

Having considered all the evidence in this application, the Commission has decided, in terms of section 24(3) and 25(1)(a) of the Crofters (Scotland) Act 1993, [“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 **0.158 ha**, comprising the croft house site and garden ground only.

The grounds for decision are as follows:

- In terms of section 25(1)(b) of the 1993 Act, the Commission must be satisfied that the applicant has applied for a direction in respect of part of the croft, which consists **only** of the site of the dwellinghouse on or pertaining to the croft. The Commission is not satisfied that the area applied for comprises the croft house site and garden ground only and has therefore decided to modify the site to exclude the area which comprises the site of the Nissan Hut and Shed from the direction. The Commission are satisfied that the area of 0.158 ha is appropriate for the reasonable enjoyment of the dwellinghouse as a residence.

Conditions of Direction

Purpose:	Croft house site and garden ground
Enclosure:	Within four months of the date of the Direction

Highland (excl Caithness)

Croft: Part of Stromemore
Parish: Lochcarron
Reg No: R6209
Case Number: 78867
Application Type: Decrofting – Whole Croft – Reasonable Purpose

Decision – Approval – 0.203 ha	
<p>The Commission has considered the application submitted under section 24A(1) and section 25(1)(a) of the Crofters (Scotland) Act 1993 (“the 1993 Act”) to decroft the croft known as Part of Stromemore, Lochcarron extending to 0.203 ha, being the site of a hardstanding for touring caravans and a site of an existing shed and gives a direction decrofting the croft under section 24B(1) of the 1993 Act.</p> <p>In terms of section 25(1)(a) of the Act, the Commission must be satisfied that the applicant has applied for a direction in order that the croft may be used for or in connection with some reasonable purpose (within the meaning of section 20 of this Act). The Commission is satisfied that the purpose is a reasonable purpose within the meaning of section 20 of the Act and the extent of the land being sought is not excessive in relation to that purpose.</p> <p>In considering the application, the Commission has had regard to the general interest of the crofting community in the district in which the croft is situated. We note that no demand was expressed from persons who might reasonably be expected to obtain a tenancy of the croft, and are satisfied that due to the size of the croft, there will not be any adverse effect on the general interest of the crofting community in the district in granting the application.</p>	
Conditions of Direction	
Enclosure:	Within four 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: 10 Badralloch
Parish: Lochbroom
Reg No: R2538
Case Number: 85993
Application Type: Assingation

Decision – Approved
<p>Grounds for Decision</p> <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>

Western Isles

Croft: 388 Garrynamonie
Parish: South Uist
Reg No: I5024
Case Number: 85640
Application Type: Decrofting – croft house site and garden ground –
in advance of purchase

Decision – Approved		Extent: 0.1403 ha
Grounds for Decision		
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 0.1403 ha, on the following grounds:		
The Commission is satisfied on the available evidence that the site consists only of the dwellinghouse on or pertaining to 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.	

Croft: 21 Branahuie
Parish: Stornoway
Reg No: R3765
Case Number: 83193
Application Type: Decrofting – Part Croft

Decision – Approved		Extent: 0.075 ha
Grounds for Decision		
The Commission has considered the application under sections 24(3) and 25(1)(a) and 25(4) of the Crofters (Scotland) Act 1993 (“the 1993 Act”) to decroft part of the croft, being the site of an existing shed, extending to 0.075 ha, on the following grounds:		
<ul style="list-style-type: none">• Under section 25(1)(a) of 1993 Act, the application is considered to be for a reasonable purpose (within the meaning of section 20 of the Act) and is not excessive in relation to the stated purpose• Paragraph 67 of The Crofting Commission’s Policy Plan, states that: “<i>When considering applications, the Commission will wish to ensure that suitable access arrangements are provided for any croft land</i>”. The Commission determined that there are no issues with access to the site, the remainder of the croft or any other croft land.		
Conditions of Direction		
Purpose:	Site of an existing shed.	
Enclosure of area:	The land must be enclosed (so far as not already enclosed) with a stockproof fence within four months of acquisition. That fence shall be maintained in good order and repair by each successive owner or occupier of the land.	

Croft: 79 Newmarket
Parish: Stornoway
Reg No: R4312
Case Number: 82628
Application Type: Assignment

Decision – Approved

Grounds for Decision

The Commission has considered the application under section 8 of the Crofters (Scotland) Act 1993 (“the 1993 Act”) to assign the croft at 79 Newmarket, Stornoway and 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 assignment of the tenancy 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 croft. The Commission is satisfied that the residency duty will be met by the proposed tenant.
- 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 notes that the proposed tenant currently tenants a croft at Tarbert in Harris and notes that with the additional land at Newmarket he plans to increase his stock to around 20 breeding ewes and one bullock. The Commission further notes that it is the proposed tenant’s intention to bring the stock to Newmarket at lambing and tupping times when it will be necessary to check on the sheep on a daily basis. The Commission is therefore satisfied that the land use duties will be met by the proposed tenant.
- In terms of section 58(7)(b), (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 its sustainability and any objections received. The Commission noted that no objections to the proposed assignment have been received from the landlord or any member of the crofting community. The Commission is satisfied that the assignment will have no adverse impact on these interests.
- In terms of section 58(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 assignment.
- In terms of section 58A(7)(g) of the 1993 Act, the Commission are required to have regard to its Policy plan. The Commission have had regard to the Commission’s Policy Plan and is satisfied that the consent hereby provided is consistent with the Policy Plan as it relates to assignment.

Croft: 11 Kneep
Parish: Uig
Reg No: R5357
Case Number: 83728
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: 29 Cross
Parish: Barvas
Reg No: R0572
Case Number: 84182
Application Type: Decrofting – croft house site and garden ground – in advance of purchase

Decision – Approved	Extent: 0.101 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 date of this Direction. That fence shall be maintained in good order and repair by each successive owner or occupier of the land.

Croft: 14 North Bragar
Parish: Barvas
Reg No: R0405
Case Number: 85703
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: 20 Callanish
Parish: Uig
Reg No: R5067
Case Number: 84441
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.