

NOTIFICATIONS AND GROUNDS AND DECISIONS FOR APPLICATIONS DECIDED

Applications between 26/02/18 – 04/03/18

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: 2, 4 & 5 Tockavaig
Parish: Tockavaig, Sleat
Reg No: I3513
Case Number: 74492
Application Type: Division

Decision – Approved

Grounds for Decision

The Commission has considered your application under section 19D of the Crofters (Scotland) Act 1993 (as amended) [“the Act”] to divide the owner-occupied croft at 2, 3, 4 & 5 Tockavaig to create two new owner-occupied crofts and decided to grant the application on the following grounds:

- Section 58A(7) and section 1(2A) of the 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 an owner-occupied croft.
- In terms of sections 58A(7)(a)(i) and (ii) of the Act, the Commission must have regard to whether any person is or will be ordinarily resident on, or within 32 km, of the croft and whether the croft is being or will be cultivated or put to such other purposeful use. It is noted that it is the applicant’s intention to sell the larger of the two crofts created by this division at a later date. We are therefore unable to come to a conclusion on these matters, but any incoming crofter will be the subject of the duties imposed on an owner-occupier crofter under section 19C of the Act to be ordinarily resident on, or within 32 kilometres of the croft and to cultivate it or put it to another purposeful use.
- The Commission must give regard to the interests of the estate under subsection 58A(7)(b) of the Act. However, as this is not a tenanted croft there is no estate interest to give regard to.
- Sections 58A(7)(c) and (d) of the Act relate to the interests of the crofting community in the locality of the croft and the sustainable development of that crofting community. The Commission note that it is the applicant’s intention to retain ownership of the croft extending to 6.75 ha and, at a later date, to sell the croft extending to 23.91 ha. The Commission are of the opinion that creating an additional croft will potentially increase the number of crofters in the community which will be to the benefit of that community and its sustainable development. The Commission are also required under section 1(2A)(a) of the Act to consider the desirability of supporting population retention in the crofting counties. By creating two new crofts and the applicant selling one of those crofts, the Commission are of the opinion that this is assisting supporting population retention.
- The interests of the public at large must also be taken into account under subsection 58A(7)(e) of the Act. 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.
- Subsection 58A(7)(f) of the Act relates to any objections received to the application. The Commission notes that no objections were received to the public notification process of the application.
- Section 58A(7)(g) of the Act requires that in reaching a decision on such applications, the Commission must have regard to their Policy Plan. The Commission has had regard to its Policy Plan and is satisfied that the consent hereby provided is consistent with the said Plan as it relates to division.
- Finally, the Commission is satisfied that there will be no access issues created by the granting of this division application.

Caithness, Orkney & Shetland

Croft: Ube
Parish: Delting
Reg No: Z0127
Case Number: 84832
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: Bennigarth
Parish: Delting
Reg No: Z0117
Case Number: 84839
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: Fjal
Parish: Aithsting
Reg No: Z3249
Case Number: 85226
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: Westgate (Apportionment)
Parish: Aithsting
Reg No: Z3708
Case Number: 85526
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.

The period of sublet shall be for 10 years from 26 February 2018.

Croft: **Westgate (Apportionment)**
Parish: **Aithsting**
Reg No: **Z3709**
Case Number: **85352**
Application Type: **Sublet**

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> <p>The period of sublet shall be for 10 years from 26 February 2018.</p>

Croft: **Brunatwatt**
Parish: **Walls, Shetland**
Reg No: **Z2255**
Case Number: **81539**
Application Type: **Decrofting – part croft**

Decision – Approved	Extent: 0.122ha
Grounds for Decision	
<p>The Crofting Commission has considered your application under sections 24B(1) and 25(1)(a) of the Crofters (Scotland) Act 1993 (“the 1993 Act”) to decroft parts of the croft, initially extending in total to 0.19ha, to provide amenity ground to your existing dwelling-house. Following your agreement to modify the area applied for, the Commission have decided to grant a decrofting direction for an amended area extending to 0.122ha on the following grounds:</p> <ul style="list-style-type: none"> • Under section 25(1)(a) of the 1993 Act, the application is considered to be for a reasonable purpose, within the meaning of section 20 of the 1993 Act, and the extent applied for is not excessive in relation to that purpose. • There have been no objections received from any member of the crofting community in response to the advertising of the application to decroft. • 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 or, where appropriate, common grazing”</i>. As you have amended the original site you applied to decroft to exclude the access to the remainder of the croft, the Commission has concluded that there are now no issues with access to the remainder of the croft or to any other croft or common grazing land. 	
Conditions of Direction	
Purpose:	Amenity ground to existing dwellinghouse.
Enclosure:	Within four months of the date of the Direction.

Croft: North Cott
Parish: Tingwall
Reg No: Z1820
Case Number: 85263
Application Type: Decrofting – part croft

Decision – Approved		Extent: 0.018ha
Grounds for Decision		
<p>The Crofting Commission has considered your application under sections 24B(1) and 25(1)(a) of the Crofters (Scotland) Act 1993 (“the 1993 Act”) to decroft part of the croft, extending to 0.018ha, to provide amenity ground to your existing dwelling-house and have decided to grant a decrofting direction on the following grounds:</p> <ul style="list-style-type: none"> • Under section 25(1)(a) of the 1993 Act, the application is considered to be for a reasonable purpose, within the meaning of section 20 of the 1993 Act, and the extent applied for is not excessive in relation to that purpose • We note that this area of land being decrofted is situated between an area of land resumed by the Scottish Land Court in 2002 and an area of land decrofted in 2016. In granting this application the Commission note that this is regularising an existing situation where the area of land is considered to be part of the garden ground and allows for this area to be associated with the two adjacent areas which have already been removed from crofting tenure. • 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 or, where appropriate, common grazing”</i>. The Commission have concluded that there are no issues with access to the remainder of the croft or to any other croft or common grazing land. 		
Conditions of Direction		
Purpose:	Amenity ground.	

Croft: Horn
Parish: Lunnasting
Reg No: Z1022
Case Number: 85353
Application Type: Decrofting – Part Croft – In advance Purchase

Decision – Approved		Extent: 0.101 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:	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. That fence shall be maintained in good order and repair by each successive owner or occupier of the land.</p>	

Highland (excl Caithness)

Croft: 148 Oldshoremore
Parish: Eddrachilles
Reg No: S0942
Case Number: 83918
Application Type: Decrofting – Part Croft – Reasonable Purpose

Decision – Approval – 1.24 ha	
<p>The Commission has considered this application under section 24A and 25(1)(a) of the Crofters (Scotland) Act 1993 (“the 1993 Act”) to decroft part of the croft extending to 1.24 ha to provide the site for a Glamping site and have agreed to grant a decrofting Direction on the following grounds:</p> <ol style="list-style-type: none">1. Under section 25(1)(a) of the Act, the application is considered to be for a reasonable purpose (within the meaning of section 20 of the Act) and the extent applied for is considered not to be excessive in relation to that purpose.2. There have been no objections received from any member of the crofting community in response to the advertising of the application to decroft.3. 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 have concluded that there are no issues with access to the remainder of the croft or to any other croft or common grazing land.	
Conditions of Direction	
Purpose:	Glamping site.
Enclosure of area:	Within four months of the development being completed.
Additional Conditions:	That fence must be maintained in good order and repair by each successive owner or occupier of the land.

Croft: 73, 78, 358 & 77 Inchcape
Parish: Rogart
Reg No: S1816
Case Number: 85160
Application Type: Assignation

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>

Croft: 26 Backies
Parish: Golspie
Reg No: S1405
Case Number: 86348
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: Kincardine Hill
Parish: Kincardine
Reg No: R2143
Case Number: 83956
Application Type: Owner-Occupier Letting – Part Croft

Decision – Approval

The Commission has considered the application under section 29A of the Crofters (Scotland) Act 1993 to let the whole croft (excluding the croft house site and garden ground) at Kincardine Hill, Kincardine and has **approved** the application.

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.

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 that approval of the application will bring a new entrant to crofting who will, on the available evidence, cultivate the croft.

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 division have been received from 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. 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 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 division.

We have had regard to the Commission's Policy Plan and are satisfied that the consent hereby provided is consistent with our Policy Plan as it relates to letting.

Croft: 148 Oldshoremore
Parish: Eddrachilles
Reg No: S0942
Case Number: 84314
Application Type: Decrofting – part croft

Decision – Approved		Extent: 0.37 ha
Grounds for Decision		
<p>The Commission has considered this application under section 24A and 25(1)(a) of the Crofters (Scotland) Act 1993 (“the 1993 Act”) to decroft part of the croft extending to 0.37 ha to provide the site for a hostel and have agreed to grant a decrofting Direction on the following grounds:</p> <ol style="list-style-type: none"> 1. Under section 25(1)(a) of the Act, the application is considered to be for a reasonable purpose (within the meaning of section 20 of the Act) and the extent applied for is considered not to be excessive in relation to that purpose. 2. There have been no objections received from any member of the crofting community in response to the advertising of the application to decroft. 3. 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 have concluded that there are no issues with access to the remainder of the croft or to any other croft or common grazing land. 		
Conditions of Direction		
Purpose:	Site for a hostel.	
Enclosure:	Within four months of the development being completed.	
Additional Conditions:	That fence must be maintained in good order and repair by each successive owner or occupier of the land.	

Western Isles

Croft: 14 & 16 Balivanich
Parish: South Uist
Reg No: I4794
Case Number: 84709
Application Type: Sublet

Decision – Approved	
Grounds for Decision	
<p>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 Nunton Enlargement and Balivanich Common Grazings.</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 3 years.</p>	

Croft: 23 Ranish
Parish: Lochs
Reg No: R3367
Case Number: 83574
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: 5 & 6 Hacklet
Parish: South Uist
Reg No: I5128
Case Number: 85612
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 Hacklet, Creagorry and Grimsay 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 3 years.

Croft: 60 Leurbost
Parish: Lochs
Reg No: R3301
Case Number: 80365
Application Type: Decrofting – Part Croft

Decision – Approved	Extent: 0.099 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:	Site for a new dwellinghouse.
Enclosure of area:	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: 7 Dieraclate
Parish: Harris
Reg No: I1632
Case Number: 83575
Application Type: Decrofting – Part Croft

Decision – Approved		Extent: 0.049 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:	Amenity ground.	
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: 7 Garrabost
Parish: Stornoway
Reg No: R3947
Case Number: 84931
Application Type: Decrofting – Part Croft

Decision – Approved		Extent: 0.108 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:	Site for a new dwellinghouse.	
Enclosure of area:	The land must be enclosed (so far as not already enclosed) with a stockproof fence within four months of completion of the development. That fence shall be maintained in good order and repair by each successive owner or occupier of the land.	