

NOTIFICATIONS AND GROUNDS AND DECISIONS FOR APPLICATIONS DECIDED

Applications between 12/03/18 – 18/03/18

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: 3 Glen
Parish: Snizort
Reg No: I3573
Case Number: 86797
Application Type: Assignation

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: 3 Herbest
Parish: Duirinish
Reg No: I1147
Case Number: 84030
Application Type: Decrofting – Part Croft

Decision – Approved	Extent: 0.085 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 new dwellinghouse.
Enclosure of area:	The land must as a first change of use, be used, let or disposed of as a dwellinghouse. 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.

Caithness, Orkney & Shetland

Croft: Spiggie
Parish: Dunrossness
Reg No: Z0623
Case Number: 75503
Application Type: Decrofting – No reasonable purpose

Decision – Refused

Grounds for Decision

The Commission has considered this application to decroft part of the croft at Spiggie, Dunrossness 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;
- Whether or not there is demand for a tenancy of the croft; and
- The Commission’s policy plan

This application has been decided under section 24(3), 25(1)(a) and 25(2) of the Act. The Commission note that the reason given by the applicants in the application to decroft the land is to regularise the existing use of the property. The applicants were not aware that the land was part of a croft when they purchased and have never worked the land as a croft nor sought any of the grants and other assistance potentially available to crofters.

The Commission do not consider the purpose provided for decrofting is a reasonable purpose within the meaning of section 25(1)(a) and section 20 of the Act. The Commission recognises that the list of reasonable purposes in section 20 is not an exhaustive list, but notes that the application contains little in the way of concrete detail as to any particular purpose that the Commission could properly assess having relation to the good of the croft and the interests of the crofting community. Accordingly, the Commission has not considered the statutory factors set out in section 25(1)(a) in any detail due to the stated reason for the decrofting. In the absence of a reasonable purpose, no presumption applies in favour of decrofting in connection with the application.

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) and 25(2) of the 1993 Act. The Commission has, therefore, balanced the interests of the applicants 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 recognises the interests of the applicants in having the area decrofted but has balanced this against the general interest of the crofting community in removing the land from crofting tenure in the absence of a reasonable purpose for doing so in terms of the Act. It has made its decision to refuse on the following grounds:-

The Commission notes the comment made in the SGRPID report that the croft is not situated in a traditional crofting community. While the Commission accept that crofting in the Northern Isles may differ 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. Section 61(1)(a) of the 1993 act defines a crofting community as meaning all the persons who occupy crofts within a township which consists of two or more crofts registered with the Crofting Commission. The Commission’s Register of Crofts includes entries in respect of two crofts in the township of Spiggie which therefore would appear to satisfy the definition of a crofting community as set out in the 1993 Act.

Having concluded that the croft is situated in a crofting community within the meaning of the Act, the Commission note that the removal from crofting tenure of this land would reduce the local pool of croft land available to persons who might obtain crofter status, whether tenanted or owned. Further, the Commission note the comment in the SGRPID report that the area applied for has limited agricultural use but they also comment that it is capable of supporting the grazing of livestock and therefore the Commission consider that the land retained in crofting could be utilised to support modest livestock enterprises. Further, although the applicant has commented that they have not applied for any grant or assistance, the Commission consider that to remove the land from crofting tenure in the absence of a reasonable purpose for doing so, would deprive any future tenant or owner-occupier crofter from potentially accessing grants available to crofters to support any future livestock or other cultivation activities. Therefore the Commission considers that it would not be in the interests of the crofting community to decroft the land, in the absence of a compelling reason to do so.

The Commission are also required to consider whether there would be demand for the croft if it was made available for let. 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 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 note and agree with the comment in the SGRPID report, which is based on a local knowledge of the area, that they considered there is always demand for land dependent on the price and what a person wishes to use the land for. The Commission consider that there would be interest should the croft be made available for letting or for sale as a croft and that it would therefore not be in the general interests of the crofting community to give the direction sought.

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.

Croft: Joppa, Delting
Parish: Delting
Reg No: Z0183
Case Number: 84382
Application Type: Decrofting – Part Croft

Decision – Approved		Extent: 0.043 ha
Grounds for Decision		
<p>The Commission has considered your application under section 24(3) and 25(1)(a) of the Crofters (Scotland) Act 1993 (“the Act”) to decroft part of the croft extending to 0.043 ha, being the site of an existing dwellinghouse and garden ground 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 not 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 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:	Being the site of an existing dwellinghouse known as Ash Cottage.	
Enclosure of area:	<p>The land must be enclosed (so far as not already enclosed) with a stockproof fence within four months of the date of the Direction.</p> <p>That fence shall be maintained in good order and repair by each successive owner or occupier of the land.</p>	

Croft: Joppa, Delting
Parish: Delting
Reg No: Z0183
Case Number: 84383
Application Type: Decrofting – Part Croft

Decision – Approved		Extent: 0.062 ha
Grounds for Decision:		
<p>The Commission has considered your application under section 24(3) and 25(1)(a) of the Crofters (Scotland) Act 1993 (“the Act”) to decroft part of the croft extending to 0.062 ha, being the site of an existing dwellinghouse and garden ground and have agreed to grant a decrofting direction on the following grounds:</p>		
<ol style="list-style-type: none"> 4. 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 not excessive in relation to that purpose. 5. There have been no objections received from any member of the crofting community in response to the advertising of the application to decroft. 6. 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:	Being the site of an existing dwellinghouse known as Carsaig.	
Enclosure of area:	<p>The land must be enclosed (so far as not already enclosed) with a stockproof fence within four months of the date of the Direction.</p> <p>That fence shall be maintained in good order and repair by each successive owner or occupier of the land.</p>	

Croft: Joppa, Delting
Parish: Delting
Reg No: Z0183
Case Number: 84384
Application Type: Decrofting – Part Croft

Decision – Approved		Extent: 0.036 ha
Grounds for Decision		
<p>The Commission has considered your application under section 24(3) and 25(1)(a) of the Crofters (Scotland) Act 1993 (“the Act”) to decroft part of the croft extending to 0.036 ha, being the site of an existing dwellinghouse and garden ground and have agreed to grant a decrofting direction on the following grounds:</p>		
<p>7. 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 not excessive in relation to that purpose.</p>		
<p>8. There have been no objections received from any member of the crofting community in response to the advertising of the application to decroft.</p>		
<p>9. 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.</p>		
Conditions of Direction		
Purpose:	Being the site of an existing dwellinghouse known as The Birches.	
Enclosure of area:	<p>The land must be enclosed (so far as not already enclosed) with a stockproof fence within four months of the date of the Direction.</p> <p>That fence shall be maintained in good order and repair by each successive owner or occupier of the land.</p>	

Croft: Westerscord
Parish: Delting
Reg No: Z0227
Case Number: 85560
Application Type: Decrofting – Part Croft

Decision – Approved		Extent: 0.213 ha
Grounds for Decision:		
<p>The Commission has considered the application under sections 24(3), 25(1)(a) and 25(4) of the Crofters (Scotland) Act 1993 (“the 1993 Act”) to decroft part of the croft extending to 0.213(ha) to provide a site for a dwelling house and grants a direction on the following grounds:</p>		
<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). While the area applied for is slightly in excess of what the Commission would normally consider suitable, it notes that there is a ditch lying alongside the road included in the site and there is also a considerable degree of slope on the site. In these circumstances, therefore, the Commission has concluded that the area applied for 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 remainder of the croft or any other croft land. 		
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>	

Highland (excl Caithness)

Croft: 120 & 214 Inchomney
Common Grazing: Knockarthur, Rhilochan & West Tannachy
Parish: Rogart
Reg No: S1827
Case Number: 86268
Application Type: Review of Apportionment

Decision – Approved		Extent: 18.867 ha
Grounds for Decision		
<p>In the absence of any negative submissions, the application by the croft tenant requesting that the Commission review the apportionment of part of the above Common Grazings, extending to 18.867 ha, granted on 29 March 2011 has been approved.</p>		
Condition Revoked		
<p>The Commission has issued a new Order revoking the condition contained in the original Order which granted the apportionment for a period of 15 years.</p>		

Croft: 303 Culkein, Drumbeg
Parish: Assynt
Reg No: S0154
Case Number: 85986
Application Type: Decrofting – Croft House Site and Garden Ground

Decision – Approved		Extent: 0.143 ha
Grounds for Decision:		
Having considered all of the available information, the Commission is satisfied as required by the Crofters (Scotland) Act 1993 that the site consists only of the dwelling-house on or pertaining to the croft and that the extent of the garden ground is appropriate for the reasonable enjoyment of the dwellinghouse as a residence and has agreed to grant the Direction as requested.		
Conditions of Direction		
Enclosure of area:	The land must be enclosed (so far as not already enclosed) with a stockproof fence within four months of the acquisition of the land by the crofter or nominee.	
	That fence shall be maintained in good order and repair by each successive owner or occupier of the land.	

Croft: 188 Dornie
Parish: Lochbroom
Reg No: R5781
Case Number: 80924
Application Type: Decrofting – Part Croft

Decision – Approved		Extent: 0.036 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:		
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: 119 Drumbuie
Parish: Lochalsh
Reg No: R2309
Case Number: 87054
Application Type: Decrofting – Croft House Site and Garden Ground

Decision – Approved		Extent: 0.101ha
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 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:	<p>The land must be enclosed (so far as not already enclosed) with a stockproof fence within four months of the acquisition of the land by the crofter or nominee.</p> <p>That fence shall be maintained in good order and repair by each successive owner or occupier of the land.</p>	

Western Isles

Croft: 60 Leurbost
Parish: Lochs
Reg No: R3301
Case Number: 80244
Application Type: Decrofting – part croft – in advance of purchase

Decision – Approved		Extent: 0.197 ha
Grounds for decision		
<p>The Commission has considered the application under sections 24(3), 25(1)(a) and 25(4) of the Crofters (Scotland) Act 1993 (“the 1993 Act”) to decroft part of the croft extending to 0.197(ha) as a site for a dwellinghouse and grants a direction on the following grounds:</p> <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 remainder of the croft or any other croft land. 		
Conditions of Direction		
Purpose:	To provide a site for a proposed new dwellinghouse.	
Enclosure:	<p>The land must be enclosed (so far as not already enclosed) with a stockproof fence within four months of the completion of the development.</p> <p>That fence shall be maintained in good order and repair by each successive owner or occupier of the land.</p>	

Croft: 7 Askernish
Parish: South Uist
Reg No: I4766
Case Number: 86340
Application Type: Sublet

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.
Conditions
The sublet will be for the fixed period of 3 years.

Croft: 2 Hoebeg
Parish: North Uist
Reg No: I4397
Case Number: 87058
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.