

# NOTIFICATIONS AND GROUNDS AND DECISIONS FOR APPLICATIONS DECIDED

Applications between 26/03/18 – 01/04/18

**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:** **¼10 Calligarry**  
**Parish:** **Sleat**  
**Reg No:** **I6029**  
**Case Number:** **78275**  
**Application Type:** **Decrofting Whole Croft (Residual area)**

<b>Decision – Approved</b>
<b>Grounds for Decision</b>
<p>The Commission has considered your application under sections 24(3) and 25(1)(a) of the Crofters (Scotland) Act 1993 to decroft an area of 0.318 (ha) for providing the site for a dwellinghouse and decided to <b>grant</b> a decrofting Direction on the following grounds:</p> <ul style="list-style-type: none"><li>• The Commission is satisfied on the available evidence that the application is for a reasonable purpose within the meaning of section 20 of the Act and is not excessive in relation to the stated purpose.</li><li>• 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.</li></ul>
<b>Conditions</b>
<ol style="list-style-type: none"><li>1. The land must as a first change of use, be used, let or disposed of as a dwellinghouse.</li><li>2. The land must be enclosed (so far as not already enclosed) with a stockproof fence within four months of the development being completed.</li><li>3. That fence shall be maintained in good order and repair by each successive owner or occupier of the land.</li></ol>

**Croft:** ½43, 44 & Pt 45 Banavie  
**Parish:** Kilmallie  
**Reg No:** I2174  
**Case Number:** 63071  
**Application Type:** Decrofting – Part Croft

<b>Complex Decision – Approved</b>		<b>Extent: 0.322 ha</b>
<b>Grounds for Decision</b>		
<p>The Crofting Commission has considered your application under sections 24(3) and 25(1)(a) of the Crofters (Scotland) Act 1993 [“the Act”] to decroft part of the croft, initially extending to 0.516 ha, to provide a site for two dwellinghouses. Following your agreement to modify the area applied for, the Commission have decided to <b>grant</b> a decrofting direction for an amended area extending to 0.322 ha.</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 the 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 land to which the application relates is not excessive in relation to that purpose. The Commission is satisfied that the provision of housing is a reasonable purpose within the meaning of section 20 of the Act and note that planning permission has been granted for the dwellinghouses and that the extent approved is not excessive in relation to that purpose.</p> <p>The Commission also took into account the objection made by Mr R Cameron with regard to the loss of land to crofting. The Commission has considered the objection made by Mr R Cameron regarding the loss of land to crofting. The Commission acknowledges that land will be lost to crofting and that this will have some detrimental impact upon the croft, but has to balance such detrimental impact against the benefits associated with the established reasonable purpose which has planning consent. In this particular case, the Commission exercised its discretion to modify downwards the area sought to be decrofted in order to reduce the detrimental impact upon the croft (particularly with regard to access to the remainder of the croft) and in order to ensure that the area decrofted is not excessive in relation to the reasonable purpose.</p> <p>With regard to the general interest of the crofting community and in particular the demand, if any, for a tenancy of the croft, the Commission notes that no intimation of demand was received in respect of this application. The Commission is, however, of the view that were the whole of the croft to be offered for letting on the open market, there would likely be demand for a tenancy of the croft. The Commission acknowledges that approval of the application will likely make the croft slightly less attractive to any person seeking a tenancy of the croft, but has to balance this against the presumption in favour of decrofting where a reasonable purpose is established and the extent applied for, or in this case approved, is not excessive.</p> <p>Paragraph 67 of the Crofting Commission’s Policy Plan states: <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 the original site applied for has been amended to exclude an area of croft land at the roadside frontage, the Commission are satisfied that its modified direction will safeguard access to the remainder of the croft.</p>		
<b>Conditions of Direction</b>		
<b>Enclosure:</b>	Within four months of the date of the direction. Fence shall be maintained in good order and repair by each successive owner or occupier of the land.	

**Caithness, Orkney & Shetland**

**Croft:** Ness  
**Parish:** Lerwick  
**Reg No:** Z0885  
**Case Number:** 83934  
**Application Type:** Decrofting – Part Croft

<b>Decision – Approved</b>	<b>Extent: 0.24 ha</b>
<b>Grounds for Decision</b>	
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.	
<b>Conditions of Direction:</b>	
The land must as a first change of use, be used, let or disposed of to provide a site for a dwellinghouse.	
The land must be enclosed (so far as not already enclosed) with a stockproof fence within four months of the completion of the development.	
That fence shall be maintained in good order and repair by each successive owner or occupier of the land.	

**Croft:** Sandwich  
**Parish:** Burra  
**Reg No:** Z2886  
**Case Number:** 85791  
**Application Type:** Decrofting – Part Croft

<b>Decision – Approved</b>	<b>Extent: 0.339 ha</b>
<b>Grounds for Decision:</b>	
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.	
<b>Conditions of Direction</b>	
The land must as a first change of use, be used, let or disposed of to provide a site for a dwellinghouse	
The land must be enclosed (so far as not already enclosed) with a stockproof fence within four months of the completion of the development.	
That fence shall be maintained in good order and repair by each successive owner or occupier of the land.	

**Croft:** Newlands  
**Parish:** Latheron  
**Reg No:** C0653  
**Case Number:** 84638  
**Application Type:** Division

<b>Decision – Approved</b>
<b>Grounds for Decision</b>
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:** Oilquoy  
**Parish:** Wick  
**Reg No:** C1152  
**Case Number:** 86178  
**Application Type:** Sublet

<b>Decision – Approved</b>
<b>Grounds for Decision</b>
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.
<b>Conditions</b>
The sublet/short term let will be for the fixed period of 10 years,

**Croft:** Brickigoe  
**Parish:** Wick  
**Reg No:** C1141  
**Case Number:** 86180  
**Application Type:** Sublet

<b>Decision – Approved</b>
<b>Grounds for Decision</b>
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.
<b>Conditions</b>
The sublet/short term let will be for the fixed period of 10 years.

**Croft:** North Yarrows  
**Parish:** Wick  
**Reg No:** C1196  
**Case Number:** 86181  
**Application Type:** Sublet

<b>Decision – Approved</b>
<b>Grounds for Decision</b>
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.
<b>Conditions</b>
The sublet/short term let will be for the fixed period of 10 years.

### **Highland (excl Caithness)**

**Croft:** 125 Clachtoll  
**Parish:** Assynt  
**Reg No:** S0068  
**Case Number:** 30386  
**Applicant:** Historic Assynt  
**Application Type:** Request by former subtenant under section 29 of the Crofters (Scotland) Act 1993 to remain in occupation

<b>Decision – Approved</b>	<b>Extent: 0.2 ha</b>
<b>Grounds for Decision</b>	
Having considered all of the available information and as the application is supported by the landlord, the Assynt Crofters Trust Limited and the Executor and beneficiary of the deceased crofter, the application has been <b>approved</b> .	
The Commission has issued an Order authorising Historic Assynt to remain in occupation of the part croft as subtenant until 15 September 2018.	

**Croft:** 14 Annat  
**Parish:** Applecross  
**Reg No:** R0176  
**Case Number:** 77204  
**Application Type:** Decrofting – Croft House Site and Garden Ground

<b>Decision – Approved</b>	<b>Extent: 0.073 ha</b>
<b>Grounds for Decision</b>	
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 dwellinghouse 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.	
<b>Conditions of Direction</b>	
<b>Enclosure of area:</b>	The land must be enclosed (so far as not already enclosed) with a stockproof fence within four months of the date of the Direction.  That fence shall be maintained in good order and repair by each successive owner or occupier of the land.

### **Western Isles**

**Croft:** 5A Grimshader  
**Parish:** Lochs  
**Reg No:** R3044  
**Case Number:** 74575  
**Application Type:** Assignment

<b>Decision – Approved</b>
<b>Grounds for Decision</b>
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:** 6 Borrosdale  
**Parish:** Harris  
**Reg No:** I1530  
**Case Number:** 82310  
**Application Type:** Assignation

<b>Decision – Approved</b>
<b>Grounds for Decision</b>
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:** 9a Laxay  
**Parish:** Lochs  
**Reg No:** R3176  
**Case Number:** 84898  
**Application Type:** Assignation

<b>Decision: Approved</b>
<b>Grounds for Decision</b>
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:** 8b Knock  
**Parish:** Stornoway  
**Reg No:** R4105  
**Case Number:** 83710  
**Application Type:** Decrofting – Croft House Site and Garden Ground

<b>Decision – Approved</b>	<b>Extent: 0.196 ha</b>
<b>Grounds for Decision:</b>	
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 dwellinghouse 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.	
<b>Conditions of Direction</b>	
<b>Enclosure of area:</b>	<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>

**Croft:** **8b Knock**  
**Parish:** **Stornoway**  
**Reg No:** **R4105**  
**Case Number:** **83711**  
**Application Type:** **Decrofting – Part Croft**

<b>Decision – Approved</b>	<b>Extent: 0.032 ha</b>
<b>Grounds for Decision</b>	
<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>	
<b>Conditions of Direction</b>	
<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:** **32 Eoropie**  
**Parish:** **Barvas**  
**Reg No:** **R0699**  
**Case Number:** **84650**  
**Application Type:** **Sublet**

<b>Decision – Approved</b>
<b>Grounds for Decision</b>
<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>
<b>Conditions</b>
<p>The sublet will be for the fixed period of 10 years.</p>

**Croft:** **5 Marybank**  
**Parish:** **Stornoway**  
**Reg No:** **R4155**  
**Case Number:** **85684**  
**Application Type:** **Assignment**

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