

# NOTIFICATIONS AND GROUNDS AND DECISIONS FOR APPLICATIONS DECIDED

Applications between 16/05/18 – 22/05/18

**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:** 23 and 24a Carnach  
**Parish:** Lismore and Appin  
**Reg No:** A0918  
**Case Number:** 76661  
**Application Type:** Decrofting – Part Croft – Reasonable Purpose

<b>Decision – Refused</b>	<b>Extent: 1.79 ha</b>
<b>Grounds for Decision</b>	
<p>The Commission has considered this application to decroft part of the croft at 23 and 24a Carnach and refuses it. Section 25(1)(a) of the Crofters Scotland Act 1993 (the 1993 Act”) sets out those matters to which the Crofting Commission (“the Commission”) must give regard when reaching a decision on applications for a Commission direction to decroft a croft or part of a croft for a reasonable purpose.</p> <p>Under section 25(1)(a), the Commission must be satisfied that the applicant has applied for the 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 1993 Act. In this particular case, the applicant has stated in the application form that the purpose of the application is to provide a site for local housing, including affordable housing.</p> <p>Whilst the Commission consider that the purpose applied for is potentially a reasonable one within the meaning of section 20 of the 1993 Act, they noted that the necessary planning consents are not in place for the development. In considering an application to decroft the Commission must be satisfied that the development will take place and it is difficult to determine this in the absence of the required planning permission. In the absence of planning permission, the Commission considers that this application falls significantly short of the requirements to enable the application to be processed under the reasonable purpose provisions as we are required to take into account the good of the croft, 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 applied for is not excessive.</p> <p>As such, the information in support of the application is in the Commission’s view insufficiently strong, and any potential benefits from the purpose too speculative at this stage, for the Commission to be able to find that the potential reasonable purpose is likely to materialise. Accordingly, the Commission has not considered the statutory factors set out in section 25(1)(1(a) in any detail due to the conjectural nature of the application.</p> <p>It is open, however, to the applicant to re-apply for Commission consent if and when planning permission has been obtained and specific areas(s) have been identified in relation to any future planned site which would enable the Commission to consider whether the area applied for is excessive in relation to the purpose and to take into account the factors set out as required by section 25(1) of the 1993 Act.</p>	

The Commission has a discretionary power to decroft under section 24(3) of the 1993 Act and must have regard to section 25(2) of the 1993 Act when it exercises its discretion. In doing so, the Commission has balanced the interests of the applicant with the factors to which it must have regard in section 25(2) of the 1993 Act. The Commission notes that, as with its assessment of reasonable purpose, the likelihood of the stated purpose/project going ahead is a material consideration in assessing the weight to be given to the interest of the applicant and also in assessing how the stated purpose relates to the general interest of the crofting community in the district.

The provisions under section 25(2) of the 1993 Act require the Commission to have regard to the general interest of the crofting community in the district in which the croft is situated and in particular to the demand, if any, for a tenancy of the croft from persons who might reasonably be expected to obtain that tenancy if the croft were offered for letting on the open market on the date when they are considering the application.

In terms of the crofting community, there are 23 tenanted crofts in the township of Carnach, 13 of which are deemed crofts and an additional 19 crofts which are owned. There is clearly therefore a crofting community as defined by section 61 of the 1993 Act. The Commission has determined that by decrofting the area applied for, it would have a detrimental effect on the interest of the crofting community by effectively removing a croft from the available pool of croft land which is capable of being used as improved grassland.

Although no demand was directly expressed in response to the advertising of the application, the Commission notes the comments made in the report by the local Scottish Government Rural Payments & Inspections Department that *“Existing crofters are still keen to acquire extra land for grazing or silage making on either a formal basis or informal”*. The objection from the clerk of the Committee also specifically states that *“There is a shortage of crofts available to younger members of the local community. The efforts of the Grazing Committee are frustrated by the lack of crofts available to those who wish to take up crofting”*. Accordingly, the Commission consider that there would be a demand for a tenancy if the croft were offered for letting on the open market.

For the foregoing reasons the application has been **Refused**.

**Croft:** 2 Clachamish  
**Parish:** Snizort  
**Reg No:** I3636  
**Case Number:** 84733  
**Application Type:** Sublet (part)

<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 will be for the fixed period of 10 years.

**Croft:** **Glenegeedale Moor**  
**Parish:** **Kildalton and Oa**  
**Reg No:** **A0614**  
**Case Number:** **80046**  
**Application Type:** **Division of an owner-occupied croft**

#### **Decision – Refusal**

##### **Grounds for Decision**

The Commission has considered the application under Section 19D of the Crofters (Scotland) Act 1993 [“the 1993 Act”] to divide the owner-occupied croft at Glenegeedale Moor to create two new crofts and decided to **refuse** the application on the following grounds:

Section 58A(7) 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 a croft.

In terms of sections 58A(7)(a)(i) 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 crofts created by the division, and under section 58A(7)(a)(ii) of the Act the Commission must have regard to whether the crofts will be cultivated or put to some other purposeful use. The Commission noted that the applicant has no intention to sell either croft; he intends to utilise the proposed croft at Glenegeedale Moor (Croft 1), and to offer Glenegeedale Moor (Croft 2) for let to a suitable crofter or to one of the applicant’s own children. The Commission accept therefore that the intention is that both crofts would be occupied and worked. However the Commission has concerns that access to one of the proposed crofts (Croft 2) would only be through the other proposed croft (Croft 1). The applicant has identified an access track and states that the intention is to offer both crofts full vehicle and pedestrian access to the track. However there was no documentation submitted with the application which would guarantee clear and unrestricted access for a future occupier of Croft 2. The Commission has concern therefore about the future ability of Croft 2 to be worked in cultivated or put to some other purposeful use in the event that access issues arise with regard to the proposed new croft. The Commission must have regard to the interests of future crofters of the two proposed crofts, for instance in the event that ownership of one of the crofts passes outwith the family to a third party.

The Commission must give regard to the interests of the estate under subsection 58A(7)(b) of the Act. The Commission notes that as this is an owner-occupied croft, there are no estate interests to take into consideration.

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 applicant has failed to satisfy the Commission in his application that access would be provided to the proposed Croft 2. The Commission do not consider that it is in the interests of the crofting community and its sustainable development to create such a proposed new croft that can be accessed by land only through another croft and could potentially become “landlocked” (in the absence of any alternative access arrangements). It is the Commission’s view that it is in the interests of the sustainable development of the crofting community not to consent to a proposed division where the cultivability of one of the proposed crofts would appear to depend largely on the goodwill and co-operation of the occupier of the other proposed croft.

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's current Policy Plan (dated October 2017) at paragraph 67 states:

**“ACCESS:** When considering applications, the Commission will wish to ensure that suitable access arrangements are provided for any croft land or, where appropriate, common grazing. Such access must be suitable for agricultural or other machinery required for the cultivation and maintenance of the croft. Applications should ensure that access is clearly and unambiguously shown and, where appropriate, provide evidence that reflects such arrangements. Failure to meet such conditions is likely to result in an application being refused.”

The Commission notes and supports the reason for the applicant in creating two crofts supporting active activity and would welcome the opportunity to consider an application containing an alternative proposal which addressed the Commission's concerns and established clear and unimpeded vehicular and pedestrian access for any and all new crofts created as a result of a division of the croft.

However 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 it would point out that this case has been determined with regard to its own facts and circumstances.

For the foregoing reasons therefore the application has been **Refused**.

**Croft:** 5 Treslaig (share)  
**Parish:** Ardgour  
**Reg No:** A1643  
**Case Number:** 87676  
**Application Type:** Assingation

**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:** 2 & 3 Ullinish  
**Parish:** Bracadale  
**Reg No:** I0856  
**Case Number:** 86500  
**Application Type:** Assingation

**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:** North Manse  
**Parish:** Cross & Burness  
**Reg No:** 00267  
**Case Number:** 80168  
**Application Type:** Decrofting – Part Croft

<b>Decision – Approved</b>	<b>Extent: 0.0351 ha</b>
<b>Grounds for Decision</b>	
<p>The Commission has considered your application under section 24B(1) and 25(1)(a) of the Crofters (Scotland) Act 1993 (“the 1993 Act”) to decroft part of the croft extending to 0.0351 ha, to provide a site for a borehole for Scottish Water and have agreed to <b>grant</b> a decrofting direction on the following grounds:</p> <ol style="list-style-type: none"><li>1. 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 Act) and the extent applied for is not excessive in relation to that purpose.</li><li>2. There have been no objections received from any member of the crofting community in response to the advertising of the application to decroft.</li><li>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.</li></ol>	
<b>Conditions of Direction</b>	
<p>The land must as a first change of use, be used, let or disposed of as a site for a bore hole.</p> <p>The land must be enclosed (so far as not already enclosed) with a stockproof fence within four months of the 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:** 2 Opinan  
**Parish:** Gairloch  
**Reg No:** R1749  
**Case Number:** 87052  
**Application Type:** Decrofting – croft house site and garden ground

<b>Decision – Approved</b>	<b>Extent: 0.103 ha</b>
<b>Grounds for Decision</b>	
<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>	
<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 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:** **83 Glackbeith**  
**Parish:** **Tongue**  
**Reg No:** **S1993**  
**Case Number:** **85617**  
**Application Type:** **Decrofting – croft house site and garden ground**

<b>Decision – Approved</b>		<b>Extent: 0.165 ha</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.		
<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 acquisition 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:** **Aultnasoth**  
**Parish:** **Lochalsh**  
**Reg No:** **R2251**  
**Case Number:** **87029**  
**Application Type:** **Decrofting – Part Croft**

<b>Decision – Approved</b>		<b>Extent: 0.132 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>		
<b>Purpose:</b>	To provide a site for a dwellinghouse.	
<b>Enclosure of area:</b>	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.	

**Western Isles**

**Croft:** 7 Aird  
**Parish:** South Uist  
**Reg No:** I4687  
**Case Number:** 87072  
**Application Type:** Subletting

<b>Decision – Approval</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 will be for the fixed period of 10 years.

**Croft:** 1 Uachdar  
**Parish:** South Uist  
**Reg No:** I5583  
**Case Number:** 87088  
**Application Type:** Decrofting – Part Croft

<b>Decision – Approved</b>	<b>Extent: 0.050 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>	
<b>Purpose:</b>	Site of an existing house.
<b>Enclosure of area:</b>	The land must be enclosed (so far as not already enclosed) with a stockproof fence within four months. That fence shall be maintained in good order and repair by each successive owner or occupier of the land.

**Croft:** 1 Paiblesgarry  
**Parish:** North Uist  
**Reg No:** I4601  
**Case Number:** 87871  
**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.
The sublet will be for the fixed period of 5 years.

**Croft:** 13 Knockintorran  
**Parish:** North Uist  
**Reg No:** I4463  
**Case Number:** 87873  
**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.
The sublet will be for the fixed period of 5 years.

**Croft:** 10 Carinish  
**Parish:** North Uist  
**Reg No:** I4284  
**Case Number:** 86550  
**Application Type:** Decrofting – Part Croft

<b>Decision – Approved</b>	<b>Extent: 0.152 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 as the site for a dwellinghouse.	
The land must be enclosed (so far as not already enclosed) with a stockproof fence within four months of the development being completed.	
That fence shall be maintained in good order and repair by each successive owner or occupier of the land.	

**Croft:** 296 Kilpheder  
**Parish:** South Uist  
**Reg No:** I5243  
**Case Number:** 87078  
**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 let will be for the fixed period of 10 years

**Croft:** **Dusary Mill**  
**Parish:** **North Uist**  
**Reg No:** **I4356**  
**Case Number:** **87568**  
**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:** **2A Grenetote**  
**Parish:** **North Uist**  
**Reg No:** **I7405**  
**Case Number:** **87787**  
**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:** **2 Grenetote**  
**Parish:** **North Uist**  
**Reg No:** **I4374**  
**Case Number:** **87798**  
**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:** **3b Tarbert**  
**Parish:** **Harris**  
**Reg No:** **I7445**  
**Case Number:** **87294**  
**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 Percival Road  
**Parish:** Stornoway  
**Reg No:** R3914  
**Case Number:** 85884  
**Application Type:** Decrofting – Part Croft

<b>Decision – Approved</b>	<b>Extent: 0.102 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 as a first change of use, be used, let or disposed of as the site for a new dwellinghouse.</p> <p>The land must be enclosed (so far as not already enclosed) with a stockproof fence within four months of the 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>	

**Croft:** 1 Ceann Diebeg  
**Parish:** Harris  
**Reg No:** I1592  
**Case Number:** 84961  
**Application Type:** Decrofting – Part Croft

<b>Decision – Approved</b>	<b>Extent: 0.176 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 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:** 29 Aignish  
**Parish:** Stornoway  
**Reg No:** R3532  
**Case Number:** 87429  
**Application Type:** Assingation

<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>

**Croft:** 9 Lower Shader  
**Parish:** Barvas  
**Reg No:** R0959  
**Case Number:** 87457  
**Application Type:** Assignment

<b>Decision – Approved</b>
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<b>Grounds for Decision</b>
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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.
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**Croft:** 29 Arnol  
**Parish:** Barvas  
**Reg No:** R0259  
**Case Number:** 87870  
**Application Type:** Assignment

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