

NOTIFICATIONS AND GROUNDS AND DECISIONS FOR APPLICATIONS DECIDED

Applications between 23/04/18 – 29/04/18

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: 4 Kingsburgh
Parish: Snizort
Reg No: I5685
Case Number: 76239
Application Type: Apportionment

Decision – Approved	Extent: 0.667 ha
Grounds for Decision	
The application for the Commission's consent to apportion part of the above common grazing for the applicant's exclusive use has been approved subject to the conditions, as set out in three separate Orders and accompanying plans, given that one site is for the provision of a house site and the remaining areas are for the purpose of stock management.	
Purpose	
Stock management and house site	
Conditions	
<p>(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.</p> <p>(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.</p> <p>(THIRD) The souming for the said croft in the said common grazing shall remain as hitherto, that is fourteen cows.</p> <p>(FOURTH) Your liability for township expenses including the expenses incurred by the Grazing Committee in maintaining the said common grazing and in providing, maintaining and replacing any fixed equipment required in connection therewith, shall 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.</p> <p>(FIFTH) The apportionment is granted on the understanding that the area apportioned is for your own exclusive use.</p> <p>(SIXTH) All existing rights of access over the area apportioned shall be reserved.</p>	
The application for the Commission's consent to apportion part of the above Common Grazing for the applicant's exclusive use has been approved subject to the conditions, as set out in three separate Orders and accompanying plans, given that one site is for the provision of a house site and the remaining areas are for the purpose of stock management.	

Croft: **½8 & ½20 Stenscholl**
Parish: **Kilmuir (Skye)**
Reg No: **I2759**
Case Number: **83663**
Application Type: **Decrofting – Part Croft**

Decision – Approved	Extent: 0.1294 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	
<p>The land must as a first change of use, be used, let or disposed of as a site for a 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: **½11 Breacais Ard**
Parish: **Strath**
Reg No: **I3934**
Case Number: **88225**
Application Type: **Assignment**

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: **2 Garafad**
Parish: **Kilmuir (Skye)**
Reg No: **I2626**
Case Number: **86396**
Application Type: **Sublet**

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>
Conditions
<p>The sublet will be for the fixed period of 2 years.</p>

Croft: 31 Idrigill (share)
Parish: Snizort
Reg No: I7063
Case Number: 86150
Application Type: Assingation of Grazings Share

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: Dale
Parish: Delting
Reg No: Z0213
Case Number: 86530
Application Type: Assignment

Decision – Approved

Grounds for Decision

- 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 a tenanted 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 kilometres of, the croft. It is noted that Mr Sutherland resides in the decrofted house of the croft which is the subject of this application and will therefore comply with the residency duty.
- In terms of section 58A(7)(a)(ii) of the 1993 Act, the Commission must have regard to whether the croft is being or will be cultivated or put to such other purposeful use and are satisfied from the available evidence that Mr G Sutherland will cultivate the croft and that his stocking proposals for the croft seem reasonable.
- The Commission must give regard to the interests of the estate under subsection 58A(7)(b) of the 1993 Act. We have not received an objection from the landlord/estate in respect of the land to which this application relates but it is noted that the landlord is the proposed assignee's brother and that this application is one of a number of transfers of crofting interests between family members to allow a natural progression from one generation to another. The Commission therefore do not consider that the interests of the estate will be adversely affected.
- Sections 58A(7)(c) and (d) of the 1993 Act relate to the interests of the crofting community in the locality of the croft and the sustainable development of that crofting community. We have not received any objection to this application from any member of the crofting community. The Commission therefore consider that approving this application will not have an adverse effect on the interest of the crofting community in the locality of the croft or on the sustainable development of that crofting community. In approving this application it is noted, as previously mentioned, that this application is one of a number of transfers of crofting interests between family members to allow a natural progression from one generation to another and it is the Commission's opinion that approving this application will help sustain crofting in the area.
- The interests of the public at large must also be taken into account under subsection 58A(7)(e) of the 1993 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 assignment.
- Subsection 58A(7)(f) of the 1993 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, nor were any expressions of demand received in respect of the tenancy of the croft.
- Section 58A(7)(g) of the 1993 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 assignment.

Croft: Hillside, Voe
Parish: Delting
Reg No: Z0219
Case Number: 76212
Application Type: Decrofting

Decision – Refusal	Extent: 4.53(ha)
Grounds for Decision	
<p>The Commission has considered this application to decroft part of the croft at Hillside, Voe, Delting extending to 4.53(ha) and refuses it. In coming to its decision, the Commission has identified the following factors are relevant to this application:-</p> <ul style="list-style-type: none"> • Whether the application is for a reasonable purpose within the meaning of section 20 of the Crofters (Scotland) Act 1993 (“the 1993 Act”). • The general interest of the crofting community in the district in which the croft is situated. • Whether or not there is or would be demand for a tenancy of the croft. • The Commission’s current Policy Plan. <p>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).</p> <p>In this particular case, the applicant has stated in the application form that the reason for decrofting was that “The land was too small to form a viable crofting unit and parts of it are very steep and rough. Some areas of the croft do, however, have potential for housing development.” The applicant refers to a reasonable purpose (the erection of dwellings) within the meaning of section 20 of the 1993 Act, but the stated purpose has not been supported by any evidence that the applicant has sought or obtained planning consent for any housing development on the croft. The Commission are entitled to consider the likelihood of a development proceeding when considering whether to decroft land, and in the absence of planning permission the Commission consider that the applicant has failed to provide any evidence that the housing element of the proposal will proceed. 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 stated purpose has any likelihood of going ahead. Accordingly, the Commission has not considered the statutory factors set out in section 25(1)(a), nor has it been able to assess (in the absence of any relevant supporting information) whether the area sought to be decrofted is excessive for the purpose sought.</p> <p>It is open, however, to the applicant to re-apply for Commission consent if planning permission has been obtained and a specific area(s) has been identified in relation to any housing development. Such an application would be considered on its merits and in line with the relevant legislation and policy.</p> <p>The Commission also has discretion to consider an application to decroft under its discretionary provisions set out at sections 24(3) and 25(2) of the 1993 Act. These provisions 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 and balance this interest against the interests of the applicant in having the land decrofted</p>	

The Commission notes the croft is situated in a township which satisfies the definition of a crofting community in terms of section 61 of the Act. While the Commission notes the comments in the SGRPID report as to the quality of the land, they also note that the croft is currently being utilised as rough grazing for sheep, a use which comes under the definition of cultivation as set out at section 5(8) of the 1993 Act. The Commission is aware that many crofts throughout the Highlands & Islands are suitable for rough grazing only in the absence of improvement. The Commission notes but does not accept the comment in the SGRPID report that approval of the decrofting would have no adverse effect on the local crofting community and its sustainability, but it does accept the assessment in the SGRPID report that the potential of the croft to be cultivated is of a limited nature. In the Commission's view the removal from crofting tenure of this area would nevertheless reduce the local pool of croft land available to existing crofters or persons who might obtain crofter status and it could also restrict current or future occupiers access to any available crofting assistance, in the form for instance of grants, subsidies and other support systems. The Commission are also required to consider whether there would be demand for the croft if it was made available for let. SGRPID in their report acknowledge that "there is always demand for croft land in Shetland" and the applicant also acknowledges in his application that areas of the croft would continue to be in demand for grazing. The Commission is satisfied that there would likely be demand should the croft be made available for letting on the open market. The Commission considers that the interests of the crofting community in retaining land that is capable of being put to active (albeit in its current state modest) use in this particular case outweighs the interests of the applicant, who has not provided in the Commission's view any compelling reasons why the application should be granted.

The Commission must also have regard to the terms of its Plan which has been agreed by Scottish Ministers. Paragraph 99 states that "*[a]pplications 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 is of the view that its decision on this case is consistent with its Plan, but it has considered this application on its individual merits and having had regard to the relevant legislation.

For the foregoing reasons the application is being **refused**.

Highland (excl Caithness)

Croft: Strone of Glenbanchor
Parish: Kingussie & Inch
Reg No: I2944
Case Number: 83133
Application Type: Decrofting – Part Croft

Decision – Approved	Extent: 0.558 ha
Grounds for Decision	
<p>The Commission has considered your application under section 24A and 25(1)(a) of the Crofters (Scotland) Act 1993 to decroft an area of 0.558 ha, the stated purpose being to provide a site for eight dwellinghouses and gives a direction on the following grounds:</p> <ul style="list-style-type: none">• 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) 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 the 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 that the extent of 0.558 ha for the purpose of providing a site for eight dwellinghouses is not excessive in relation to its purpose.• The Commission is satisfied that the granting of the direction will not have a negative impact on the remainder of the croft as access to the remainder of the croft will be unaffected.• The Commission notes the croft is situated in a township which satisfies the definition of a crofting community in terms of section 61 of the Act. The Commission is of the view that the provision of this site for housing would benefit the crofting community as it will provide new homes for families.• The Commission is satisfied that granting a decrofting direction is not adverse to the public interest as the site already benefits from planning consent which has been through a public consultation process.	
Conditions of Direction	
<p>The land must as a first change of use, be used, let or disposed of as development for eight houses.</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: **West Achvraid**
Parish: **Daviot & Dunlichity**
Reg No: **I0870**
Case Number: **86636**
Application Type: **Decrofting – Part Croft**

Decision – Approved	Extent: 0.630 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 1993 Act”) to decroft part of the croft at West Achvraid, Daviot and decided to grant a decrofting Direction, extending to 0.630 ha, on the following grounds:</p> <ul style="list-style-type: none"> • 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). • Although the extent of the land to which the application applies is exceptionally large and much more than would normally be granted, it is considered appropriate given that the area is for a house site, car parking, water supply and ground source heating pipe network. In addition, it was noted that both the RPID reporting officer and countersigning officer consider that the area applied for is justifiable. • Paragraph 41 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>. There are no issues with access to the site or the remainder of the croft land. 	
Conditions of Direction	
<p>The land must as a first change of use, be used, let or disposed of as a 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>	

Western Isles

Croft: **1 Howmore**
Parish: **South Uist**
Reg No: **I5181**
Case Number: **86595**
Application Type: **Sublet**

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>
Conditions
<p>The sublet will be for the fixed period of 10 years.</p>

Croft: 23 Leurbost
Parish: Lochs
Reg No: R3258
Case Number: 87049
Application Type: Decrofting – Part Croft

Decision – Approved	Extent: 0.12 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	
The land must as a first change of use, be used, let or disposed of as the site for a new 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: 29 Locheport (Pier Ground)
Parish: North Uist
Reg No: I4525
Case Number: 86320
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: Glebe, Trumisgarry
Parish: North Uist
Reg No: I4669
Case Number: 87859
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 term let will be for the fixed period of 7 years.