

NOTIFICATIONS AND GROUNDS AND DECISIONS FOR APPLICATIONS DECIDED

Applications between 30/04/18 – 06/05/18

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: 5 Carbostmore
Parish: Bracadale
Reg No: 10695
Case Number: 87291
Application Type: Decrofting – Croft House Site and Garden Ground

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| 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 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. | | |
| 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: 1 & ½2 Glengrassgow
Parish: Snizort
Reg No: 13699
Case Number: 88904
Application Type: Decrofting – Croft House Site and Garden Ground

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| Decision – Approved | | Extent: 0.05 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 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. | | |
| 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 date of the Direction. That fence shall be maintained in good order and repair by each successive owner or occupier of the land. | |

Croft: Lower Harrapool (School Croft)
Parish: Strath
Reg No: I4046
Case Number: 78031
Application Type: Decrofting – Part Croft – Reasonable Purpose

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| Decision – Refused | Extent: 0.333 ha |
| Grounds for Decision | |
| <p>The Commission has considered this application to decroft part of the croft at Lower Harrapool (School Croft) and refuses it. Sections 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.</p> <p>In this particular case, the applicant has stated in the application form that the purpose of the application is to provide a site for a dwellinghouse. While the Commission are satisfied that the purpose is a reasonable one in terms of section 20 of the 1993 Act, it has to consider the specific proposal in relation to 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>The Commission are of the view that an area of 0.333 ha for the provision of a site for a dwellinghouse is excessive in relation to that purpose. In coming to that conclusion, the Commission noted that a substantially smaller area would have accommodated the footprint of the house as shown in the Planning in Principle application.</p> <p>The Commission do not accept that it is necessary to decroft the full site of 0.333 ha to accommodate the condition in the planning in principle decision that the proposed development must be 30 metres from the church building to the south of the area. The Commission concluded that a substantially smaller area would have adequately accommodated the proposed dwellinghouse and the site could have been repositioned if required to meet the condition relating to the distance between the dwellinghouse and the church. In the Commission’s view, the extent of the land to which the application relates is excessive in relation to the purpose of a single dwellinghouse when the site would appear to be of sufficient size to accommodate more than one dwellinghouse and relative offices and garden ground. The plans annexed to the planning application tend to suggest that only the southern section or half of the site applied for would actually be developed. This is the principal reason for refusing the application.</p> <p>The Commission considered issuing a modified direction under section 25(5) of the 1993 Act to enable the applicant’s proposal to be supported by decrofting a reduced area that would have been reasonable for the proposed purpose. However, the Commission noted from the Scottish Government Rural Payments & Inspections Department (SGRPID) Report that when this option was put to the applicant he responded that he did not wish to modify the area applied for and accordingly the Commission has exercised its discretion not to modify the application.</p> | |

The Commission must also balance the interests of the applicant in granting the Direction against the impact of any proposed decrofting in relation to the interests of the crofting community. The Commission is empowered under section 25(1A)(b) of the 1993 Act to take account of the effect that the purpose with planning permission would have on the croft and the crofting community and must also assess the general interest of the crofting community in terms of section 25(2) of the 1993 Act. The Commission has determined that, following evidence supplied by the local SGRPID Reporting Officer, by decrofting the area applied for, it will have a detrimental effect on the good of the croft by removing what the Reporting Officer describes as the best land on the croft and although currently it is rank with vegetation and boggy where the topography slopes, it has a rich sward and could easily be brought back to good use; the area having most likely been improved sometime in the past. The Commission has noted that these findings by the Reporting Officer are contested by the applicant. Nevertheless, having balanced the available information, the Commission has formed the view that the removal of the area applied for from the croft would result in a material reduction in the extent of the croft and would adversely affect its sustainability as a croft if it were to be brought back into cultivation. The Commission is of the view that decrofting of the site applied for would adversely affect both the croft and the general interests of the crofting community in the district by reducing current and future opportunities for active crofting in the locality, but recognises that the main adverse impact would be on the croft itself. The Commission has no specific information regarding demand but assumes that there would be demand for a tenancy of the croft, if it were actually to become available for letting on the open market. This forms the secondary reason why the Commission has refused the application.

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

Caithness, Orkney & Shetland

Croft: **Sandybrae**
Parish: **Sandwick, Shetland**
Reg No: **Z0578**
Case Number: **86335**
Application Type: **Decrofting – Part Croft**

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| Decision – Approved | Extent: 0.114 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 a dwelling house. | |
| 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: **Blate**
Parish: **Cunningsburgh**
Reg No: **Z0595**
Case Number: **83516**
Application Type: **Decrofting – Croft House Site and Garden Ground**

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| Decision – Approved | | Extent: 0.095 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 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. | | |
| 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. | |

Highland (excl Caithness)

Croft: **90 Laid, Loch Eribollside**
Parish: **Durness**
Reg No: **S0783**
Case Number: **86975**
Application Type: **Decrofting – Croft House Site and Garden Ground**

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| Decision – Approved | | Extent: 0.14 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 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. | | |

Western Isles

Croft: **8b Garrabost**
Parish: **Stornoway**
Reg No: **R3949**
Case Number: **87074**
Application Type: **Assignment**

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| 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: 4 Branahue
Parish: Stornoway
Reg No: R3746
Case Number: 87450
Application Type: Assignation

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| 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: 8 Brue
Parish: Barvas
Reg No: R0506
Case Number: 84242
Application Type: Decrofting – Croft House Site and Garden Ground

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| Decision – Approved | Extent: 0.09 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 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. | |
| 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: 52 Leurbost
Parish: Lochs
Reg No: R3292
Case Number: 87186
Application Type: Division

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| 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: 16a Callanish
Parish: Uig
Reg No: R5061
Case Number: 87858
Application Type: Assignation

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| 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. |