

NOTIFICATIONS AND GROUNDS AND DECISIONS FOR APPLICATIONS DECIDED

Applications between 07/05/18 – 13/05/18

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 Husabost
Parish: Duirinish
Reg No: I1161
Case Number: 79985
Application Type: Assignation

Decision – Approved

Grounds for Decision

The Commission has considered your application to assign the tenancy of your croft (including grazing share) under section 8 of the Crofters (Scotland) Act 1993 (“the 1993 Act”) and has **approved** your application on the following grounds:

We have had regard to whether the proposed assignee will be ordinarily resident on, or within 32 kilometres, of the croft. The Commission note from the available evidence that the assignee anticipates being in a position to comply with the residency duty within 5 years of the approval. The reason for the 5 year timeframe is to allow his son to complete his Gaelic education in Glasgow. In the circumstances, we consider 5 years to be a realistic timescale to establish residency.

We have had regard to whether the croft will be cultivated or put to a purposeful use under section 5C(4) of the 1993 Act and note from the available evidence that the proposed assignee intends to apply for a sublet for the duration of his absence and therefore suitable arrangements for ensuring the croft is cultivated will be put in place.

We have received no objection from the landlord/estate in respect of the land to which the application relates and do not therefore consider, on the available evidence, that the interests of the estate will be adversely affected.

We have received no objections from any members of the crofting community. The Commission considers on the available evidence that the consent hereby provided will not have an adverse effect on the interests of the crofting community in the locality of the croft or on the sustainable development of that crofting community.

We are satisfied on the available evidence that the approval of the assignation will not adversely affect the interests of the public at large.

We have not received any other objections under subsection (4) or (5A) of section 58A of the 1993 Act, nor were any expressions of demand received in respect of the tenancy of the croft.

We have had regard to the Commission’s Policy Plan and are satisfied that the consent hereby provided is consistent with our Policy Plan.

The Commission will review that situation should the assignee fail to comply with the residence requirement within the 5 year timescale, or fail to ensure that the croft is cultivated or put to another purposeful use.

Croft: 4 Ardconnel
Parish: Kilmore & Kilbride
Reg No: A0784
Case Number: 87368
Application Type: Decrofting – Part Croft

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 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: ½7 Achnacloich
Parish: Sleat
Reg No: I3284
Case Number: 85847
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.	

Caithness, Orkney & Shetland

Croft: Whistlebare, Sandness
Parish: Sandness
Reg No: Z2458
Case Number: 85516
Application Type: Decrofting – Croft House Site and Garden Ground

Decision – Approved		Extent: 0.256 ha
Grounds for Decision		
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.		
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.	

Western Isles

Croft: 4 Peninerine
Parish: South Uist
Reg No: I5453
Case Number: 87572
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.