

NOTIFICATIONS AND GROUNDS AND DECISIONS FOR APPLICATIONS DECIDED

Applications between 14/05/18 – 20/05/18

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: I0695
Case Number: 87291
Application Type: Decrofting – Croft House Site and Garden Ground

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: 48/49 Bornesketaig
Parish: Kilmuir (Skye)
Reg No: I2516
Case Number: 85409
Application Type: Decrofting – Part Croft

Decision – Approved		Extent: 0.087 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 be enclosed (so far as not already enclosed) with a stockproof fence within four months of acquisition.		
That fence shall be maintained in good order and repair by each successive owner or occupier of the land.		

Croft: 1-4 Ferindonald
Parish: Sleat
Reg No: I3426
Case Number: 85207
Application Type: Decrofting – Part Croft

Decision – Approved	Extent: 0.120 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 be enclosed (so far as not already enclosed) with a stockproof fence within four months of acquisition. That fence shall be maintained in good order and repair by each successive owner or occupier of the land.	

Croft: 3 Glasnakaille House Site Only
Parish: Strath
Reg No: I7444
Case Number: 84768
Application Type: Decrofting – Section 18 Feu

Decision – Approved	Extent: 0.089 ha
Grounds for Decision	
As this application has been made in respect of a croft which was feued under section 18 of the Crofters (Scotland) Act 1955, the Commission has agreed to grant the Direction as requested.	

Croft: 3 Drummie
Parish: Portree
Reg No: I3142
Case Number: 85818
Application Type: Decrofting – Part Croft

Decision – Approved	Extent: 0.105 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 site for dwellinghouse. The land must be enclosed (so far as not already enclosed) with a stockproof fence within four months of acquisition. That fence shall be maintained in good order and repair by each successive owner or occupier of the land.	

Croft: 1 Kirkapol
Parish: Isle of Tiree
Reg No: A1270
Case Number: 81173
Application Type: Decrofting – Reasonable purpose

Decision – Refusal	Extent: 0.456 ha
Grounds for Decision	
<p>The Commission has considered this application to decroft part of the croft at 1 Kirkapol extending to 0.456(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; and • The Commission’s current Policy Plan. 	
<p>Under section 25(1)(a) of the Crofters (Scotland) Act 1993 (“the 1993 Act”), 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>When considering reasonable purpose under section 25(1)(a) of the 1993 Act, the Commission are asked to consider the purpose in relation to the good of the croft, the public interest or the interests of the crofting community in the locality of the croft.</p>	
<p>In this particular case, the applicant has stated in the application form that the purpose of the application was to sell the land to a neighbour to be used as garden/amenity ground for a former church which is being converted to a dwellinghouse. While the Commission consider this may be a reasonable purpose where for instance there is an established garden and/or amenity area, at 0.456 ha the Commission consider the area applied for to be significantly excessive in relation to that purpose. In addition, the Commission note the comment in the RPID report that the area applied for includes land which has not been managed (grazed) in recent years “... <i>but has the potential to be good quality grazing land if managed correctly</i>”. In the circumstances, the Commission do not consider it is in the interests of the croft to grant the Direction as applied for.</p>	
<p>The Commission held a hearing in relation to this application at the request of the applicant. Prior to the hearing the Commission visited the croft and viewed the site which is the subject of this application. The Commission noted on inspection that approval of the decrofting application would remove from crofting tenure an existing track on the croft. As a result of the inspection, the Commission considered this track on the croft to be an important feature of the croft as a whole as it provided access to all other parts of the croft and is an important part of its day to day management [including the area where the croft buildings are situated]. The Commission notes that an alternative access was indicated by the applicant, but that this could only be accessed by way of going through non-croft land owned by the owner of the former church and through another croft in order to arrive at a gate to access the croft which is the subject of the application. In the absence of the applicant indicating a suitable alternative access to the croft as a whole, we considered that it would be detrimental to the interests of the croft to grant the current application.</p>	

The SGRPID officer did suggest to the applicant whether he wished the opportunity to modify the application in a manner which would retain the access to the croft and reduce the area of amenity land to an area much more suited to the stated purpose. However, the Commission was informed by SGRPID that the applicant did not wish the area to be modified "...as the ground is not presently used for crofting and it was easier to decroft the entire parcel". The applicant confirmed that this was his position at the hearing. Accordingly the Commission did not consider modifying the application.

Having given regard to the factors set out at section 25(1)(a) of the 1993 Act and concluded that the area applied for is excessive in relation to the stated purpose, the Commission notes that it has a discretionary power to decroft under section 24(3) of the 1993 Act. The Commission has balanced the interests of the applicants in the Commission giving a decrofting direction, with the factors to which it must have regard in section 25(2) of the 1993 Act. The Commission consider that it is not in the interests of the crofting community in the locality of the croft to decroft an area of land which is significantly excessive in the Commission's view in relation to the stated purpose of providing garden/amenity ground and consider further that removing a road that would provide easy access to the croft as a whole would also be detrimental to the interests of the crofting community as well as to the croft. There may be some future public interest in the prospective purchaser's plans for the area, but as they are not supported by planning permission as evidence of the likelihood of their proceeding, the Commission do not consider that any public interest would outweigh the adverse impact of decrofting the land. It is open, however, to the applicant to re-apply for Commission consent if and when planning permission has been progressed and an area(s) has been identified in relation to any future planned development site which would enable the Commission to consider whether the area applied for is excessive in relation to the purpose as required by section 25(1) of the 1993 Act. Any such future application would be considered on its merits and in line with the relevant law and policy applicable at the time.

The Commission accepts that there were no expressions of demand received in response to the advertising of the application to decroft, which is not unusual as the application was a decrofting application and not a letting opportunity. The Commission notes the comment in the SGRPID report that "*Generally there is high demand for land in Tiree*". The Commission agrees with this assessment which is based on local knowledge and is satisfied that there would be interest in the tenancy of the croft if it were to be genuinely made available for letting. Accordingly the loss of a road which currently provides important access within the croft and the loss of cultivable land would, in the Commission's view, adversely affect the interests of any future potential tenant of the croft.

For the foregoing reasons, therefore, the application has been **refused**.

Croft: 9 Fiscavaig (share)
Parish: Bracadale
Reg No: I6852
Case Number: 86521
Application Type: Assignation of grazing 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.

Croft: 3 Balmeanach
Parish: Bracadale
Reg No: I0677
Case Number: 84057
Application Type: Decrofting – Part Croft

Decision – Approved	Extent: 0.124 ha
Grounds for Decision	
<p>The Commission has considered your application under sections 24(3) and 25(1)(a) and 25(4) of the Crofters (Scotland) Act 1993 to decroft an area of 0.124 (ha) for amenity ground and gives a direction.</p> <ul style="list-style-type: none"> • 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. • We note that the decrofting of this area of amenity ground is next to the original decrofted house site of 0.124 (ha) which was decrofted in 2004. The granting of this area will regularise an existing situation as the area is fenced off from the croft. The Commission is satisfied that the granting of the direction will not have a negative impact on the remainder of the croft. 	
Conditions of Direction	
<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: Achnacroish
Parish: Kilbrandon & Kilchattan
Reg No: A1377
Case Number: 85955
Application Type: Decrofting – Croft House Site and Garden Ground

Decision – Approved	Extent: 0.123 ha
Grounds for Decision	
<p>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.</p>	
Conditions of Direction	
Enclosure of area:	<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>

Caithness, Orkney & Shetland

Croft: Eastavoe
Parish: Aithsting
Reg No: Z1462
Case Number: 87631
Application Type: Assignment

Decision – Approval

Grounds for Decision

The Commission has considered your application under section 8 of the Crofters (Scotland) Act 1993 (“the 1993 Act”) to assign the tenancy of the croft Eastavoe (Z1462) to Peter D Anderson and has decided to approve the application on the following grounds:

- 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 section 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 Anderson currently resides in East Burrafirth 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 Anderson will cultivate the croft and that obtaining the tenancy of the croft will be a valuable addition to the crofts already tenanted by Mr Anderson.
- 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 and do not therefore consider on the available evidence 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.
- 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: East Hogaland
Parish: Northmavine
Reg No: Z1331
Case Number: 87711
Application Type: Assignment

Decision – Approval

Grounds for Decision

The Commission has considered the application to assign the tenancy of the croft (including grazings share) under section 8 of the Crofters (Scotland) Act 1993 (“the 1993 Act”) and has **approved** the 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. We note that the proposed tenant’s principal residence is 31 miles from the croft which is outwith the residency requirement. However the Commission notes further that the proposed tenant has a house in Ollaberry and he intends to take up residence within 2 to 3 years. In the circumstances, the Commission consider that this is a reasonable timescale for taking up residence on the croft.

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 are satisfied from the available evidence that the assignee will cultivate the croft.

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 objection(s) 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. Approval of the application will bring a new entrant to crofting who will, on the available evidence, cultivate the croft and take up residence within a reasonable timescale.

We are satisfied on the available evidence that the approval of the assignment 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 in relation to assignments.

Croft: East Hogaland
Parish: Northmavine
Reg No: Z1328
Case Number: 87708
Application Type: Assignment

Decision – Approval

Grounds for Decision

The Commission has considered the application to assign the tenancy of the croft (including grazings share) under section 8 of the Crofters (Scotland) Act 1993 (“the 1993 Act”) and has **approved** the 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. We note that the proposed tenant’s principle residence is 31 miles from the croft which is outwith the residency requirement. However, the Commission notes further that the proposed tenant has a house in Ollaberry and he intends to take up residence within 2 to 3 years. In the circumstances the Commission consider that this is a reasonable timescale for taking up residence on the croft.

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 are satisfied from the available evidence that the assignee will cultivate the croft.

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 objection(s) 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. Approval of the application will bring a new entrant to crofting who will, on the available evidence, cultivate the croft and take up residence within a reasonable timescale.

We are satisfied on the available evidence that the approval of the assignment 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 in relation to assignments.

Croft: Breckan, Sabiston, Birsay
Parish: Birsay
Reg No: O0003
Case Number: 87138
Application Type: Decrofting – Croft House Site and Garden Ground

Decision – Approved		Extent: 01668 ha
Grounds for Decision		
<p>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.</p>		
Conditions of Direction		
Enclosure of area:	<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: 1 Clyth Mains Farm
Parish: Latheron
Reg No: C0480
Case Number: 87166
Application Type: Decrofting – Part Croft

Decision – Approved		Extent: 0.0739ha
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 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: Gruids (runcloie)
Parish: Lairg
Reg No: S1618
Case Number: 85260
Application Type: Decrofting – Croft House Site and Garden Ground

Decision – Approved	Extent: 0.145 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.	

Croft: 3 Stronaba
Parish: Kilmonivaig
Reg No: I2375
Case Number: 83077
Application Type: Decrofting

Decision – Approved
Grounds for Decision
The Commission has considered your application under section 24A and 25(1)(a) of the Crofters (Scotland) Act 1993 to decroft an area of 0.6 ha, the stated purpose being provide the site of an existing dwellinghouse and self-catering property and gives a direction on the following grounds:
<ol style="list-style-type: none">1. 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).2. Although the extent of the land to which the application applies is larger than would normally be granted in relation to that purpose, the area is considered justifiable given the size of the area applied for in relation to the croft as a whole, and that there is no practical way of reducing it.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”</i>. There are no issues with access to the site or the remainder of the croft land.

Croft: **Balifrisheal**
Parish: **Boleskine & Abertarff**
Reg No: **I0617**
Case Number: **86436**
Application Type: **Decrofting – Croft House Site and Garden Ground**

Decision – Approved		Extent: 0.2 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: **The Croftie**
Parish: **Urquhart & Logie Wester**
Reg No: **R6633**
Case Number: **88015**
Application Type: **Decrofting – Part Croft**

Decision – Approved		Extent: 0.028ha
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 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: 18 Glen
Parish: Barra
Reg No: I0494
Case Number: 86498
Application Type: Decrofting – Croft House Site and Garden Ground

Decision – Approved		Extent: 0.082 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 Borsham
Parish: Harris
Reg No: I1541
Case Number: 87442
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: 4 Fivepenny Ness
Parish: Barvas
Reg No: R0757
Case Number: 87040
Application Type: Sublet – 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 sublet will be for the fixed period of 5 years.	

Croft: 6 Newlands
Parish: Stornoway
Reg No: R4214
Case Number: 87898
Application Type: Decrofting – Croft House Site and Garden Ground

Decision – Approved		Extent: 0.1092 ha
Grounds for Decision		
<p>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.</p>		
Conditions of Direction		
Enclosure of area:	<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>	