

NOTIFICATIONS AND GROUNDS AND DECISIONS FOR APPLICATIONS DECIDED

Applications between 28/05/18 – 03/06/18

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: **1/25 & 1/22 Balmeanach**
Parish: **Portree**
Reg No: **I3058**
Case Number: **84725**
Application Type: **Division**

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 Totarder**
Parish: **Bracadale**
Reg No: **I0854**
Case Number: **86437**
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: **Barnafield**
Parish: **Northmavine**
Reg No: **Z1350**
Case Number: **87713**
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: Oxensetter
Parish: Northmavine
Reg No: Z1211
Case Number: 87706
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: North Breck
Parish: Walls, Shetland
Reg No: Z2248
Case Number: 86452
Application Type: Decrofting – Part Croft

Decision – Approved	Extent: 0.129 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	
Purpose:	Amenity ground.
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: Gordsend (House Site Only)
Parish: Aithsting
Reg No: Z1684
Case Number: 87984
Application Type: Decrofting – Whole Croft – House site only

Decision – Approved	Extent: 0.16 ha
Grounds for Decision	
We direct that the whole of the croft (as registered in the Crofting Register held by the Keeper of the Registers of Scotland) owned by the landlords but excluding any right of grazing elsewhere formerly held as part of the croft, shall cease to be a croft to which the 1993 Act applies. We are satisfied that the purpose for which the land is to be used is a reasonable one and that the extent of the land is not excessive in relation to that purpose.	
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.	

Highland (excl Caithness)

Croft: 15 Achnairn
Parish: Lairg
Reg No: S1580
Case Number: 88369
Application Type: Assignment

Decision – Approved

Grounds for Decision:

The Commission has considered the application to assign the tenancy of the croft at 15 Achnairn, Lairg 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 are satisfied from the available evidence that the proposed assignee will be in a position to comply with the residency duty following this approval as he has stated that he plans to relocate in June 2018.

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 proposed assignee has the necessary skills to ensure the croft is cultivated.

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 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.

Croft: Upper Docharty (Share)
Parish: Fodderty
Reg No: R6472
Case Number: 88062
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: 182 Evelix (torr)
Parish: Dornoch
Reg No: S0665
Case Number: 87227
Application Type: Decrofting – Part Croft

Decision – Approved	Extent: 0.141ha
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	
<ol style="list-style-type: none"> 1. The land must as a first change of use, be used, let or disposed of as a dwellinghouse. 2. The land must be enclosed (so far as not already enclosed) with a stockproof fence within four months of the development being completed. 3. That fence must be maintained in good order and repair by each successive owner or occupier of the land. 	

Croft: 137 1/2 Badenscallie
Parish: Lochbroom
Reg No: R2493
Case Number: 87169
Application Type: Decrofting – Croft House Site and Garden Ground

Decision – Approved	Extent: 0.324 ha
Grounds for Decision	
<p>The Commission has considered this application to decroft the croft house site and garden ground, extending to 0.324 hectares, under section 24A(1) and section 25(1)(b) of the Crofters (Scotland) Act 1993 and gives a Direction.</p> <p>The grounds for this decision are as follows:</p> <ol style="list-style-type: none"> 1. The Commission is satisfied on the available evidence that the site consists only of the dwellinghouse on or pertaining to the croft. 2. The Commission acknowledge that at 0.324 ha, the extent of the house site and garden ground included is larger than would normally be granted, but considers that on this occasion the proposed site can be justified given that it is fully enclosed and is separate from the remaining croft land. Also, the area forms an apportionment which was granted for the purpose of providing a site as a dwellinghouse. 3. Therefore the proposed area is considered appropriate for the reasonable enjoyment of the dwellinghouse as a residence. 	
Conditions of Direction	
Enclosure of area:	None
Additional Conditions:	None

Western Isles

Croft: 6 Allasdale
Parish: Barra
Reg No: I0162
Case Number: 84974
Application Type: Subletting

Decision – Approved

Grounds for Decision

The Commission has considered the application under section 27 of the Crofters (Scotland) Act 1993 (“the 1993 Act”) to sublet the croft at 6 Allasdale, Barra for a period of 10 years and decided to **grant** 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 sublet of the tenancy of a 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 km, of the crofts. The Commission is satisfied that the residency duty will be met by the proposed subtenant.
- In terms of section 58A(7)(a)(ii) of the 1993 Act, the Commission must have regard to whether the crofts will be cultivated or put to some other purposeful use. The Commission notes that the proposed sub-tenant currently tenants 4 crofts in Barra and has had the use of 6 Allasdale for a number of years as part of a relatively large scale crofting business producing store cattle and sheep. The Commission is therefore satisfied that the land use duties will be met by the proposed subtenant.
- In terms of section 58(7)(b), (c), (d) and (f) of the 1993 Act, the Commission are required to have regard to the interests of the estate, the interests of the crofting community and its sustainability and any objections received. The Commission noted that no objections to the proposed subletting have been received from the landlord or any member of the crofting community. The Commission is satisfied that the sublet will have no adverse impact on these interests.
- In terms of section 58(7)(e) of the 1993 Act, the Commission are required to have regard to the interests of the public at large. 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 sublet.

In terms of section 58A(7)(g) of the 1993 Act, the Commission are required to have regard to its Policy Plan. The Commission have had regard to the Commission’s Policy Plan and is satisfied that the consent hereby provided is consistent with the Policy Plan as it relates to subletting.

Conditions

The sublet will be for the fixed period of 10 years.

Croft: 2B Breasclete
Parish: Uig
Reg No: R6436
Case Number: 88671
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: 470 South Lochboisdale
Parish: South Uist
Reg No: I5367
Case Number: 87570
Application Type: Assignment

Decision – Approval

Grounds for Decision

The Commission has considered the application to assign the tenancy of the croft at 470 South Lochboisdale, 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 are satisfied from the available evidence that the assignee will be in a position to comply with the residency duty within 3 years of the approval. The reason for the 3 year timeframe is that this will align with the proposed assignee’s retirement plans. In the circumstances, we consider 3 years to be a realistic timescale.

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 proposed assignee has made suitable arrangements for ensuring the croft is cultivated during her initial period of absence, and will cultivate the croft at her own hand when she is in a position to take up residence.

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 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.