

NOTIFICATIONS AND GROUNDS AND DECISIONS FOR APPLICATIONS DECIDED

Applications between 13/08/19 – 19/08/19

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.

Caithness, Orkney & Shetland

Crofts: **North Gluss & South Gluss**
Parish: **Northmavine**
Reg Nos: **Z1263 & Z1268**
Case Number's: **80760 & 80755**
Application Type: **Assignment**

| Decision – Approved |
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| Grounds for Decision |
| <p>The Commission has considered the applications under section 8 of the Crofters (Scotland) Act 1993 (“the Act”) to assign the tenancy of the crofts at North Gluss (Z1263) & South Gluss (Z1268) and has decided to approve the applications on the following grounds:</p> <p>Section 58A(7) of the 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.</p> <ul style="list-style-type: none">• We have had regard to whether any person will be ordinarily resident on, or within 32 kilometres, of the crofts. We note that the proposed assignee resides in Glasgow and does not intend to take up residence. We further note however that it is the proposed assignee’s intention to apply for Commission consent to sublet the crofts for a period of 10 years to a local crofter who will comply with the residence duty.• In terms of Section 58A(7)(a)(ii) of the Act, the Commission must have regard to whether the croft is being or will be cultivated or put to such other purposeful use. The Commission notes the proposed assignee’s intention to apply for Commission consent to sublet the crofts for a period of 10 years to a local crofter who will utilise the crofts along with his existing unit. The Commission are therefore satisfied that the crofts will be cultivated.• The Commission must give regard to the interests of the estate under subsection 58A(7)(b) of the Act. We have not received an objection from the landlord/estate in respect of the land to which this application relates and therefore do not consider that the interests of the estate will be adversely affected.• Sections 58A(7)(c) and (d) of the 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 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 division.• Subsection 58A(7)(f) of the 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. The Commission noted an expression of demand which was received from a local person, but as the proposed assignee has provided plans to ensure the residence and land use duties will be met through an application to sublet the crofts to a local crofter, the Commission considered that the applications should be approved.• Section 58A(7)(g) of the 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: Brough, Midbrake, Yell
Parish: Yell
Reg No: Z2734
Case Number: 83264
Application Type: Decrofting – Part Croft

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| Decision – Approved (Modified Area) | Extent: 0.122 ha |
| Grounds for Decision | |
| <p>The Commission have considered the application submitted under section 24A of the Crofters (Scotland) Act 1993 (“the 1993 Act”) to decroft an area of land extending to 0.156 (ha) being the site of an existing dwellinghouse, parking area and access road. Having considered all the evidence in this application, the Commission has decided, in terms of section 24B of the 1993 Act to grant a decrofting direction but in terms of section 25(5) of the 1993 Act to modify the area applied for to an area extending to 0.122 ha, excluding the parking area and access road. The grounds for decision are as follows:</p> <ul style="list-style-type: none"> • In terms of section 25(1)(a) of the Act, the Commission must be satisfied that the applicants have 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 site of an existing dwellinghouse, parking area and access road is a reasonable purpose within the meaning of section 20 of the Act. • The Commission further considers that while the area of 0.156 ha is not excessive in relation to the purpose, the area applied for includes an access road leading to neighbouring croft land and a parking area which also provides access to croft land, therefore modifying the area to 0.122 ha, is considered to be reasonable in relation to the applicant’s needs. In coming to this decision, the Commission has had reference to its Policy Plan as published and, in this regard, we refer to paragraph 67 of the Plan in support of our decision. This requires that when considering applications, the Commission will wish to ensure that suitable access arrangements are provided for any croft land. Such access being suitable for agricultural or other machinery required for the cultivation and maintenance of the croft. We note that the applicant has indicated that vehicular access will be allowed through the proposed decrofted areas to the neighbouring croft land. However, the Commission has no locus in reserving access either over land which has been removed from crofting tenure, or over common grazing land, therefore allowing the access to be included in the direction would potentially be restricting access to the croft land. In considering applications the Commission has to balance the interests of the applicant in seeking to decroft the parking area and access track against the requirement that any other occupier should be able to access croft land. The Commission do not consider that the applicant has provided compelling reasons why the Commission should not have regard to its Policy in this individual case, though the case has been determined with regard to its own facts and circumstances. The Commission is satisfied that the granting of the modified direction will not have a negative impact on the remainder of the croft as by confining the area included in the direction to the house site and garden ground, it will allow continuing access for current or future occupiers of the croft land to comply with the statutory duty to cultivate the croft or put the croft to another purposeful use. • For the foregoing reasons the Commission consider its decision to issue a decrofting direction for a modified area of 0.122 ha is consistent with its Policy Plan and its responsibilities under the legislation as it supports the applicant’s wish to have an area decrofted as the site of an existing dwellinghouse, while retaining appropriate access to the remainder of the croft. | |

Croft: **Sandwick**
Parish: **Burra**
Reg No: **Z2886**
Case Number: **85239**
Application Type: **Decrofting – Part Croft**

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| Decision – Approved | Extent: 0.245 ha |
| Grounds for Decision | |
| <p>The Commission has considered the application submitted under section 24A and 25(1)(a) of the Crofters (Scotland) Act 1993 (“the 1993 Act”) to decroft part of the croft at Sandwick, Burra, extending to 0.245 (ha) to provide the site for two semi-detached dwellinghouses and have agreed to grant a decrofting Direction under section 24B of the 1993 Act on the following grounds:</p> <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) and the extent applied for is considered not to be excessive in relation to that purpose. 2. There have been no objections received from any member of the crofting community in response to the advertising of the application to decroft. 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>. The Commission have concluded that there are no issues with access to the remainder of the croft or to any other croft or common grazing land. | |
| Conditions of Direction | |
| <p>The land must as a first change of use, be used, let or disposed of as the site for two semi-detached dwellinghouses.</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: **Lower Waterytown**
Parish: **Cunningsburgh**
Reg No: **Z3741**
Case Number: **88084**
Application Type: **Let of Vacant Croft by Landlord**

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| 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: **Toft, Lowertoft & Gamliegarth (Share)**
Parish: **Fetlar**
Reg No: **Z3453**
Case Number: **87192**
Application Type: **Assignment**

Decision – Approved

Grounds for Decision

The Commission has considered the application by Mrs Janet B Coutts under section 8 of the Crofters (Scotland) Act 1993 (“the 1993 Act”) to assign the deemed croft at Toft, Lowertoft & Gamliegarth 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 assignment 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 noted that the proposed tenant currently resides in Aith on the island of Fetlar and is therefore satisfied that the residency duty will be met by the proposed tenant.
- 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 tenant has a current interest in 13 owner-occupied crofts with his wife and sister-in-law. The Commission notes from the SGRPID report that these crofts are stocked with approximately 647 Shetland and Cheviot cross ewes, 80 Blackface sheep and 52 cattle. The Commission further notes from the report that the deemed croft comprising a grazing share will provide additional grazing land for the current operation. The Commission are therefore satisfied that the proposed tenant will ensure the deemed croft will be utilised for grazing purposes.
- 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 assignment have been received from the landlord or any member of the crofting community. The Commission is satisfied that the assignment 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 assignment.
- 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 assignment.

Highland (excl Caithness)

Croft: 4 Blarnaleirach
Parish: Lochbroom
Reg No: R2543
Case Number: 85109
Application Type: Decrofting – Part Croft

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| Decision – Approved | Extent: 0.073 ha |
| Grounds for Decision | |
| <p>The Commission has considered this application under section 24A and 25(1)(a) of the Crofters (Scotland) Act 1993 to decroft an area of 0.073 ha, the stated purpose being to provide amenity ground for existing an dwellinghouse and gives a direction on the following grounds:</p> <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. 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. | |
| Conditions of Direction | |
| <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> | |

Western Isles

Croft: 9a Aird Of Tong
Parish: Stornoway
Reg No: R4766
Case Number: 88476
Application Type: Decrofting – Part Croft

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| Decision – Approved | Extent: 0.10 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 | |
| Purpose: | Site for a proposed dwellinghouse |
| Enclosure of area: | <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 acquisition.</p> <p>That fence shall be maintained in good order and repair by each successive owner or occupier of the land.</p> |

Croft: 28A Leurbost
Parish: Lochs
Reg No: R3264
Case Number: 88946
Application Type: Assignment

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| Decision – Approved |
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| Grounds for Decision |
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| 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. |
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Croft: 7 North Shawbost
Parish: Barvas
Reg No: R1064
Case Number: 90491
Application Type: Assignment

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| Decision – Approved |
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| Grounds for Decision |
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| 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. |
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