

# NOTIFICATIONS AND GROUNDS AND DECISIONS FOR APPLICATIONS DECIDED

Applications between 20/08/18 – 26/08/18

**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.

## Caithness, Orkney & Shetland

**Croft:** Briarlea  
**Parish:** Orphir  
**Reg No:** 00169  
**Case Number:** 87847  
**Application Type:** Decrofting – Croft House Site and Garden Ground

<b>Decision – Approved</b>		<b>Extent: 0.0575 ha</b>
<b>Grounds for Decision</b>		
<ul style="list-style-type: none"> <li>• The Commission has considered the application under section 24(3) and 25(1)(b) of the Crofters (Scotland) Act 1993 to decroft the croft house site and garden and <b>gives a direction</b>. The Commission is satisfied on the available evidence that the site consists only of the dwellinghouse on or pertaining to the croft.</li> <li>• 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.</li> <li>• 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 while the existing croft access to the remainder of the croft is included in the site to be decrofted, the applicants have committed to installing a new access, which has been identified, to the remaining croft land.</li> </ul>		
<b>Conditions of Direction</b>		
<b>Enclosure of area:</b>	<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:** **Wester Brough**  
**Parish:** **Unst**  
**Reg No:** **Z1928**  
**Case Number:** **87670**  
**Application Type:** **Decrofting – Croft House Site and Garden Ground**

<b>Decision – Approved</b>		<b>Extent: 0.167 ha</b>
<b>Grounds for Decision</b>		
<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>		
<b>Conditions of Direction</b>		
<b>Enclosure of area:</b>	<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:** 262(1) Daliburgh  
**Parish:** South Uist  
**Reg No:** I4957  
**Case Number:** 83028  
**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 262(1) Daliburgh, South Uist 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 notes that the proposed subtenant currently resides in the township of Daliburgh and is therefore 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 subtenant has utilised the croft for a number of years and the intention of the applicant is to maintain their current crofting enterprise which comprises a breeding flock of around 70 ewes. The Commission notes the comment in the SGRPID report that *“The Daliburgh croft has, over the years, become an integral part of Mr MacCormick’s crofting enterprise and its loss would mean that the stock numbers would have to be reduced accordingly.”* The Commission are therefore satisfied that the croft will be cultivated by the proposed subtenant.
- In terms of section 58(7)(b) of the 1993 Act, the Commission are required to have regard to the interests of the estate. The Commission noted that no objections to the proposed subletting have been received from the landlord. The Commission do not consider that on the available evidence that the interests of the estate will be adversely affected.
- In terms of section 58(7)(c) and (d) of the 1993 Act, the Commission are required to have regard to the interests of the crofting community in the locality of the croft and the sustainable development of that crofting community. The Commission noted that the proposed subtenant is currently a member of the Daliburgh Common Grazings Committee and is actively involved in the township’s crofting activities. The Commission further notes that a letter of support was submitted signed by 12 shareholders in Daliburgh Common Grazings indicating that the proposed subtenant is an asset to the township. In the circumstances, the Commission consider that approving the sublet and regularising the proposed subtenants use of the croft and associated share will have a positive effect on the crofting community and its sustainable development.
- In terms of section 58(7)(e) of the 1993 Act, the Commission are required to have regard to any objections received following public notification of the application to sublet. The Commission notes that two objections were received from members of the crofting community. The Commission notes that one of the objections appears to relate to a dispute between the objector and the proposed subtenant. In the circumstances, the Commission did not consider that the matter has any bearing on the statutory factors the Commission are required to take account of when considering a subletting

application. The Commission notes that the second objection relates to the proposed subtenant's use of the Daliburgh Common Grazings and "Linne Mhor". While noting and recognising these concerns, the Commission considered that these are matters for the Grazings Committee to deal with in their role in administering their grazings regulations with respect to the management and use of the Common Grazings. The Commission did not consider the concerns expressed in the objection outweighed the positive factors in approving the application. [It is the responsibility of the Grazings Committee to administer the Grazings Regulations, with any changes to the Grazings Regulations requiring consultation with the landlord and the approval of the Commission (which Regulations are to make provision for the number and kind of stock which each crofter is entitled to put on the common grazing).

- 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:** 4 Cleat  
**Parish:** Barra  
**Reg No:** I0354  
**Case Number:** 89842  
**Application Type:** Subletting

**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 10 years.

**Croft:** 64 Back  
**Parish:** Stornoway  
**Reg No:** R3619  
**Case Number:** 87149  
**Application Type:** Subletting

**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 8 years.

**Croft:** 3 North Dell  
**Parish:** Barvas  
**Reg No:** R0598  
**Case Number:** 89579  
**Application Type:** Decrofting – croft house site and garden ground –  
in advance of purchase

<b>Decision – Approved</b>		<b>Extent: 0.088 ha</b>
<b>Grounds for Decision</b>		
The application provided us with all necessary information to take a decision and is in line with the Commission Plan and Policy Guidance. We are therefore satisfied that the application does not adversely affect the interests of the estate, the crofting community, the public at large or have an adverse effect on the sustainable development of the crofting community.		
<b>Conditions of Direction</b>		
<b>Enclosure of area:</b>	1. 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.	
<b>Additional Conditions:</b>	2. That fence shall be maintained in good order and repair by each successive owner or occupier of the land.	

**Croft:** 24 Callanish  
**Parish:** Uig  
**Reg No:** R5072  
**Case Number:** 88584  
**Application Type:** Decrofting – Part Croft

<b>Decision – Approved</b>		<b>Extent: 0.15 ha</b>
<b>Grounds for Decision</b>		
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.		
<b>Conditions of Direction</b>		
The land must as a first change of use, be used, let or disposed of as a site for a dwellinghouse.		
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.		