

NOTIFICATIONS AND GROUNDS AND DECISIONS FOR APPLICATIONS DECIDED

Applications between 10/09/18 – 16/09/18

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: 256 Port An Eorna
Common Grazing: Port An Eorna
Parish: Lochalsh
Reg No: R2378
Case Number: 85801
Application Type: Apportionment

Decision – Approved	Extent: 0.009 ha
Grounds for Decision:	
The application for the Commission’s consent to apportion a part of the above common grazing for the applicant’s own exclusive use has been approved subject to the below conditions.	
Purpose	
Access to the barn.	
Conditions	
<p>(FIRST) The apportionment must be fenced in accordance with the attached map. If you find it is not possible to enclose the area with a stockproof fence in terms of the attached map, you must complete the fencing within the line of apportionment. You must not encroach onto the unapportioned common grazing land. However, if there are any unforeseen physical constraints which prohibit from enclosing on or within the agreed fence line, you may seek a review of the condition.</p> <p>(SECOND) You and your successors shall in all time coming maintain in a stockproof condition any new fences and gates erected to complete the enclosure of the said area of ground and that without prejudice to any liability they may have for the maintenance of any other fences and gates bounding the said area of ground.</p> <p>(THIRD) The souming for the said croft in the said common grazings shall remain the same.</p> <p>(FOURTH) Your liability for township expenses including the expenses incurred by the Committee in maintaining the said common grazing and in providing, maintaining and replacing any fixed equipment required in connection therewith, shall, notwithstanding that the souming remain as hitherto (that is to say, based on the original souming) but you may apply to the said Grazing Committee for modification of your liability for township obligations and if you are dissatisfied with the decision of the said Grazing Committee you can make representations to the Crofting Commission.</p> <p>(FIFTH) The apportionment is granted on the understanding that the area apportioned is for your own exclusive use.</p> <p>(SIXTH) All existing rights of access over the area apportioned shall be reserved.</p>	

Croft: 78, 79 & 82 Portuairk
Parish: Ardnamurchan & Sunart
Reg No: A0295
Case Number: 85694
Application Type: Decrofting – Part Croft

Decision – Approved	Extent: 0.242 ha
Grounds for Decision	
<p>The Commission has considered THE application under sections 24(3) and 25(1)(a) of the Crofters (Scotland) Act 1993 to decroft an area of 0.242 (ha) as the site of an existing dwellinghouse and decided to grant a decrofting Direction on the following grounds:</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 • The site applied for is already a house and garden ground with a mature well-established garden area and although 0.242(ha) is a larger area than would normally be granted, in the circumstances it is considered reasonable • Paragraph 41 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 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>	

Caithness, Orkney & Shetland

Croft: Pund & Udhouse
Parish: Delting
Reg No: Z0194
Case Number: 86325
Application Type: Decrofting – Part Croft

Decision – Approved	Extent: 0.215 ha
Grounds for Decision	
<p>The Commission has considered your application under sections 24(3) and 25(1)(a) of the Crofters (Scotland) Act 1993 to decroft an area of 0.215 (ha) for the purpose of providing a site for a dwelling house and decided to grant a decrofting Direction on the following grounds:</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.• 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 as a first change of use, be used, let or disposed of as the site for a new dwellinghouse.</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: Gord
Parish: Dunrossness
Reg No: Z0490
Case Number: 87606
Application Type: Decrofting – Part Croft

Decision – Approved	Extent: 0.24 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	
<p>The land must as a first change of use, be used, let or disposed of as the site for two new 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: Greendykes
Parish: Sandness
Reg No: Z2437
Case Number: 88911
Application Type: Decrofting – Croft House Site and Garden Ground

Decision – Approved		Extent: 0.136 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: Scraefield
Parish: Unst
Reg No: Z1955
Case Number: 89668
Application Type: Sublet

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/short term let will be for the fixed period of 10 years	

Croft: Scraefield
Parish: Unst
Reg No: Z1954
Case Number: 89669
Application Type: Sublet

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/short term let will be for the fixed period of 10 years	

Croft: Bayhall, Walls
Parish: Walls, Shetland
Reg No: Z2495
Case Number: 89371
Application Type: Decrofting – Part Croft

Decision – Approved	Extent: 0.21 ha
Grounds for Decision	
<p>The Commission has considered your application under sections 24(3) and 25(1)(a) of the Crofters (Scotland) Act 1993 to decroft an area of 0.21 (ha) for the purpose of providing a site for a dwellinghouse and decided to grant a decrofting Direction on the following grounds:</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. • 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 as a first change of use, be used, let or disposed of as the site for a new dwellinghouse.</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>	

Highland (excl Caithness)

Croft: 161 Spinningdale
Parish: Creich
Reg No: S0593
Case Number: 89405
Application Type: Short Term Let

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>
Conditions
<p>The short term let will be for the fixed period of 7 years.</p>

Croft: **Balnain**
Parish: **Contin**
Reg No: **R1234**
Case Number: **81208**
Application Type: **Decrofting – Reasonable purpose**

Decision – Approval	Extent: 4.329(ha)
Grounds for Decision	
<p>The Commission has considered this application to decroft an area of the croft extending to 4.329 (ha) and approves 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. <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 must 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. They must also consider whether the area applied for is excessive in relation to the purpose applied for.</p> <p>In this particular case, the applicant has stated in the application form that the purpose of the application is to sell the land to the Forestry Commission Scotland as it includes the tourist attraction at Rogie Falls consisting of a steep area of established woodland with a network of paths leading down to the waterfall and a car park. This area is already used extensively by the public and is separated from the rest of the croft by a busy trunk road (the A835). The total extent of the croft is 117(ha).</p> <p>The Commission further noted the comments by Forestry Commission Scotland stating that the sale of the land to it would improve health and safety on the site, enable control of the site to improve the facilities, allow the woodland on the site to be managed and maintained and improve the visitor experience at the Rogie Falls. Taking all these circumstances into account, the Commission therefore consider this to be a reasonable purpose within the meaning of section 20 of the 1993 Act which is in the public interest. The Commission considers that there is a strong public interest in all of the proposals being outlined by Forestry Commission being carried out and that the public interest in this case outweighs any negative impact on the croft and/or the general interest of the crofting community. The Commission notes that the area sought to be decrofted consists of mature mixed woodland with a network of public paths and has not seen any crofting activity for a considerable period of time. The Commission further considers that at 4.329(ha), the area applied for is not excessive in relation to that purpose.</p> <p>It is a condition of the foregoing direction that the land subject to the direction is sold to Forestry Commission Scotland or its statutory successor(s) within two years of the date of this direction.</p> <p>For the foregoing reasons the application is approved.</p>	

Western Isles

Croft: 19 Lemreway
Parish: Lochs
Reg No: R3219
Case Number: 84439
Application Type: Decrofting – Croft House Site and Garden Ground

Decision – Approved		Extent: 0.195 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: 11 Cleat
Parish: Barra
Reg No: I0361
Case Number: 88349
Application Type: Decrofting – Croft House Site and Garden Ground

Decision – Approved		Extent: 0.091 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 dwelling-house on or pertaining to the croft and that the extent of the garden ground is appropriate for the reasonable enjoyment of the dwelling-house 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: 12 Baleshare
Parish: North Uist
Reg No: I4219
Case Number: 83799
Application Type: Decrofting – Part Croft – Reasonable Purpose –
 Advance of Purchase

Decision – Refused	Extent: 0.534 ha
Grounds for Decision	
<p>The Commission has considered this application to decroft part of the croft at 12 Baleshare and refuses it. Sections 25(1)(a) of the Crofters (Scotland) Act 1993 (“the 1993 Act”) sets out those matters to which the Crofting Commission (“the Commission”) must give regard when reaching a decision on applications for a Commission direction to decroft a croft or part of a croft for a reasonable purpose.</p> <p>Under section 25(1)(a), 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>In this particular case, the applicant has indicated that the purpose of the application is to provide a site for a dwellinghouse which is supported by Planning Permission in Principle and may be sold on to a third party. While the Commission are satisfied that the purpose is a reasonable one within the meaning of section 20 of the 1993 Act generally, it has to consider the (specific) purpose in relation to the good of the croft, 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 applied for is not excessive.</p> <p>The Commission is of the view that an area of 0.534 ha for the provision of a site for a single dwellinghouse is excessive in relation to this purpose. In coming to that conclusion, the Commission noted that the plan submitted with the application for Planning Permission in Principle does not show the footprint of the proposed site, but it is of the view that a substantially smaller area would accommodate a single dwellinghouse.</p> <p>The Commission must also balance the interests of the applicant in granting the Direction against the impact of any proposed decrofting in relation to the interests of the crofting community. The Commission is empowered under section 25(1A)(b) of the 1993 Act to take account of the effect that the purpose (notwithstanding that planning permission has been granted) would have on the croft and the crofting community and must also assess the general interest of the crofting community in terms of section 25(2) of the 1993 Act. The Commission has determined that, following evidence supplied by the local SGRPID Reporting Officer, by decrofting the area applied for, it will have a detrimental effect on the good of the croft by removing what the Reporting Officer describes as good grassland and which has been improved in the past and provides the opportunity to control and care for small numbers of animals in a relatively dry field. The Commission is of the view that decrofting of the site applied for would also adversely affect the general interests of the crofting community in the district by reducing current and future opportunities for active crofting on this croft within the context of the local crofting community, but recognises that the main adverse impact would be on the croft itself.</p> <p>The SGRPID Reporting Officer has stated that there is always a latent demand for tenancies either from within the townships by those wishing to expand or from those who wish to become a new entrant to crofting. Therefore, the Commission is of the view that there would be demand for a tenancy of the croft, if it were actually to become available for letting on the open market. It is the Commission’s view that the potential adverse impact upon the croft of granting the direction sought would materially reduce the attractiveness of the croft for any tenant of the croft, if it were to become available for letting on the open market.</p> <p>For the foregoing reasons the application has been Refused.</p>	

