

NOTIFICATIONS AND GROUNDS AND DECISIONS FOR APPLICATIONS DECIDED

Applications between 17/09/18 – 23/09/18

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: 2 Annishadder
Parish: Snizort
Reg No: I3543
Case Number: 79948
Application Type: Part Croft Decrofting

Decision – Approval
Grounds for Decision
<p>The Commission has considered the application under sections 24(3), 25(1)(a) and 25(4) of the Crofters (Scotland) Act 1993 (“the 1993 Act”) to decroft part of the croft extending to 0.042 (ha) to provide a new access to a private dwellinghouse and grants a direction on the following grounds:</p> <ul style="list-style-type: none">• Under section 25(1)(a) of 1993 Act, the application is considered to be for a reasonable purpose (within the meaning of section 20 of the Act) and is considered not to be 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>”. The Commission notes that the site applied for effectively removes the existing access from the croft. However, the Commission further notes that the applicant has proposed a new access point from the public road to the croft and provided evidence from Highland Council in the form of approval to the new croft access at 2 Annishadder. While granting the decrofting application, the Commission will condition the Direction to require that the alternative access proposed by the tenant is created.
Conditions
<p>While granting the decrofting application, the Commission will condition the Direction to require that the alternative access proposed by the tenant is created.</p>

Croft: 29 & 30 Mains Bernisdale
Parish: Snizort
Reg No: I3588
Case Number: 86101
Application Type: Division by Tenant

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: **½2 and ½3 Tote**
Parish: **Snizort**
Reg No: **I3811**
Case Number: **87932**
Application Type: **Part Croft Decrofting**

Decision – Approval
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 (“the 1993 Act”) to decroft part of the croft, being the site of an existing dwellinghouse, extending to 0.387 ha, on the following grounds:</p> <ul style="list-style-type: none">• Under section 25(1)(a) of 1993 Act, the application is considered to be for a reasonable purpose (within the meaning of section 20 of the Act) and is not excessive in relation to the stated purpose;• 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.• 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 determined that there are no issues with access to the site, the remainder of the croft or any other croft land.
Conditions
Fencing conditions.

Croft: **223 Acharacle**
Parish: **Ardnamurchan and Sunart**
Reg No: **A0153**
Case Number: **91418**
Application Type: **Consent to be absent**

Decision – Approved
Grounds for Decision
<p>The Crofting Commission has considered this application seeking an extension to consent to be absent under section 21C of the Crofters (Scotland) Act 1993 (“the 1993 Act”) and gives its consent to an extension for consent to be absent until 31 August 2020 on the following grounds:</p> <ul style="list-style-type: none">• We are satisfied on the available evidence that there is good reason for the crofter not to be ordinarily resident on, or within 32 kilometres of, the croft.• We note that the crofter’s work commitments in Inverness have recently changed and he requires to reside in Inverness for the next 18–24 months. It is also noted that the crofter has committed to return to reside on his croft within a two year period.• We further note that the duty to cultivate and maintain the croft or, with the landlord’s consent, put the croft to a purposeful use, is being met by the crofter and his father-in-law.

Croft: **1/23 Gedintailor**
Parish: **Portree**
Reg No: **I3171**
Case Number: **89608**
Application Type: **Decrofting – Croft House Site and Garden Ground**

Decision – Approved	Extent: 0.111 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: **5 Grealine**
Parish: **Kilmuir (Skye)**
Reg No: **I2654**
Case Number: **90913**
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 7 years.

Croft: **20 Kilmuir**
Parish: **Duirinish**
Reg No: **I1207**
Case Number: **91637**
Application Type: **Short Term Letting**

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.
Condition
The short term let will be for the fixed period of 4 years.

Croft: 1 & 3 Rhenetra & pt Glenhaultin
Parish: Snizort
Reg No: I3786
Case Number: 90803
Application Type: Assignation

Decision – Approved

Grounds for Decision

The Commission has considered the application to assign the tenancy of the croft at 1 & 3 Rhenetra & Part Glenhaultin, Snizort (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 tenant will be ordinarily resident on, or within 32 kilometres of the croft. We note that the proposed tenant does not currently comply with this residence requirement. However, the Commission notes that there is not currently a habitable house on the croft. The Commission further notes that the proposed tenant intends to take up residence within 2 to 3 years. In the circumstances, the Commission consider that this is a reasonable timescale for taking steps to relocate to 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. The Commission notes that the proposed tenant intends to make regular visits to the croft to carry out works of cultivation and maintenance. The Commission further notes that the proposed tenant will arrange for a local sub-contractor to carry out works as required. In the circumstances, the Commission are satisfied from the available evidence that the croft will be cultivated. The Commission further notes that longer term the proposed tenant intends to use part of the croft to renewable energy projects. The proposed tenant is advised that under section 5C(4) of the 1993 Act, he should discuss with and seek the landlord’s consent prior to putting any part of the croft to a purposeful use other than cultivation.

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 assignation 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 assignations.

Croft: 11 & 12 Garafad
Parish: Kilmuir (Skye)
Reg No: I2633
Case Number: 90914
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 7 years.

Croft: ½1, ½2, 3 & 4 Breckry
Parish: Kilmuir (Skye)
Reg No: I2520
Case Number: 90915
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 7 years.

Caithness, Orkney & Shetland

Croft: Joppa
Parish: Delting
Reg No: Z0183
Case Number: 84376
Application Type: Decrofting – Part Croft

Decision – Approved	Extent: 0.585 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 (“the 1993 Act”) to decroft an area of 0.585 (ha) as the site of an existing hotel 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 application is in respect of a site of a hotel which has been in existence for over 30 years. In the circumstances the Commission consider that the area of 0.585(ha) is not excessive in relation to the purpose applied for. 	

Highland (excl Caithness)

Croft: 1, 3 & 5 West Shinness
Parish: Lairg
Reg No: S1661
Case Number: 90504
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: Toremore Croft
Parish: Clyne
Reg No: S2210
Case Number: 88407
Application Type: Let by Landlord

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.

Western Isles

Croft: **13 South Dell**
Parish: **Barvas**
Reg No: **R0628**
Case Number: **91064**
Application Type: **Consent to be absent**

Decision – Approved

Grounds for Decision

The Crofting Commission considered the application from Mrs M Macaulay for consent to be absent from the croft for a period of 9 years commencing in August 2016. As consent to be absent cannot be granted retrospectively, the Commission determined to give its consent under section 21B of the Crofters (Scotland) Act 1993 (“the 1993 Act”) to the crofter but to restrict the term of absence until 1 January 2024.

In reaching this decision, the Commission were satisfied on the available evidence that there is good reason for Mrs Macaulay not to be ordinarily resident on, or within 32 kilometres of, the croft, and decided to grant consent to be absent until 1 January 2024 to tie in with the consent to be absent granted to Mrs Macaulay’s husband in respect of his croft 23 Breasclete.

The consent provided does not relieve Mrs Macaulay of her duty to cultivate and maintain the croft or, with the landlord’s consent, put the croft to a purposeful use. We note that the croft is grazed by Mrs Macaulay’s husband’s flock of sheep which is managed by her brother-in-law, Kenneth Macaulay. We also note that Mrs Macaulay and her husband make regular visits to South Dell to assist on the croft.

Croft: **35 Cross**
Parish: **Barvas**
Reg No: **R0578**
Case Number: **90111**
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.