

# NOTIFICATIONS AND GROUNDS AND DECISIONS FOR APPLICATIONS DECIDED

Applications between 08/10/18 – 14/10/18

**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:** 8 & 9 Cornaigmore  
**Parish:** Tiree  
**Reg No:** A1151  
**Case Number:** 87061  
**Application Type:** Assignment

### Decision – Approved

#### Grounds for Decision

The Commission has considered the application by Hugh Campbell under section 8 of the Crofters (Scotland) Act 1993 (“the 1993 Act”) to assign the croft at 8 & 9 Cornaigmore, Tiree to Gilleasbuig Campbell 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 32km, of the crofts. The Commission noted that the proposed tenant currently resides within 32km of the croft and intends to move to live in the existing croft house on the croft. Therefore the Commission is 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 currently occupies three other crofts. The Commission notes from the SGRPID report that these crofts are well stocked and he makes use of every hectare at his disposal. The Commission are therefore satisfied that the proposed tenant will cultivate the croft at 8 & 9 Cornaigmore, Tiree.
- 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 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.

**Croft:** **7 Bunacaimb**  
**Parish:** **Arisaig & Moidart**  
**Reg No:** **I6075**  
**Case Number:** **90600**  
**Application Type:** **Decrofting – Croft House Site and Garden Ground**

<b>Decision – Approved</b>	<b>Extent: 0.158 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>	

**Caithness, Orkney & Shetland**

**Croft:** **Brae**  
**Parish:** **Delting**  
**Reg No:** **Z0097**  
**Case Number:** **90976**  
**Application Type:** **Decrofting – Part Croft**

<b>Decision – Approved</b>	<b>Extent: 0.098 ha</b>
<b>Grounds for Decision</b>	
<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>	
<b>Conditions of Direction</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:** **Cleatfurrows, Birsay**  
**Parish:** **Birsay**  
**Reg No:** **O0005**  
**Case Number:** **87850**  
**Application Type:** **Decrofting – Part Croft**

<b>Decision – Approved</b>	<b>Extent: 0.015ha</b>
<b>Grounds for Decision</b>	
<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>	
<b>Conditions of Direction</b>	
<p>The land must as a first change of use, be used, let or disposed of as amenity ground.</p>	

**Croft:** Hannigarth & Easting Engl  
**Parish:** Unst  
**Reg No:** Z2014  
**Case Number:** 90097  
**Application Type:** Sublet

<b>Decision – Approved</b>
<b>Grounds for Decision</b>
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.
<b>Conditions</b>
The sublet/short term let will be for the fixed period of five years.

**Croft:** Lochend  
**Parish:** Tingwall  
**Reg No:** Z1833  
**Case Number:** 91593  
**Application Type:** Subletting

<b>Decision – Approved</b>
<b>Grounds for Decision</b>
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.
<b>Conditions</b>
The sublet/short term let will be for the fixed period of five years.

**Croft:** Neepoback, Burravie, Yell  
**Parish:** Yell  
**Reg No:** Z2580  
**Case Number:** 91630  
**Application Type:** Subletting

<b>Decision – Approved</b>
<b>Grounds for Decision</b>
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.
<b>Conditions</b>
The sublet will be for the fixed period of 10 years.

## Highland (excl Caithness)

**Croft:** 371 Skelbo  
**Parish:** Dornoch  
**Reg No:** S0744  
**Case Number:** 91108  
**Application Type:** Decrofting – Croft House Site and Garden Ground

<b>Decision – Approved</b>		<b>Extent: 0.158 ha</b>
<b>Grounds for Decision</b>		
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.		
<b>Conditions of Direction</b>		
<b>Enclosure of area:</b>	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:** Roskhill  
**Parish:** Knockbain  
**Reg No:** R2228  
**Case Number:** 86771  
**Application Type:** Decrofting – Part Croft

<b>Decision – Approved</b>		<b>Extent: 0.223 ha</b>
<b>Grounds for Decision</b>		
The Commission has considered the application under section 24A and 25(1)(a) of the Crofters (Scotland) Act 1993 (“the 1993 Act”) to decroft part of the croft extending to 0.223 (ha) to provide a site for a dwellinghouse and have agreed to <b>grant</b> a decrofting Direction on the following grounds:		
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. 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.		
<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.		

**Croft:** Lower Dalnaclach  
**Parish:** Logie (Easter)  
**Reg No:** R6031  
**Case Number:** 88181  
**Application Type:** Decrofting – Part Croft

<b>Decision – Approved</b>	<b>Extent: 0.069 ha</b>
<b>Grounds for Decision</b>	
<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>	
<b>Conditions of Direction</b>	
<p>The land must as a first change of use, be used, let or disposed of as amenity ground to an existing dwellinghouse.</p> <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:** 54a Balallan  
**Parish:** Lochs  
**Reg No:** R2945  
**Case Number:** 91146  
**Application Type:** Decrofting – Croft House Site and Garden Ground

<b>Decision – Approved</b>	<b>Extent: 0.134 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 acquisition of the land by the crofter or nominee.</p> <p>That fence shall be maintained in good order and repair by each successive owner or occupier of the land.</p>

**Croft:** 9 Balallan  
**Parish:** Lochs  
**Reg No:** R2894  
**Case Number:** 89010  
**Application Type:** Assignation

<b>Decision – Approved</b>
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<b>Grounds for Decision</b>
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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:** 295 Daliburgh, Isle of Uist  
**Parish:** South Uist  
**Reg No:** I5998  
**Case Number:** 91461  
**Application Type:** Consent to be absent

<b>Decision – Approved</b>
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<b>Grounds for Decision</b>
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The Commission has considered the application for consent to be absent from the croft under section 21B of the Crofters (Scotland) Act 1993, is satisfied that there is a good reason for the crofter not to be ordinarily resident on, or within, 32 kilometres of the croft and grants the crofter consent to be absent until 09/10/2023.
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