

NOTIFICATIONS AND GROUNDS AND DECISIONS FOR APPLICATIONS DECIDED

Applications between 12/11/18 – 18/11/18

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: 5 & 7a Balinoe (Share)
Common Grazing: Balinoe Common Grazings
Parish: Tiree
Reg No: A1903
Case Number: 87784
Application Type: Apportionment

Decision – Approved	Extent: 9.0 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 conditions below.	
Purpose	
Stock Management	
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 grazing shall be extinguished.</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 has been extinguished 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) You and your successors shall use the area hereby apportioned for stock management.</p> <p>(SIXTH) The apportionment is granted on the understanding that the area apportioned is for your own exclusive use.</p> <p>(SEVENTH) All existing rights of access over the area apportioned shall be reserved.</p>	

Croft: 5 Colliemore
Parish: Portree
Reg No: I3104
Case Number: 90700
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.

Caithness, Orkney & Shetland

Croft: Scholland
Parish: Dunrossness
Reg No: Z0593
Case Number: 89122
Application Type: Decrofting – Part Croft

Decision – Approved	Extent: 0.118 ha
Grounds for Decision	
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.	
Conditions of Direction	
The land must as a first change of use, be used, let or disposed of as the site of a new 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.	

Highland (excl Caithness)

Croft: 3 & 4 Aviemore (Burnside)
Parish: Duthil
Reg No: I1305
Case Number: 88140
Application Type: Decrofting – whole croft

Decision – Approved

Grounds for Decision

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 the croft at **3 & 4 Aviemore (Burnside)** to provide the site for a housing development and have agreed to **grant** a decrofting Direction under section 24B of the 1993 Act on the following grounds:

In terms of section 25(1)(a) of the Crofters (Scotland) Act 1993 (“the 1993 Act”), the Commission must be satisfied that the applicant has 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. It is noted that purpose of the application is to provide 30 flats and 8 terraced units and that this includes 9 affordable homes.

The Commission is satisfied that the provision of housing is a reasonable purpose within the meaning of section 20 of the Act. The site of the proposed new housing development has planning consent and has been granted planning permission by the Cairngorms National Park Authority. The Commission is further satisfied that the area applied for is not excessive, having examined the planning permission and the scale of the proposed development.

The Commission is satisfied that the planning permission demonstrates that there is public interest in respect of the provision of housing in the area and considers that the public interest, in this instance, outweighs the loss of this croft through decrofting. The parcel of land is located beside residential development in the town of Aviemore and close to the main A9 trunk road.

Section 25(2) of the Act also requires the Commission to have regard to the general interest of the crofting community in the district in which the croft is situated and in particular to the demand, if any, for a tenancy of the croft from persons who might reasonably be expected to obtain that tenancy if the croft were offered for letting on the open market on the date when they are considering the application. The Commission noted that there were no objections or expressions of demand received in response to the advertising of this decrofting application but does not consider that the absence of any explicit expression of demand indicates that there would be no demand, if the croft were available for letting.

The Commission recognise that there could be a loss to the crofting community in the district in decrofting this croft through the loss of an opportunity at some point in the future for taking up a tenancy of the croft. However, the Commission recognised that the croft has not been worked as a croft for a considerable period of time and is located beside existing residential development and the A9 trunk road directly to the west. In the circumstances, the residential and transport developments around the croft make it less attractive to any future croft tenant of the land who would wish to carry out crofting activities on the land. The Commission has balanced the adverse impact upon the crofting community in the district and the public interest associated with a housing development (which incorporates an element of affordable housing) and finds that, in this case, the public interest outweighs the detriment to the crofting community in the district.

Croft: **Baltimore**
Parish: **Knockbain**
Reg No: **R5743**
Case Number: **91523**
Application Type: **Letting of a Vacant Croft 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.

Croft: **Strone of Glenbanchor (Share)**
Parish: **Kingussie & Inch**
Reg No: **17313**
Case Number: **91373**
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.

Western Isles

Croft: **21 Vatisker**
Parish: **Stornoway**
Reg No: **R4828**
Case Number: **89063**
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.

Croft: **13 Knockaird**
Parish: **Barvas**
Reg No: **R0901**
Case Number: **90287**
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.

Croft: 3 Callanish
Parish: Uig
Reg No: R5047
Case Number: 90816
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.

Croft: 17 Upper Bayble
Parish: Stornoway
Reg No: R3698
Case Number: 91117
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.

Croft: 19 South Dell
Parish: Barvas
Reg No: R0634
Case Number: 91986
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.

Croft: 10 Back
Parish: Stornoway
Reg No: R3564
Case Number: 87492
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.

Croft: **28 Callanish**
Parish: **Uig**
Reg No: **R5076**
Case Number: **87235**
Application Type: **Decrofting – Croft House Site and Garden Ground**

Decision – Approved		Extent: 0.185 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: **25 Laxay**
Parish: **Lochs**
Reg No: **R3196**
Case Number: **88503**
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.	

Croft: **31 Crossbost**
Parish: **Lochs**
Reg No: **R3038**
Case Number: **90580**
Application Type: **Decrofting – Croft House Site and Garden Ground**

Decision – Approved		Extent: 0.129 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: 50 Lower Barvas
Parish: Barvas
Reg No: R0346
Case Number: 90599
Application Type: Decrofting – Croft House Site and Garden Ground

Decision – Approved		Extent: 0.19ha
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: 3 Cromore
Parish: Lochs
Reg No: R2980
Case Number: 90616
Application Type: Decrofting – Croft House Site and Garden Ground

Decision – Approved		Extent: 0.047 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: 3 Arivruaich
Parish: Lochs
Reg No: R2870
Case Number: 87001
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.		

Croft: 336 & 1 North Boisdale
Parish: South Uist
Reg No: I4833
Case Number: 90776
Application Type: Decrofting – Croft House Site and Garden Ground

Decision – Approved		Extent: 0.15 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: 21 Upper Barvas
Parish: Barvas
Reg No: R0371
Case Number: 90780
Application Type: Assingation

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: 5 Ranish
Parish: Lochs
Reg No: R3347
Case Number: 92437
Application Type: Decrofting – Croft House Site and Garden Ground

Decision – Approved		Extent: 0.120 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: **10 Hacklete**
Parish: **Uig**
Reg No: **R5297**
Case Number: **88949**
Application Type: **Decrofting – Croft House Site and Garden Ground**

Decision – Approved		Extent: 0.100 ha
Grounds for Decision		
<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>		
Conditions of Direction		
Enclosure of area:	<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: **27 Eoropie**
Parish: **Barvas**
Reg No: **R0695**
Case Number: **92370**
Application Type: **Assignment**

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>	