

NOTIFICATIONS AND GROUNDS AND DECISIONS FOR APPLICATIONS DECIDED

Applications between 26/11/18 – 02/12/18

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: 4 Kilbride
Parish: Strath
Reg No: I4067
Case Number: 92140
Application Type: Decrofting – Part Croft

Decision – Approved	Extent: 0.0329 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 for a garage.	
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: 2 Uig Mill Lands
Parish: Snizort
Reg No: I3833
Case Number: 87896
Application Type: Decrofting – Part Croft

Decision – Approved	Extent: 0.09 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 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: 9 Calligary
Parish: Sleat
Reg No: I3344
Case Number: 89837
Application Type: Decrofting – Part Croft

Decision – Approved	Extent: 0.126 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 a 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: 36 Kilmuir
Parish: Duirinish
Reg No: I1222
Case Number: 91257
Application Type: Decrofting – Part Croft

Decision – Approved	Extent: 0.074 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 be enclosed (so far as not already enclosed) with a stockproof fence within four months of acquisition.</p> <p>That fence shall be maintained in good order and repair by each successive owner or occupier of the land.</p>	

Croft: 4 Knott
Parish: Snizort
Reg No: I3759
Case Number: 92047
Application Type: Assingation

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: 132 Kilmory (share)
Parish: Ardnamurchan & Sunart
Reg No: A1630
Case Number: 88482
Application Type: Assignation

Decision – Approved

Grounds for Decision

The Commission has considered the application under section 8 of the Crofters (Scotland) Act 1993 (“the Act”) to assign the tenancy of the deemed croft at 132 Kilmory (share), Ardnamurchan and Sunart, and has decided to approve the application on the following grounds:

Section 58A(7) of the 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 assignation of a tenanted croft.

- We have had regard to whether the proposed assignee will be ordinarily resident on, or within 32 kilometres, of the croft. We note that the proposed tenant and his wife have purchased the owner-occupied croft at 132 Kilmory (Register of Crofts Number A0252). We further note that the proposed assignee is not in a position to take up residence immediately as the house on the croft requires significant renovation and the property has to be made fully habitable. We note that he is eager to progress matters and are therefore satisfied that it is the intention for the proposed assignee to comply with the residence duty within a reasonable timescale.
- In terms of Section 58A(7)(a)(ii) of the Act, the Commission must have regard to whether the croft is being or will be cultivated and note that proposed assignee’s intention is to comply with this requirement by keeping livestock on the grazings.
- The Commission must give regard to the interests of the estate under subsection 58A(7)(b) of the Act. We have not received an objection from the landlord/estate in respect of the land to which this application relates and therefore do not consider that the interests of the estate will be adversely affected.
- Sections 58A(7)(c) and (d) of the Act relate to the interests of the crofting community in the locality of the croft and the sustainable development of that crofting community. We have not received any objection to this application from any member of the crofting community. The Commission therefore consider that approving this application will not have an adverse effect on the interest of the crofting community in the locality of the croft or on the sustainable development of that crofting community.
- The interests of the public at large must also be taken into account under subsection 58A(7)(e) of the Act. 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 division.
- Subsection 58A(7)(f) of the Act relates to any objections received to the application. The Commission notes that no objections were received to the public notification process of the application, nor were any expressions of demand received in respect of the tenancy of the croft.
- Section 58A(7)(g) of the Act requires that in reaching a decision on such applications, the Commission must have regard to their Policy Plan. The Commission has had regard to its Policy Plan and is satisfied that the consent hereby provided is consistent with the said Plan as it relates to assignation.

Croft: 25 Auchinahard
Parish: Kilfinichen and Kilvickeon
Reg No: A0686
Case Number: 92227
Application Type: Part croft decrofting

Decision – Approved

Grounds for Decision

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, to provide a site for a dwellinghouse, extending to 0.252 ha, on the following grounds:

- 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).
- 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: “*When considering applications, the Commission will wish to ensure that suitable access arrangements are provided for any croft land*”. The Commission determined that there are no issues with access to the site, the remainder of the croft or any other croft land.

Caithness, Orkney & Shetland

Croft: Stoneydale
Parish: Sandsting
Reg No: Z1509
Case Number: 92021
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: Tresta (Meadows) (Apportionment)
Parish: Aithsting
Reg No: Z3374
Case Number: 92023
Application Type: Owner Occupier 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.

Croft: Quarsdale
Parish: Aithsting
Reg No: Z1765
Case Number: 92024
Application Type: Owner Occupier 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.

Croft: Cloddyknowe
Parish: Dunrossness
Reg No: Z0599
Case Number: 92410
Application Type: Decrofting – Part Croft

Decision – Approved	Extent: 0.082 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 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: Scarpigarth, Walls
Parish: Walls
Reg No: Z2462
Case Number: 91746
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: **Pettister**
Parish: **Unst**
Reg No: **Z1939**
Case Number: **92192**
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.

Highland (excl Caithness)

Croft: **22 Skye of Curr**
Parish: **Duthil**
Reg No: **I1356**
Case Number: **90095**
Application Type: **Decrofting – Croft House Site and Garden Ground**

Decision – Approved	Extent: 0.093 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:	<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: **Meikle Gluich**
Parish: **Edderton**
Reg No: **R1288**
Case Number: **87985**
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: 72 Farr
Parish: Farr
Reg No: S1147
Case Number: 91385
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: Strone of Glenbanchor
Parish: Kingussie & Inch
Reg No: I2944
Case Number: 91364
Application Type: Owner-Occupier Crofter 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.

Croft: Shieldaig (Share and Apportionment)
Parish: Applecross
Reg No: R6320
Case Number: 91195
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: 274 Achnacarnin
Parish: Assynt
Reg No: S0027
Case Number: 90676
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: 6 Eoropie
Parish: Barvas
Reg No: R0675
Case Number: 80656
Application Type: Assignment

Decision – Approved

Grounds for Decision

The Commission has considered the application to assign the tenancy of the croft (including grazing share) at 6 Eoropie, Barvas 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 assignee will be ordinarily resident on, or within 32 kilometres, of the croft and are satisfied from the available evidence that the assignee will be in a position to comply with the residency duty.

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 note, from the available evidence as set out in the application and the SGRPID report that the proposed tenant is already an active crofter with two crofts in the township of Eoropie and one croft in the township of South Dell and maintains a flock of around 40 sheep including hogs. While we further note the qualifying comment in the SGRPID report that these existing three crofts are adequate for the proposed assignee’s current agricultural activity, the Commission has recognised that it is his stated intension on retirement to significantly increase his stock numbers and to fully utilise his available land. The Commission is therefore satisfied from the available evidence that the propose assignee will cultivate the croft.

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 objections from any members of the crofting community. The Commission have noted the comments on the SGRPID report that approving the assignment could have a negative impact on the crofting community as it would mean that the proposed assignee would hold three crofts in the township. However, the Commission note that there is a total of 37 crofts in the township, that it is a modest sized croft at only 1.44 ha and that approving the application would support the activities of an active crofter in the community and assist them develop their crofting enterprise. On balance therefore, the Commission consider any adverse effects of approving the application on the interests of the crofting community in the locality of the croft or on the sustainable development of that crofting community are outbalanced by the contribution an active crofter will make to the crofting community and its sustainable development.

We are satisfied on the available evidence that the approval of the assignment 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.

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 assignment.

For the foregoing reasons the application is approved.

Croft: 27 Locheport (pier Ground)
Parish: North Uist
Reg No: I4523
Case Number: 91973
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: 2a Leurbost
Parish: Lochs
Reg No: R3235
Case Number: 82564
Application Type: Decrofting – Part Croft

Decision – Approved	Extent: 0.0044 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 amenity ground.	
The land must be enclosed (so far as not already enclosed) with a stockproof fence within four months of acquisition.	
That fence shall be maintained in good order and repair by each successive owner or occupier of the land.	

Croft: 1 Seaforth Head
Parish: Lochs
Reg No: R3393
Case Number: 88672
Application Type: Decrofting – Part Croft

Decision – Approved	Extent: 0.135 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 a site for a dwellinghouse.	
The land must be enclosed (so far as not already enclosed) with a stockproof fence within four months of acquisition.	
That fence shall be maintained in good order and repair by each successive owner or occupier of the land.	