

# NOTIFICATIONS AND GROUNDS AND DECISIONS FOR APPLICATIONS DECIDED

Applications between 10/12/18 – 16/12/18

**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:** **Cnoc Bhan**  
**Parish:** Ardnamurchan & Sunart  
**Reg No:** A1519  
**Case Number:** 91262  
**Application Type:** Decrofting – Part Croft

<b>Decision – Approved</b>	<b>Extent: 0.121 ha</b>
<b>Grounds for Decision</b>	
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.	
<b>Conditions of Direction</b>	
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:** **3 Breacais Iosal**  
**Parish:** Strath  
**Reg No:** I3868  
**Case Number:** 93145  
**Application Type:** Decrofting – Croft House Site and Garden Ground

<b>Decision – Approved</b>	<b>Extent: 0.108 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:** 6 Peinchorran  
**Parish:** Portree  
**Reg No:** 13225  
**Case Number:** 89851  
**Application Type:** Decrofting – Croft House Site and Garden Ground

<b>Decision – Approved</b>	<b>Extent: 0.125 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.	

**Croft:** 6 Peinchorran  
**Parish:** Portree  
**Reg No:** 13225  
**Case Number:** 89854  
**Application Type:** Decrofting – Part Croft

<b>Decision – Approved</b>	<b>Extent: 0.086 ha</b>
<b>Grounds for Decision</b>	
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.	

**Croft:** ½8 & ½20 Stenscholl  
**Parish:** Kilmuir  
**Reg No:** 12760  
**Case Number:** 93899  
**Application Type:** Assignment

<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.

**Caithness, Orkney & Shetland**

**Croft:** **Southerhouse**  
**Parish:** **Burra**  
**Reg No:** **Z0879**  
**Case Number:** **91079**  
**Application Type:** **Decrofting – Part Croft**

<b>Decision – Approved</b>	<b>Extent: 0.013 ha</b>
<b>Grounds for Decision</b>	
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.	
<b>Conditions of Direction</b>	
The land must be enclosed (so far as not already enclosed) with a stockproof fence within four months <b>of the date of the Direction.</b>	
That fence shall be maintained in good order and repair by each successive owner or occupier of the land.	

**Croft:** **22 Lothmore (Share)**  
**Parish:** **Loth**  
**Register No:** **S2179**  
**Case Number:** **87475**  
**Application Type:** **Letting of a vacant croft by Landlord**

<b>Decision – Approval</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.

## Highland (excl Caithness)

**Croft:** Links Croft  
**Parish:** Dornoch  
**Reg No:** S0683  
**Case Number:** 92369  
**Application Type:** Short Term Let

### 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.

- 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 short term letting 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 32 km, of the crofts. The Commission notes that the proposed tenant resides at Proncy Farm, Dornoch and is therefore 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's intention is to continue to cultivate and keep livestock on the croft. The Commission are therefore satisfied that the croft will be cultivated by the proposed tenant.
- In terms of section 58(7)(c) and (d) of the 1993 Act, the Commission are required to have regard to the interests of the crofting community in the locality of the croft and the sustainable development of that crofting community. We note that this is one of five applications from this owner-occupier crofter to apply for Commission consent to let the crofts to the same proposed tenant. However, in the absence of any objections and as the proposed tenant intends to comply with the resident and land use duties, the Commission consider that approving the short term let will not have an adverse effect on the crofting community and its sustainable development.
- In terms of section 58(7)(e) of the 1993 Act, the Commission are required to have regard to any objections received following public notification of the application to sub-let. The Commission notes that no objections were received to the public advertising of the application.
- 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 sublet.
- In terms of section 58A(7)(g) of the 1993 Act, the Commission 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 short term letting.

#### Conditions

The short term let will be for the fixed period of 5 years.

**Croft:** **Railway Croft**  
**Parish:** **Dornoch**  
**Reg No:** **S3076**  
**Case Number:** **92373**  
**Application Type:** **Short Term Let**

**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.

- 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 short term letting 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 32 km, of the crofts. The Commission notes that the proposed tenant resides at Proncy Farm, Dornoch and is therefore 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's intention is to continue to cultivate and keep livestock on the croft. The Commission are therefore satisfied that the croft will be cultivated by the proposed tenant.
- In terms of section 58(7)(c) and (d) of the 1993 Act, the Commission are required to have regard to the interests of the crofting community in the locality of the croft and the sustainable development of that crofting community. We note that this is one of five applications from this owner-occupier crofter to apply for Commission consent to let the crofts to the same proposed tenant. However, in the absence of any objections and as the proposed tenant intends to comply with the resident and land use duties, the Commission consider that approving the short term let will not have an adverse effect on the crofting community and its sustainable development.
- In terms of section 58(7)(e) of the 1993 Act, the Commission are required to have regard to any objections received following public notification of the application to sublet. The Commission notes that no objections were received to the public advertising of the application.
- 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 sublet.
- In terms of section 58A(7)(g) of the 1993 Act, the Commission 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 short term letting.

**Conditions**

The short term let will be for the fixed period of 5 years.

**Croft:** South Seaview Croft  
**Parish:** Dornoch  
**Reg No:** S3077  
**Case Number:** 92374  
**Application Type:** Short Term Let

#### **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.

- 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 short term letting 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 32 km, of the crofts. The Commission notes that the proposed tenant resides at Proncy Farm, Dornoch and is therefore 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's intention is to continue to cultivate and keep livestock on the croft. The Commission are therefore satisfied that the croft will be cultivated by the proposed tenant.
- In terms of section 58(7)(c) and (d) of the 1993 Act, the Commission are required to have regard to the interests of the crofting community in the locality of the croft and the sustainable development of that crofting community. We note that this is one of five applications from this owner-occupier crofter to apply for Commission consent to let the crofts to the same proposed tenant. However, in the absence of any objections and as the proposed tenant intends to comply with the resident and land use duties, the Commission consider that approving the short term let will not have an adverse effect on the crofting community and its sustainable development.
- In terms of section 58(7)(e) of the 1993 Act, the Commission are required to have regard to any objections received following public notification of the application to sub-let. The Commission notes that no objections were received to the public advertising of the application.
- 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 sublet.
- In terms of section 58A(7)(g) of the 1993 Act, the Commission 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 short term letting.

##### **Conditions**

The short term let will be for the fixed period of 5 years.

**Croft:** 2 Milltown  
**Common Grazing:** Milltown Common Grazings  
**Parish:** Applecross  
**Reg No:** R0137  
**Case Number:** 87135  
**Application Type:** Apportionment

<b>Decision – Approved</b>	<b>Extent:</b> 0.177 ha
<b>Grounds for Decision</b>	
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.	
<b>Purpose</b>	
House site use	
<b>Conditions</b>	
<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 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 the foregoing abatement of 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:** 12,13,14,15 & 16 Unachan  
**Register No:** I2338  
**Parish:** Kilmonivaig  
**Case Number:** 91877  
**Application Type:** Letting of a vacant croft by Landlord

<b>Decision – Approval</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.

**Croft:** **187 Balchladdich**  
**Parish:** **Assynt**  
**Reg No:** **S2642**  
**Case Number:** **91642**  
**Application Type:** **Decrofting – Part Croft**

<b>Decision – Approved</b>	<b>Extent: 0.102 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 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 complete.</p> <p>That fence shall be maintained in good order and repair by each successive owner or occupier of the land.</p>	

**Croft:** **96 Achcork**  
**Parish:** **Rogart**  
**Register No:** **S1740**  
**Case Number:** **90717**  
**Application Type:** **Assignment**

<b>Decision – Approval</b>
<b>Grounds for Decision</b>
<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:** **574 Unapool (Newton)**  
**Parish:** **Assynt**  
**Reg No:** **S0302**  
**Case Number:** **91760**  
**Application Type:** **Decrofting – Part Croft**

<b>Decision – Approved</b>	<b>Extent: 0.063 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 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>	



**Western Isles**

**Croft:** 24 Grinish  
**Parish:** South Uist  
**Reg No:** I5114  
**Case Number:** 90783  
**Application Type:** Assignment

<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.

**Croft:** 5 & 6 Hacklet  
**Parish:** South Uist  
**Reg No:** I5128  
**Case Number:** 91753  
**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 will be for the fixed period of 3 years.

**Croft:** 45 Fivepenny Borve  
**Parish:** Barvas  
**Reg No:** R0750  
**Case Number:** 91613  
**Application Type:** Decrofting – Part Croft

<b>Decision – Approved</b>	<b>Extent: 0.074 ha</b>
<b>Grounds for Decision</b>	
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.	
<b>Conditions of Direction:</b>	
<ol style="list-style-type: none"><li>1. The land must as a first change of use, be used, let or disposed of as a new dwellinghouse.</li><li>2. The land must be enclosed (so far as not already enclosed) with a stockproof fence within four months of the development being completed.</li><li>3. That fence shall be maintained in good order and repair by each successive owner or occupier of the land.</li></ol>	

**Croft:** 5 Leanish  
**Parish:** Barra  
**Reg No:** I0538  
**Case Number:** 91653  
**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 will be for the fixed period of 10 years.

**Croft:** 1 Drinishadder  
**Parish:** Harris  
**Reg No:** I1634  
**Case Number:** 94384  
**Application Type:** Consent to be absent

<b>Decision – Approved</b>
<b>Grounds for Decision</b>
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 6 December 2020.

**Croft:** 7 Galson  
**Parish:** Barvas  
**Reg No:** R0788  
**Case Number:** 94155  
**Application Type:** Consent to be absent

<b>Decision – Approved</b>
<b>Grounds for Decision</b>
<p>The Crofting Commission has considered this application seeking consent to be absent under section 21B of the Crofters (Scotland) Act 1993 (“the 1993 Act”) and gives its consent for consent to be absent for a period of 2 years until 1 January 2021 on the following grounds:</p> <p>We are satisfied on the available evidence that there is good reason, relating to employment commitments, for the crofter not to be ordinarily resident on, or within 32 kilometres of, the croft.</p> <p>We are further satisfied on the available evidence that the crofter’s intention is to continue to visit and work the croft on a regular basis.</p> <p>The consent provided relates solely to the residency duty, it does not relieve the crofter of his duty to cultivate and maintain the croft or, with the landlord’s consent, put the croft to a purposeful use. If he does not cultivate and maintain the croft, or put it to a purposeful use, he will be in breach of his duties under sections 5B and 5C of the Crofters (Scotland) Act 1993. The Commission is empowered to take action to enforce these duties under sections 26A to 26K of the 1993 Act.</p>

**Croft:** 305 Kilpheder  
**Parish:** South Uist  
**Reg No:** I5252  
**Case Number:** 94220  
**Application Type:** Consent to be absent

**Decision – Approved**

**Grounds for Decision**

The Crofting Commission considered the application from the crofter under section 21B(1) of the Crofters (Scotland) Act 1993 (“the 1993 Act”) for consent for absence from the croft for a period of 5 years. The Commission determined to give its consent under section 21B(3) of the Crofters (Scotland) Act 1993 (“the 1993 Act”) to the crofter. The period of consent is from 1 September 2018 to 2 September 2023.

In reaching this decision, the Commission were 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 due to their work commitments. The Commission further noted the crofter’s intention to be ordinarily resident on the croft within 5 years.

The consent provided does not relieve the crofter of his duty to cultivate and maintain the croft or with the landlord’s consent, put the croft to a purposeful use. We therefore strongly recommend that the crofter apply for Commission consent to sublet that part of the croft which is being cultivated to formalise the position. Should he do so, he will be deemed to be in compliance with his land use duties for the period of the sublet.