

NOTIFICATIONS AND GROUNDS AND DECISIONS FOR APPLICATIONS DECIDED

Applications between 17/12/18 – 23/12/18

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: 5 Treslaig (Share)
Parish: Ardgour
Reg No: A1643
Case Number: 93659
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: 1 Balephuil (Share)
Parish: Tiree
Reg No: A1753
Case Number: 92951
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: 79 Lochyside
Parish: Kilmallie
Reg No: I2252
Case Number: 93657
Application Type: Decrofting – Croft House Site and Garden Ground

Decision – Approved	Extent: 0.099 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: 4 Heanish
Parish: Tiree
Reg No: A1191
Case Number: 82210
Application Type: Decrofting – Part Croft

Decision – Approved	Extent: 0.134 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: Ardmenish
Parish: Gigha
Reg No: A0443
Case Number: 92810
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: 34 Mains Bernisdale
Common Grazing: Bernisdale, Mains, Glen, Woodlands & Park Common Grazings
Parish: Snizort
Reg No: I3592
Case Number: 85578
Application Type: Apportionment

Decision: Approved	Extent: 1.910 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 below conditions.	
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 reduced from two cows and nineteen sheep to two cows and seventeen sheep.</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) 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: 72 Aird, Bernisdale
Parish: Snizort
Reg No: I3565
Case Number: 94184
Application Type: Consent to be absent

Decision – Refused

Grounds for Decision

The Crofting Commission considered the application, under section 21B of the Crofters (Scotland) Act 1993 (“the 1993 Act”) from the tenant crofter, for consent to be absent from the croft at 72 Aird, Snizort for a period of 4 years and has decided to **Refuse** the application.

The Commission do recognise that there may be legitimate reasons why a crofter is unable to take up residence on a croft for a reasonable period including where the crofter is working away for a contracted period of time, and accordingly consent to be absent is appropriate. The Commission, however, would expect such an application to be accompanied by a firm commitment to take up residence at the end of the consent period. In this case however, the crofter has not provided any evidence to suggest that he would be in a position to take up residence at the end of the 4 year period of consent applied for, and the Commission are therefore not prepared to consent to the application.

In reaching this decision, the Commission noted that in an earlier application the crofter had previously applied for consent to be absent for a period of 10 years. In response, the Commission decided to give consent for a reduced period of one year and this consent was made conditional on the crofter making a further application under section 27 of the 1993 Act to the Commission for consent to sublet the tenancy of the croft. The Commission noted that the tenant did not comply with this condition to sublet the croft and are therefore not prepared to grant consent to be absent for a further period.

The Commission noted that the crofter has indicated at question 8 on the current application form that the croft is currently being used to graze another party’s sheep and cattle. The Commission therefore strongly recommends that the crofter applies for Commission consent to sublet the croft to the party involved or to another individual to work the croft and comply with the residence duty. Unlike consent to be absent, which deals only with the residence duty, if a sublet application is approved by the Commission the crofter is deemed to be in compliance with both his residence and land use duties for the period of the sublet.

Should the crofter fail to submit an application for consent to sublet the croft to the Commission by 31 March 2019, the Commission will consider whether or not to serve a written notice of suspected breach of duty under section 26C(1) of the 1993 Act.

Croft: 3 Clachamish
Parish: Snizort
Reg No: I3637
Case Number: 91313
Application Type: Decrofting – Part Croft

Decision – Approved	Extent: 0.089 ha
Grounds for Decision	
<p>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 part of the croft at 3 Clachamish extending to 0.089 ha (ha) as amenity ground for an existing decrofted house site and has agreed to grant a decrofting Direction under section 24B of the 1993 Act on the following grounds:</p> <ol style="list-style-type: none"> 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. There have been no objections received from any member of the crofting community in response to the advertising of the application to decroft. 3. 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. 	
Conditions of Direction	
<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>	

Caithness, Orkney & Shetland

Croft: South Ham (Apportionment & Share)
Parish: Bressay
Reg No: Z3538
Case Number: 87774
Application Type: Assignment

Decision – Approved

Grounds for Decision

The Commission has considered the application by Harry Scott Tulloch under section 8 of the Crofters (Scotland) Act 1993 (“the 1993 Act”) to assign the croft at South Ham (Apportionment & Share), Bressay to Lyle James Tulloch 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 32 km, of the crofts. The Commission noted that the proposed tenant currently resides in Bressay 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 croft will be cultivated or put to some other purposeful use. The Commission notes that the intention of this application (and five others) is to assign a deemed croft comprising a grazing share to the occupier of the croft to which the share formerly pertained. The Commission notes that the proposed tenant already has a number of crofts which he operates as one enterprise keeping ewes and gimmers, ewe hogs, sheep and poultry. He has plans for grazing and cultivating the additional land which are described in the SGRPID report as reasonable and realistic. The Commission are therefore satisfied the proposed tenant will cultivate the croft.

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, 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 assignment.

Croft: Cleatfurrows, Birsay
Parish: Birsay
Reg No: O0005
Case Number: 87851
Application Type: Decrofting – Part Croft

Decision – Approved	Extent: 0.294 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 0.294 (ha) as (a) a site for two existing buildings used by Historic Environment Scotland and (b) an informal parking area for visitors to a historic castle, 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 1993 Act and that at 0.294 (ha) the area applied for is not excessive in relation to that purpose. • No objections were received in response to the public notification of the application. • Paragraph 41 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 are satisfied that there are no issues with access to remainder of the croft or to any other croft or common grazing land. 	
Conditions of Direction	
The land must as a first change of use, be used, let or disposed of as amenity ground.	

Croft: Cleatfurrows, Birsay
Parish: Birsay
Reg No: O0005
Case Number: 91884
Application Type: Decrofting – Part Croft

Decision – Approved	Extent: 0.073 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 0.073 (ha) to provide additional parking for the local kirk house and decided to grant a decrofting Direction on the following grounds:</p> <p>The Commission is satisfied on the available evidence that the application is for a reasonable purpose within the meaning of section 20 of the 1993 Act and that at 0.073 (ha) the area applied for is not excessive in relation to that purpose;</p> <p>No objections were received in response to the public notification of the application;</p> <p>Paragraph 41 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 are satisfied that there are no issues with access to remainder of the croft or to any other croft or common grazing land.</p>	
Conditions of Direction	
The land must as a first change of use, be used, let or disposed of as amenity ground.	

Croft: Fladdabister
Parish: Cunningsburgh
Reg No: Z0374
Case Number: 92360
Application Type: Decrofting – Part Croft

Decision – Approved	Extent: 0.103 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 part of 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: 13 Achneiskich
Parish: Farr
Reg No: S1029
Case Number: 86624
Application Type: Decrofting – Croft House Site and Garden Ground

Decision – Approved		Extent: 0.02 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 date of the Direction. That fence shall be maintained in good order and repair by each successive owner or occupier of the land.	

Croft: Croit Phasquale
Parish: Lairg
Reg No: S2332
Case Number: 89335
Application Type: Decrofting – Part Croft

Decision – Approved		Extent: 0.27ha
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 dwelling house. 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.		

Western Isles

Croft: 15 Knockline
Parish: North Uist
Reg No: I4487
Case Number: 92889
Application Type: Decrofting – Part Croft

Decision – Approved	Extent: 0.122ha
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 the development being completed.	
That fence shall be maintained in good order and repair by each successive owner or occupier of the land.	

Croft: 8 Claddach Kirkibost
Parish: North Uist
Reg No: I4346
Case Number: 93329
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: 21 Cromore
Parish: Lochs
Reg No: R2999
Case Number: 94481
Application Type: Consent to be absent – Extension

Decision – Approved
Grounds for Decision
The Commission has considered the application for an extension to consent to be absent from the croft under section 21C of the Crofters (Scotland) Act 1993, and 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 an extension to consent to be absent until 14 January 2020.