

# NOTIFICATIONS AND GROUNDS AND DECISIONS FOR APPLICATIONS DECIDED

**Applications between 07/01/19 – 13/01/19**

**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:** **115 Achnaha, Sanna (share)**  
**Common Grazing:** Achnaha and Plocaig Common Grazings  
**Parish:** Ardnamurchan & Sunart  
**Reg No:** A1898  
**Case Number:** 86279  
**Application Type:** Apportionment

<b>Decision – Approved</b>	<b>Extent: 0.006 ha</b>
<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 conditions below.	
<b>Purpose</b>	
Existing Agricultural Building	
<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 Township Common of the said common grazings shall remain unchanged with no soumings reduction applied.</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 remains 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> <p>(SEVENTH) All existing rights of access over the area apportioned shall be reserved.</p>	

**Croft:** 86 Portuairk, Mo Dhachaidh  
**Parish:** Ardnamurchan & Sunart  
**Reg No:** A0302  
**Case Number:** 87360  
**Application Type:** Decrofting – Part Croft

<b>Decision – Approved</b>	<b>Extent: 0.059 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:** 1 & 2 Muirshearlich  
**Parish:** Kilmallie  
**Reg No:** I2269  
**Case Number:** 92944  
**Application Type:** Decrofting – Part Croft

<b>Decision – Approved</b>	<b>Extent: 0.005 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 date of the Direction.	
That fence shall be maintained in good order and repair by each successive owner or occupier of the land.	

## **Caithness, Orkney & Shetland**

**Croft:** **Greenmow**  
**Register No:** **Z0397**  
**Parish:** **Cunningsburgh**  
**Case Number:** **90697**  
**Application Type:** **Assignment**

### **Decision – Approval**

#### **Grounds for Decision**

The Commission has considered the application to assign the tenancy of the croft at Greenmow (Z0397) 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 tenant will be ordinarily resident on, or within 32 kilometres of the croft. We note that the proposed tenant is currently resident within 32 kilometres of the croft and are therefore satisfied that the residence duty will be complied with.

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 notes that the proposed tenant intends that the croft will be used for keeping livestock and cropping. The Commission are satisfied that the requirement to cultivate the croft and/or put in to another purposeful use will be met by the proposed tenant.

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 objection(s) from any members of the crofting community. The Commission considers on the available evidence that the consent hereby provided will not have an adverse effect on the interests of the crofting community in the locality of the croft or on the sustainable development of that crofting community.

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, nor were any expressions of demand received in respect of the tenancy of the croft.

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 assignments.

For the foregoing reasons, the application to assign the tenancy has been approved.

**Croft:** Greenmow  
**Register No:** Z0398  
**Parish:** Cunningsburgh  
**Case Number:** 90710  
**Application Type:** Assignment

### Decision – Approval

#### Grounds for Decision

The Commission has considered the application to assign the tenancy of the croft at Greenmow (Z0398) 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 tenant will be ordinarily resident on, or within 32 kilometres of the croft. We note that the proposed tenant is currently resident within 32 kilometres of the croft and are therefore satisfied that the residence duty will be complied with.

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 notes that the proposed tenant intends that the croft will be used for keeping livestock and cropping. The Commission are satisfied that the requirement to cultivate the croft and/or put in to another purposeful use will be met by the proposed tenant.

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 objection(s) from any members of the crofting community. The Commission considers on the available evidence that the consent hereby provided will not have an adverse effect on the interests of the crofting community in the locality of the croft or on the sustainable development of that crofting community.

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, nor were any expressions of demand received in respect of the tenancy of the croft.

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 assignments.

For the foregoing reasons, the application to assign the tenancy has been approved.

**Croft:** Wilan  
**Reg No:** Z0518  
**Parish:** Sandwick  
**Case Number:** 66804  
**Application Type:** Decrofting – Whole Croft

#### **Decision – Approval of modified area**

Having considered all the evidence in this application, the Commission has decided, in terms of section 24B of the Crofters (Scotland) Act 1993, [“the 1993 Act”], to grant a decrofting direction but in terms of section 25(5) of the 1993 Act to modify the area applied for to an area extending to **0.095 ha**, being the site of an existing house and amenity ground, as the said 0.095 ha site is shown delineated in red and hatched in red on the plan annexed and signed hereto.

The grounds for decision are as follows:

- In terms of section 25(1)(a) of 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 the 1993 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. The Commission is satisfied that the provision of housing is a reasonable purpose within the meaning of section 20 of the 1993 Act. However, at 0.710 ha, the Commission consider this to be excessive in relation to the site of an existing house site and associated amenity ground and consider the modified area of 0.095 ha to be reasonable in relation to the stated reasonable purpose.
- The Commission notes the croft is situated in a township which satisfies the definition of a crofting community in terms of section 61 of the 1993 Act. The Commission notes that the remaining land may have modest potential and notes the SGRPID reporter’s assessment that he states that the removal of the croft will not have a significant impact on the local crofting community. Nevertheless, the Commission is required to assess whether the extent applied for is excessive in relation to the reasonable purpose and finds that the whole extent of the area applied for is excessive in relation to the reasonable purpose. Additionally, the removal from crofting tenure of land that is considered to be excessive in relation to the reasonable purpose would also have the potential to reduce the local pool of croft land available to persons who might obtain crofter status (whether tenanted or owned) or who may wish to develop their existing activities. Therefore, on balancing the various factors, it would not be in the interest of the community to decroft the full extent of the area applied for and therefore restricts the direction to what is considered not to be excessive in relation to the reasonable purpose.
- Although no demand was expressed directly in response to the advertising of the application, the Commission notes the SGRPID Reporting Officer’s assessment that *“there is always a demand for crofts and croft land in Shetland”*. The Commission is satisfied that there would likely be demand if the croft was available for letting on the open market and that, in terms of section 25(2) of the 1993 Act, it would not be in the interests of the crofting community in the district to decroft the 0.710 ha area applied for.
- In considering applications to decroft, the Commission must have reference to its Policy Plan as published and, in this regard, we refer to paragraph 63 in support of our decision, which states:

*The Commission aims to protect land from being lost to crofting. A decrofting direction irrevocably removes the land subject to the application from crofting tenure. The Commission takes a long-term view when determining applications and will exercise its discretion to consider, amongst other factors, the advantages of retaining the croft (or part thereof) as part of the pool of croft land in the locality. Applications that are made only for the reason of taking the croft, or part of the croft, out of crofting tenure are unlikely to be approved.*

The Commission consider its decision to issue a decrofting direction for a modified area is consistent with its policy as it supports Ms Johnson's wish to have the house site and amenity ground decrofted while retaining the remainder of the land in crofting for future use and is also in line with the Commission's statutory responsibilities under the 1993 Act.

**Conditions of Direction**

<b>Purpose:</b>	Site of an existing dwellinghouse
<b>Enclosure:</b>	Within 4 months of the date of the Direction

**Croft:** 6 Lochend  
**Parish:** Dunnet  
**Reg No:** C0247  
**Case Number:** 92796  
**Application Type:** Decrofting – Part Croft (Owned)

<b>Decision – Approved</b>	<b>Extent: 0.384 ha</b>
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**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 part of the croft at 6 Lochend, Dunnett extending to 0.384 ha to provide a site for a wind turbine and have agreed to **grant** a decrofting Direction under section 24B of the 1993 Act 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. 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: *"When considering applications, the Commission will wish to ensure that suitable access arrangements are provided for any croft land"*. 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**

The land must as a first change of use, be used, let or disposed of as site of wind turbine development.

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:** Roster  
**Parish:** Latheron  
**Reg No:** C0706  
**Case Number:** 88661  
**Application Type:** Assignation of Croft Tenancy

<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.

**Highland (excl Caithness)**

**Croft:** 289 Sheigra  
**Parish:** Eddrachilles  
**Reg No:** S0997  
**Case Number:** 94449  
**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 to the crofter but to exercise its discretion under section 21B(4) of the 1993 Act to restrict the duration of consent for absence. The duration of the restricted period of consent is from 28 November 2018 to 1 February 2020.

In reaching this decision, the Commission noted that the applicant indicated that they hoped to return to take up residence in Sheigra in the Summer or Autumn of 2019. The Commission therefore decided to provide consent for the reduced period to allow the crofter the opportunity to progress their plans to comply with the residence duty by returning to Sheigra. If the crofter is not able to take up residence by the anticipated date, it will be open to them to apply to the Commission for an extension of consent for absence under section 21C of the 1993 Act before the expiry of the period for which this consent has been granted.

**Croft:** 291 Sheigra  
**Parish:** Eddrachilles  
**Reg No:** S0999  
**Case Number:** 94473  
**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 to the crofter but to exercise its discretion under section 21B(4) of the 1993 Act to restrict the duration of consent for absence. The duration of the restricted period of consent is from 28 November 2018 to 1 February 2020.

In reaching this decision the Commission noted that the applicant indicated that they hoped to return to take up residence in Sheigra in the Summer or Autumn of 2019. The Commission therefore decided to provide consent for the reduced period to allow the crofter the opportunity to progress their plans to comply with the residence duty by returning to Sheigra. If the crofter is not able to take up residence by the anticipated date, it will be open to them to apply to the Commission for an extension of consent for absence under section 21C of the 1993 Act before the expiry of the period for which this consent has been granted.



**Croft:** 294 Sheigra  
**Parish:** Eddrachilles  
**Reg No:** S1002  
**Case Number:** 94468  
**Application Type:** Consent to be absent

<b>Decision – Approved</b>
<b>Grounds for Decision</b>
<p>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 to the crofter but to exercise its discretion under section 21B(4) of the 1993 Act to restrict the duration of consent for absence. The duration of the restricted period of consent is from 28 November 2018 to 1 February 2020.</p> <p>In reaching this decision the Commission noted that the applicant indicated that they hoped to return to take up residence in Sheigra in the Summer or Autumn of 2019. The Commission therefore decided to provide consent for the reduced period to allow the crofter the opportunity to progress their plans to comply with the residence duty by returning to Sheigra. If the crofter is not able to take up residence by the anticipated date, it will be open to them to apply to the Commission for an extension of consent for absence under section 21C of the 1993 Act before the expiry of the period for which this consent has been granted.</p>

**Croft:** 38 Banscoll  
**Parish:** Rogart  
**Reg No:** I1778  
**Case Number:** 92471  
**Application Type:** Decrofting – Part Croft

<b>Decision – Approved</b>	<b>Extent: 0.02 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 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:** 29 Crossbost  
**Parish:** Lochs  
**Reg No:** R3036  
**Case Number:** 90882  
**Application Type:** Decrofting – Part Croft

<b>Decision – Approved</b>	<b>Extent: 0.16 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 as a first change of use, be used, let or disposed of as 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.	

**Croft:** 8a Carragreich  
**Parish:** Harris  
**Reg No:** I5772  
**Case Number:** 93221  
**Application Type:** Decrofting – Croft House Site and Garden Ground

<b>Decision – Approved</b>	<b>Extent: 0.102 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 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:** 11 Cleat  
**Parish:** Barra  
**Reg No:** I0361  
**Case Number:** 92546  
**Application Type:** Decrofting – Part Croft

<b>Decision – Approved</b>	<b>Extent: 0.012 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 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:** 3 Maryhill  
**Parish:** Stornoway  
**Reg No:** R4173  
**Case Number:** 90496  
**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:** 15 South Bragar  
**Parish:** Barvas  
**Reg No:** R0450  
**Case Number:** 93479  
**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:** 6 Achmore  
**Parish:** Lochs  
**Reg No:** R2845  
**Case Number:** 94619  
**Application Type:** Consent to be absent

<b>Decision – Approved</b>
<b>Grounds for Decision</b>
<p>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 7 years. The Commission determined to give its consent to the crofter but to exercise its discretion under section 21B(4) of the 1993 Act to restrict the duration of consent for absence. The duration of the restricted period of consent is from 1 January 2019 to 1 February 2020.</p> <p>In reaching this decision, the Commission noted that the applicant was unable to provide a firm timescale for moving back to Lewis to comply with his duty to be ordinarily resident on or within 32 kilometres (20 miles) of the croft.</p> <p>In the absence of a firm timescale for returning to the croft, the Commission decided to provide the crofter with consent to be absent from the croft for the reduced period to give them the opportunity to consider options for ensuring the residence duty is met moving forward. Options for the crofter to consider are taking up residence, or applying for Commission consent to assign the tenancy of the croft.</p> <p>It is also open for the crofter to apply for Commission consent to sublet the tenancy of the croft for a period of up to 10 years. If approved, the crofter will be deemed to be in compliance with the residence and land use duties for the term of the sublet.</p>

**Croft:** 4 Horgabost  
**Parish:** Harris  
**Reg No:** I1690  
**Case Number:** 94419  
**Application Type:** Subletting

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

**Croft:** 2/19 Callanish  
**Parish:** Uig  
**Reg No:** R5066  
**Case Number:** 87214  
**Application Type:** Assignation

<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.