

# NOTIFICATIONS AND GROUNDS AND DECISIONS FOR APPLICATIONS DECIDED

Applications between 05/08/19 – 11/08/19

**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:** 3 Treaslane  
**Parish:** Snizort  
**Reg No:** I3831  
**Case Number:** 98456  
**Application Type:** Assignation

<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:** Part 71 Gartymore  
**Parish:** Kildonan  
**Reg No:** S1459  
**Case Number:** 98570  
**Application Type:** Decrofting – Part Croft

<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 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:** Lorgbaw  
**Parish:** Kilchoman  
**Reg No:** A1473  
**Case Number:** 87556  
**Application Type:** Decrofting – Reasonable purpose

Decision – Approval	Extent: 0.251 ha
<b>Grounds for Decision</b>	
<p>The Commission has considered an application submitted under 24(3) and 25(1)(a) of the Crofters (Scotland) Act 1993 (“the 1993 Act”) to decroft an area of land extending to 0.257 ha, being the site of an existing dwellinghouse. Having considered all the evidence in this application, the Commission has decided, in terms of section 24(3) of the 1993 Act, to grant a decrofting direction but with the agreement of the applicant, in terms of section 25(5) of the 1993 Act, to modify the area applied for to an area extending to <b>0.251 ha</b> retaining an area of ground to maintain access to the remainder of the croft. The grounds for decision are as follows:</p> <p>Under section 25(1)(a) of the Crofters (Scotland) Act 1993 (“the 1993 Act”), the Commission must be satisfied that the applicant has applied for the 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).</p> <p>When considering reasonable purpose under section 25(1)(a) of the 1993 Act, the Commission must consider the purpose in relation to the good of the croft, the public interest or the interests of the crofting community in the locality of the croft. They must also consider whether the area applied for is excessive in relation to the purpose applied for.</p> <p>In this particular case, the applicant has stated in the application form that the purpose of the application is the site of the applicant’s house and garden which is not used as part of the croft and is in separate ownership from the croft. The area being sought is the entire area that the applicants own and is fully enclosed.</p> <p>The Commission is satisfied that the purpose is a reasonable one within the meaning of section 20 of the 1993 Act.</p> <p>The initial proposal to decroft an area of 0.257 ha would have removed the croft access, however, the applicant has acknowledged this and has agreed that a four metre access strip be retained within crofting tenure to enable access to the easterly part of the croft. The applicant has therefore modified their application which now extends to 0.251 ha. Given this modification, the area is established garden ground and the proposed site is fully enclosed, the Commission considers that the revised area sought is not excessive in relation to that purpose.</p> <p>The Commission is satisfied that the granting of the direction will not have a negative impact on the remainder of the croft as the house site is in separate ownership and access to the remainder of the croft will be maintained.</p> <p>The Commission noted that no objections were received in response to the public notification of the application. The Commission is therefore satisfied that the approval of this application will not have a negative impact on the public interest or the interests of the crofting community in the locality of the croft.</p> <p>For the foregoing reasons the application is approved.</p>	

**Caithness, Orkney & Shetland**

**Croft:** **Gorsend, Longness & The Store**  
**Parish:** **Aithsting**  
**Reg No:** **Z1679**  
**Case Number:** **96911**  
**Application Type:** **Decrofting – Part Croft**

<b>Decision – Approved</b>	<b>Extent: 0.113 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 the site for 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.	

**Croft:** **Lochside**  
**Parish:** **Whalsay**  
**Reg No:** **Z2996**  
**Case Number:** **96441**  
**Application Type:** **Decrofting – Croft House Site and Garden Ground**

<b>Decision – Approved</b>	<b>Extent: 0.122 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:** **Midhouse (Apportionment)**  
**Parish:** **Delting**  
**Reg No:** **Z3736**  
**Case Number:** **98094**  
**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:** **Midhouse (Apportionment)**  
**Parish:** **Delting**  
**Reg No:** **Z3738**  
**Case Number:** **98096**  
**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:** **Upper Stoneybrake**  
**Parish:** **Dunrossness**  
**Reg No:** **Z0371**  
**Case Number:** **98884**  
**Application Type:** **Subletting**

<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:** **Exnaboe**  
**Parish:** **Dunrossness**  
**Reg No:** **Z0351**  
**Case Number:** **98730**  
**Application Type:** **Decrofting – Part Croft**

<b>Decision – Approved</b>	<b>Extent: 0.128 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.	

**Croft:** **West Saltness**  
**Parish:** **Whalsay**  
**Reg No:** **Z1160**  
**Case Number:** **98831**  
**Application Type:** **Decrofting – Part Croft**

<b>Decision – Approved</b>	<b>Extent: 0.0005 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 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:** **Ellister**  
**Parish:** **Sandwick, Shetland**  
**Reg No:** **Z0267**  
**Case Number:** **99084**  
**Application Type:** **Short Term Let**

<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 short term let will be for the fixed period of 5 years.</p>

**Highland (excl Caithness)**

**Croft:** 88 Achmelvich  
**Parish:** Assynt  
**Reg No:** S0001  
**Case Number:** 98621  
**Application Type:** Decrofting – Part Croft

<b>Decision – Approved</b>	<b>Extent: 0.040 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 Easter Kilmachalmack  
**Parish:** Kincardine  
**Reg No:** R2133  
**Case Number:** 98519  
**Application Type:** Decrofting – Part Croft

<b>Decision – Approved</b>	<b>Extent: 0.165 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 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:** 7a Lots of Scorraig  
**Parish:** Lochbroom  
**Reg No:** R6137  
**Case Number:** 98194  
**Application Type:** Decrofting – Croft House Site and Garden Ground

<b>Decision – Approved</b>		<b>Extent: 0.125 ha</b>
<b>Grounds for Decision</b>		
<p>Having considered all of the available information, the Commission is satisfied as required by the Crofters (Scotland) Act 1993 that the site consists only of the dwellinghouse on or pertaining to the croft and that the extent of the garden ground is appropriate for the reasonable enjoyment of the dwellinghouse as a residence and has agreed to grant the Direction as requested.</p>		
<b>Conditions of Direction</b>		
<b>Enclosure of area:</b>	<p>The land must be enclosed (so far as not already enclosed) with a stockproof fence within four months of the acquisition of the land by the crofter or nominee.</p> <p>That fence shall be maintained in good order and repair by each successive owner or occupier of the land.</p>	

## **Western Isles**

**Croft:** 8 East Kilbride  
**Parish:** South Uist  
**Reg No:** I5204  
**Case Number:** 99807  
**Application Type:** Consent to be absent

### **Decision – Refusal**

#### **Grounds for Decision**

The Crofting Commission considered the application, under section 21B of the Crofters (Scotland) Act 1993 (“the 1993 Act”) from you, for consent to be absent from the croft at 8 East Kilbride, South Uist until 30 June 2020 and has decided to **refuse** the application.

On reaching this decision, the Commission noted that the Commission had granted two previous extensions and had advised at the granting of the second extension that it was unlikely that a third extension would be issued; although any application would be considered on its individual merits.

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 e.g. when a contracted period of work came to an end. In this case, however, the crofter has not provided any evidence to suggest that they would be in a position to take up residence at the end of the period of consent applied for. Under these circumstances the Commission are not prepared to consent to the application.

The Commission notes that the applicant is putting the house on the croft up for sale in the next few weeks. The Commission are therefore prepared in the meantime to hold any enforcement action in relation to the breach of duty in abeyance to enable the crofter to complete the sale and make arrangements for the future of the croft. We look forward to an update from the crofter of progress with resolving this situation.

If we have not received any note of progress by 30 November 2019, we will re-visit this case.



**Croft:** 22a Breasclete  
**Parish:** Uig  
**Reg No:** R5000  
**Case Number:** 95379  
**Application Type:** Decrofting – Part Croft

<b>Decision – Approved</b>	<b>Extent: 0.141 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 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:** 8 New Tolsta  
**Parish:** Stornoway  
**Reg No:** R4644  
**Case Number:** 93913  
**Application Type:** Decrofting – Croft House Site and Garden Ground

<b>Decision – Approved</b>	<b>Extent: 0.080 ha</b>
<b>Grounds for Decision</b>	
<p>Having considered all of the available information, the Commission is satisfied as required by the Crofters (Scotland) Act 1993 that the site consists only of the dwellinghouse on or pertaining to the croft and that the extent of the garden ground is appropriate for the reasonable enjoyment of the dwellinghouse as a residence and has agreed to grant the Direction as requested.</p>	
<b>Conditions of Direction</b>	
<b>Enclosure of area:</b>	<p>The land must be enclosed (so far as not already enclosed) with a stockproof fence within four months of the acquisition of the land by the crofter or nominee.</p> <p>That fence shall be maintained in good order and repair by each successive owner or occupier of the land.</p>

**Croft:** **3 Strond**  
**Parish:** **Harris**  
**Reg No:** **I2013**  
**Case Number:** **95566**  
**Application Type:** **Assignment**

<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:** **42 Leurbost**  
**Parish:** **Lochs**  
**Reg No:** **R3281**  
**Case Number:** **90593**  
**Application Type:** **Decrofting – Croft House Site and Garden Ground**

<b>Decision – Approved</b>	<b>Extent: 0.122 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>	<p>The land must be enclosed (so far as not already enclosed) with a stockproof fence within four months of the acquisition of the land by the crofter or nominee.</p> <p>That fence shall be maintained in good order and repair by each successive owner or occupier of the land.</p>

**Croft:** **1 Ardroil**  
**Parish:** **Uig**  
**Reg No:** **R4907**  
**Case Number:** **93917**  
**Application Type:** **Decrofting – Croft House Site and Garden Ground**

<b>Decision – Approved</b>		<b>Extent: 0.15 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:** **6 Garynahine**  
**Parish:** **Uig**  
**Reg No:** **R5270**  
**Case Number:** **87866**  
**Application Type:** **Assignment**

<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:** **44 Lower Bayble**  
**Parish:** **Stornoway**  
**Reg No:** **R3671**  
**Case Number:** **96896**  
**Application Type:** **Assignment**

<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:** 24 Upper Carloway  
**Parish:** Uig  
**Reg No:** R5118  
**Case Number:** 97906  
**Application Type:** Assingation

<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.