

NOTIFICATIONS AND GROUNDS AND DECISIONS FOR APPLICATIONS DECIDED

Applications between 06/01/20 – 12/01/20

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: 12 Shielfoot
Parish: Ardnamurchan & Sunart
Reg No: A1360
Case Number: 97996
Application Type: Division of Owner-Occupied Croft

Decision – Approved

Grounds for Decision

The Commission has considered your application under section 19D of the Crofters (Scotland) Act 1993 [“the 1993 Act”] to divide the owner-occupied croft at 12 Shielfoot, Ardnamurchan & Sunart, to create two new owner-occupied crofts 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 division of an owner-occupied croft.

In terms of sections 58A(7)(a)(i) and (ii) 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 croft and whether the croft is being or will be cultivated or put to such other purposeful use. It is noted that it is the applicant’s intention to (a) transfer one of the new crofts created by the division to be known as 12 Shielfoot to his daughter, Mrs Kirsten Joanne MacLeod, and (b) to transfer ownership of the other croft created by the division to be known as 7 Shielfoot to Craig MacLeod. Both are currently resident in the township of Shielfoot. The Commission are therefore satisfied that the duty to be ordinarily resident will be met in relation to both crofts created by the division.

The Commission notes that the croft at 12 Shielfoot will extend to 1.041 (ha) and that Mrs MacLeod’s has an existing tenancy of a deemed croft comprising a share in Shielfoot common grazings. The Commission further notes that the croft at 7 Shielfoot will extend to 0.11(ha) and that Craig MacLeod already has the ownership of 11 and 5 Shielfoot extending to 0.83(ha), and the tenancy of a deemed croft comprising a share in Shielfoot common grazings. The Commission therefore considers that the division will create two good sized crofting enterprises when all the croft land and associate shares are taken into account.

The Commission must give regard to the interests of the estate under subsection 58A(7)(b) of the Act. However, as this is not a tenanted croft there is no estate interest to give regard to.

Sections 58A(7)(c) and (d) of the Act relate to the interests of the crofting community in the locality of the croft and the sustainable development of that crofting community. The Commission are of the opinion that by creating an additional croft will potentially increase the number of crofters in the community which will be to the benefit of that community and its sustainable development.

The interests of the public at large must also be taken into account under subsection 58A(7)(e) of

the Act. The Commission has found no evidence to suggest that the interests of the public at large would be affected, either positively or negatively by the proposed division.

Subsection 58A(7)(f) of the Act relates to any objections received to the application. The Commission notes that no objections were received to the public notification process of the application.

Section 58A(7)(g) of the Act requires that in reaching a decision on such applications the Commission must have regard to their Policy Plan. The Commission's Policy Plan at paragraph 113 refers to the Commission not generally consenting to applications where the result would be the fragmentation of a croft into an unsustainable unit. The Commission notes and concurs with the comment by the SGRPID Reporting Officer that "The crofts are of a size that allows a small livestock crofting enterprise to be run along with the share in the common"

Finally, the Commission is satisfied that there will be no access issues created by the granting of this division application.

For the foregoing reasons the application has been approved.

Croft: 1 & 26 Bornesketaig
Parish: Kilmuir (Skye)
Reg No: 15764
Case Number: 97496
Application Type: Division

Decision – Approved

Grounds for Decision

The application provided us with all necessary information to take a decision and is in line with the Commission Plan and Policy Guidance. We are therefore satisfied that the application does not adversely affect the interests of the estate, the crofting community, the public at large or have an adverse effect on the sustainable development of the crofting community.

Croft: 2 Camuscroise
Reg No: 13358
Parish: Sleat
Case Number: 102374
Application Type: Assignment

Decision - Approval

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: 2C Ardmore
Reg No: 17558
Parish: Duirinish
Case Number: 102362
Application Type: Assignment

Decision - Approval

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: 3 Ardmore
Parish: Duirinish
Reg No: 15813
Case Number: 98170
Application Type: Decrofting – Part Croft

Decision - Approved	Extent: 0.157 ha
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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 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.
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Caithness, Orkney & Shetland

Croft: **Biggins**
Parish: **Aithsting**
Reg No: **Z1459**
Case Number: **98927**
Application Type: **Decrofting – Part Croft**

Decision - Approved	Extent: 0.036 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 date of direction. That fence shall be maintained in good order and repair by each successive owner or occupier of the land.	

Croft: **7 Skail**
Parish: **Reay**
Reg No: **C0858**
Case Number: **102331**
Application Type: **Decrofting – Croft House Site and Garden Ground**

Decision - Approved	Extent: 0.101 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 dwelling-house on or pertaining to the croft and that the extent of the garden ground is appropriate for the reasonable enjoyment of the dwelling-house as a residence and has agreed to grant the Direction as requested.	

Croft: **South Breck (Apportionment)**
Parish: **Walls, Shetland**
Reg No: **Z3798**
Case Number: **102528**
Application Type: **Assignment**

Decision - Approved
Grounds for Decision
Having considered all of the available information, the Commission is satisfied that the application does not adversely affect the interests of the estate, the crofting community, the public at large or will have an adverse effect on the sustainable development of the crofting community and the application has been granted.

Highland (excl Caithness)

Croft: 295 Dornie
Parish: Kintail
Reg No: R2177
Case Number: 99157
Application Type: Decrofting – Croft House Site and Garden Ground

Decision - Approved	Extent: 0.167 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 dwelling-house on or pertaining to the croft and that the extent of the garden ground is appropriate for the reasonable enjoyment of the dwelling-house as a residence and has agreed to grant the Direction as requested.	

Croft: 14 Melvaig
Parish: Gairloch
Reg No: R1714
Case Number: 101479
Application Type: Decrofting – Part Croft

Decision - Approved	Extent: 0.092 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 by the site for 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.	

Croft: 89 Inchomney (Share)
Reg No: S3022
Parish: Rogart
Case Number: 101429
Application Type: Assingation

Decision - Approval
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: Ruarach
Parish: Kintail
Reg No: R2192
Case Number: 98969
Application Type: Decrofting – Croft House Site and Garden Ground

Decision - Approved	Extent: 0.242 ha
Grounds for Decision	
<p>The Commission has considered the application submitted by David James Glover under section 24A(1) and section 25(1)(b) of the Crofters (Scotland) Act 1993 (“The 1993 Act”) to decroft the croft house site and garden ground on the croft at Ruarach, Kintail extending to 0.242 hectares and gives a Direction under section 24B(1) of the 1993 Act on the following grounds:</p> <ul style="list-style-type: none">• The Commission is satisfied on the available evidence that the site consists of the dwelling-house on the croft.• The Commission is further satisfied that the extent of the garden ground included in the application is appropriate for the reasonable enjoyment of the dwelling-house as a residence. Although the extent of the land to which the application applies is slightly larger than would normally be granted in relation to that purpose, the area is considered justifiable given the size of the property, the driveway requirements and the lay of the land of the site. The Commission took into account the comment in the SGRPID report that the house will also function as a Bed and Breakfast enterprise and that planning required that the applicant has parking capacity for 3 – 5 parked cars.	

Western Isles

Croft: **8 Balranald**
Reg No: **I4267**
Parish: **North Uist**
Case Number: **102417**
Application Type: **Assignment**

Decision - Approval
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: **17a Liniclate**
Parish: **South Uist**
Reg No: **I5287**
Case Number: **100393**
Application Type: **Decrofting – Part Croft**

Decision - Approved	Extent: 0.03 ha
Grounds for Decision	
Having considered all of the available information, the Commission is satisfied this application is for a reasonable purpose and that the extent of the land applied for is not excessive in relation to that purpose. The Commission has therefore agreed to grant the Direction as requested.	
Conditions of Direction	
The land must as a first change of use, be used, let or disposed of as a site for an extension to an existing 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: **33 Locheport (Pier Ground)**
Reg No: **I4529**
Parish: **North Uist**
Case Number: **101878**
Application Type: **Letting**

Decision - Approval
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: 307 Kilpheder
Parish: South Uist
Reg No: I5254
Case Number: 102136
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 a fixed period of 10 years.