

Decrofting Application – Croft House Site and Garden Ground

Great Glen House, Leachkin Road,
Inverness IV3 8NW
Telephone: (01463) 663439 Fax: 725067
e-mail: info@crofterscommission.org.uk
www.crofterscommission.org.uk

To avoid delays, please ensure you answer all relevant questions and provide all documents requested to the address above. Failure to do so may mean we have to return your application.

If the application is being submitted by anyone other than the crofter or their Solicitor, the form should be accompanied by written confirmation from the crofter that they had authorised the signatory to act as their agent.

Please note that any information you provide is part of an open process and made available to other parties involved in the process. Your information would also be released under a Freedom of Information enquiry subject to any disclosure exemptions under the Data Protection Act 1998.

IMPORTANT INFORMATION

We must make a decrofting Direction where the application relates to the croft house site, within the meaning of section 25(1)(b) of the Crofters (Scotland) Act 1993, and we are satisfied that the extent of any garden ground within the site is appropriate for the reasonable enjoyment of the dwellinghouse as a residence.

We will take into account the extent of the area that has been, or is to be, granted in the Title to the croft house site. Where you own the whole of the croft, we will consider what extent of land can readily be identified as being the existing garden ground of the area applied for. However, we reserve the right to modify your application and to reduce the extent of the site (unless it has already been fixed by the Scottish Land Court).

If there is more than one dwellinghouse on the croft, it is for the crofter and landlord to decide which dwellinghouse is the statutory house site.

The house you are applying to decroft must be wind and water tight and fit for human habitation as a residence. If not, it will be necessary for you to apply to decroft the site as a part croft and complete the appropriate application form.

If the croft house site is jointly owned, details of all owners must be provided and all owners must sign the declaration at the end of this form.

Further guidance can be found in our decrofting leaflet and policy guidance, which is available on our website or by contacting us at the above phone number.

For tenant applicants only:

The Act requires you to give written notice of this type of application to your landlord and we are not required to advertise it. Please see Appendix 1 for an example notice.

You must deliver the completed notice to the landlord or send it to him by registered post or by the recorded delivery service. We recommend that you keep some proof of posting to the landlord. You should also provide the landlord with copies of the required maps of the site. (*There is information later in the form about required maps*).

CROFT AND CONTACT DETAILS

1 Croft Details

Croft Name:		
Parish:		
Register Number:		Agricultural Code Number:

2 Applicant(s) Details

Surname:		Title:
Forename(s):		
Date of Birth:		
Main Residential Address:		
		Post Code:
Telephone:		
Alternative Telephone:		
E-mail Address:		
I agree to communication regarding this application by e-mail		Yes <input type="checkbox"/> No <input type="checkbox"/>

3 Agent Details for Applicant (only if applicable – see note on page 1)

Name:		
Postal Address:		
		Post Code:
Telephone:		
Alternative Telephone:		
E-mail Address:		
I agree to communication regarding this application by e-mail		Yes <input type="checkbox"/> No <input type="checkbox"/>

4 Landlord Details (only if applicable - more details can be entered on Appendix 2)

Name of Organisation/Company/Estate:	
Surname:	Title:
Forename(s):	
Postal Address:	
	Post Code:
Telephone:	
Alternative Telephone:	
E-mail Address:	

5 Agent Details for Landlord (only if applicable)

Name:	
Postal Address:	
	Post Code:
Telephone:	
Alternative Telephone:	
E-mail Address:	

APPLICATION DETAILS

6 Is the house wind and water tight and fit for human habitation? Yes No

If 'No', please do not use this form. Instead you must complete a **Part Croft** Decrofting Application form.

IMPORTANT INFORMATION

We consider that 0.100 ha would normally be appropriate for a house site.

Please enter the extent applied for in hectares, to three decimal places (0.090 ha).

7 How much land are you applying to decroft? _____ ha

If the area applied for is larger than 0.100 of a hectare, please explain why you require to decroft a larger area:

8 Do you own the area applied for? Yes No

If 'Yes', please provide the following information:

The date of purchase: _____ (day/month/year)

The extent purchased: _____ (ha)

Name of seller(s): _____

If 'No', has agreement been reached with the landlord to purchase the site applied for? Yes No

9 Is the area applied for situated on any common grazings? Yes No

If 'Yes', what is the name of the common grazings? _____

IMPORTANT INFORMATION

We will not normally include the site of a serviceable agricultural building in any decrofting Direction.

- 10** Are there any agricultural buildings within the area applied for? Yes No

If **'Yes'**, please give details including the approximate age of each building, whether you have received grant assistance for its construction and how it is currently used:

IMPORTANT INFORMATION

We must ensure that adequate vehicular access, in particular, from a public road to the remainder of the croft and/or any adjacent croft land is not prevented or impeded. We may modify the area or impose conditions in any Direction we issue to you to ensure that access is not stopped or obstructed.

- 11** Is vehicular access to the remainder of the croft or any other croft land included in the area applied for? Yes No

If **'Yes'**, is there an alternative access to that land? Yes No

Please show all vehicular access routes to the adjacent croft land, whether through or nearby the croft house site, on the maps enclosed with your application.

If there is no alternative access, please provide details of any arrangements for access to the remainder of the croft or other croft land:

- 12** Is the area applied for enclosed separately from the remainder of the croft (eg with existing fences/walls)? Yes No

If **'Yes'**, please provide details: _____

EXISTING GRANTS DETAILS

- 13 Have you received assistance from the Croft House Grant Scheme (CHGS) or Crofters etc Building Grants & Loans Scheme (CBGLS) for the house? Yes No

If 'Yes', please provide the following:

Client Reference Number: _____ Debtor ID: _____

IMPORTANT INFORMATION

Your decrofting application **must** be accompanied by a location map and a site map. All maps **must** be clear and legible. You will find examples of the standard of maps we require at Appendix 3. Maps that do not meet our required standard will result in your application being returned. Maps that meet this standard can be acquired from local authorities, architects, surveyors and distributors of Ordnance Survey maps can be found by searching the Internet (an example site is shown here but there are others available: <http://www.ordnancesurvey.co.uk/oswebsite/business/land-and-property/planning-application-mapping.html>).

The area to be decrofted and the croft boundary will be drawn on to our computer mapping system. Ideally you should send us original colour maps. Maps that have been photocopied several times lose their quality and accuracy.

Our guidelines meet the Registers of Scotland map criteria for Title maps so a duplicate of the map included in the Land Certificate for the site will usually be acceptable.

APPLICANT/AGENT PLEASE SIGN THIS PAGE

IMPORTANT INFORMATION

You **must** let us know if you have purchased the area applied for. If you are a tenant and your application is approved, we will issue an 'Advance of Purchase' decrofting Direction. This means that you or your nominee **must** purchase the area approved within 5 years of the date of that Direction. This is a statutory time limit, which we cannot extend or modify.

14 I confirm the following documents are attached to this application:

- Location Map
- Site Map

15 Declaration

This application is submitted under sections 24 and 25 of the Crofters (Scotland) Act 1993 and the area applied for should cease to be croft land.

For tenant applicants only:

I declare that I have given the croft landlord(s) written notification of this decrofting application as required by law.

For all applicants:

I declare that, to the best of my knowledge, the information I have given in this application is correct.

Signed _____ **Date** _____
Applicant/Agent

Signed _____ **Date** _____
Applicant/Agent

What Happens Next?

- When we receive your application, we will send you or your agent an acknowledgement letter within 5 working days.
- We will normally reach a decision on your application within 6 weeks.
- You may appeal to the Scottish Land Court, within 42 days from the date of public notification of our decision, against our decision or against any conditions which we may impose in any Direction we make.

Notice for Landlord

Proposal to Decroft the Croft House Site and Garden Ground

I, _____ (name) of _____
_____ (address)
intend to apply to the Crofters Commission for an 'advance of purchase' decrofting Direction in
respect of the site of the dwellinghouse on or pertaining to my croft at _____
_____.

The site I wish to decroft extends to _____ hectares.

A site map showing the boundaries of the proposed site and existing access routes to the
adjacent croft land is enclosed for your information.

If you have any comments on the proposal, you may submit these in writing or some
other permanent form to the Crofters Commission, Great Glen House, Leachkin Road,
Inverness IV3 8NW (e-mail info@crofterscommission.org.uk) within 14 days of receipt of this
notice.

Please note that any comments received by the Crofters Commission are part of an open
process and will be made available to myself and any interested parties. Your comments would
also be released under a Freedom of Information enquiry. Frivolous, vexatious or unreasonable
comments cannot be accepted.

Signed _____ Date _____
(Tenant/Agent)

PLEASE PRINT NAME: _____

Additional Landlord Details

Name of Organisation/Company/Estate:	
Surname:	Title:
Forename(s):	
Postal Address:	
	Post Code:
Telephone:	
Alternative Telephone:	
E-mail Address:	

Additional Agent Details for Landlord (only if applicable)

Name:	
Postal Address:	
	Post Code:
Telephone:	
E-mail Address:	

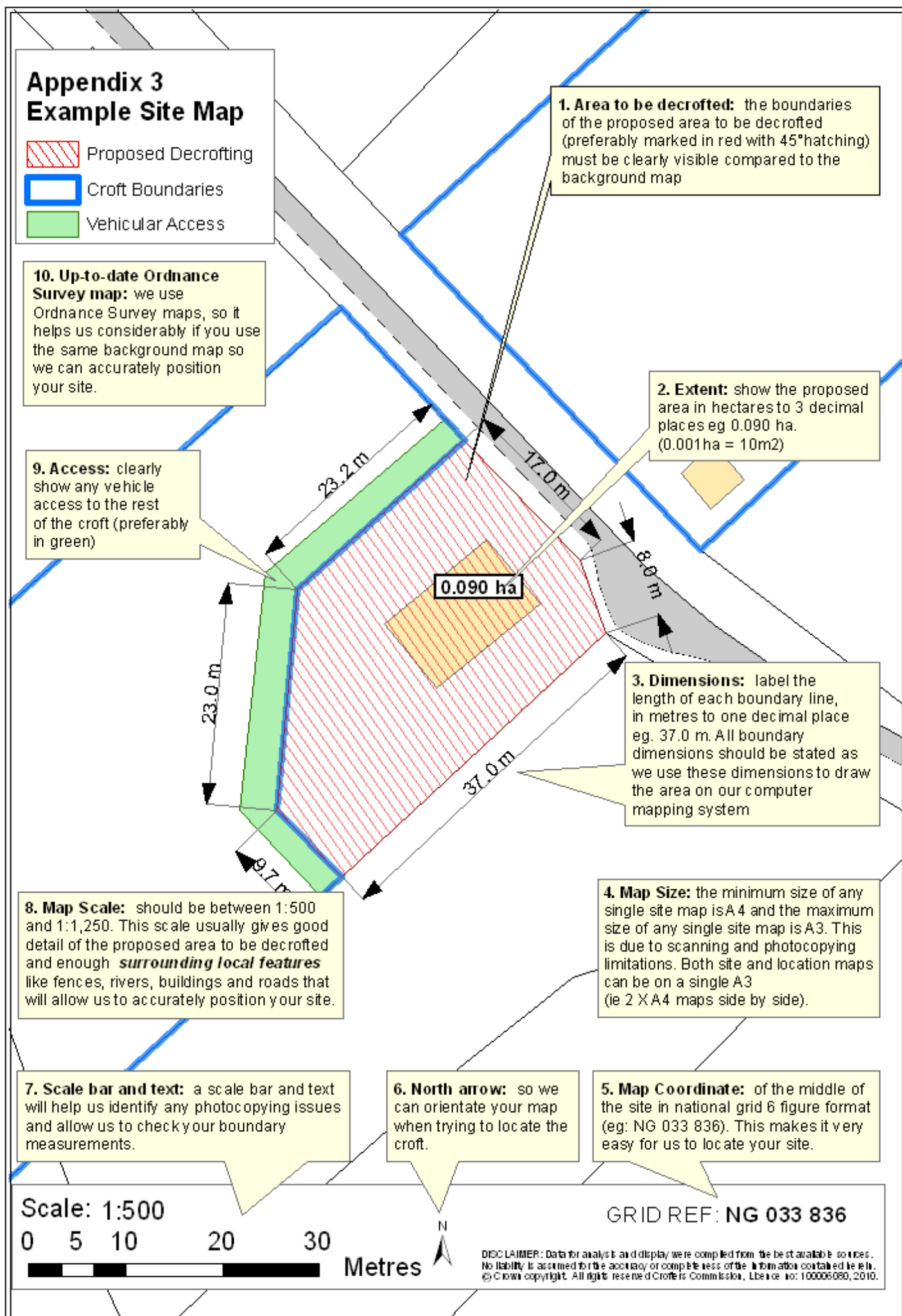
Additional Landlord Details

Name of Organisation/Company/Estate:	
Surname:	Title:
Forename(s):	
Postal Address:	
	Post Code:
Telephone:	
Alternative Telephone:	
E-mail Address:	




Additional Agent Details for Landlord (only if applicable)

Name:	
Postal Address:	
	Post Code:
Telephone:	
E-mail Address:	

(note: view in *Print Layout* to print to scale)



Example Location Map

-  Proposed Decrofting
-  Croft Boundaries
-  Vehicular Access

1. Area to be decrofted: the boundaries of the proposed area to be decrofted (preferably marked in red with 45° hatching) must be clearly visible compared to the background map

2. Whole croft boundaries: should be clearly shown, with a blue outline. We need to be able to see the proposed decrofted site in relation to the whole croft and to any surrounding land.

9. Up-to-date Ordnance Survey map: we use Ordnance Survey maps, so it helps us considerably if you use the same background map so we can accurately position your site.

8. Access: clearly show any vehicle access to the rest of the croft (preferably in green)

7. Map Scale: should be between 1:2,500 and 1:10,000. This scale usually gives good detail of the proposed area to be decrofted and enough *surrounding local features* like fences, rivers, buildings and roads that will allow us to accurately position your site.

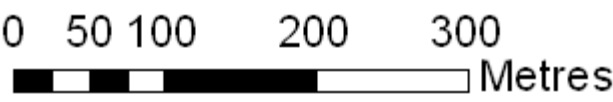
3. Map Size: the minimum size of any single site map is A4 and the maximum size of any single site map is A3. This is due to scanning and photocopying limitations. Both site and location maps can be on a single A3 (ie 2 X A4 maps side by side).

6. Scale bar and text: a scale bar and text will help us identify any photocopying issues and allow us to check your boundary measurements.

5. North arrow: so we can orientate your map when trying to locate the croft.

4. Map Coordinate: of the middle of the site in national grid 6 figure format (eg: NG 033 836). This makes it very easy for us to locate your site.

Scale: 1:5,000



GRID REF: NG 033 836

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