

Delegated or Committee Planning Application Report and Report of handling as required by Schedule 2 of the Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2008 relative to applications for Planning Permission or Planning Permission in Principle

Reference No: 11/00851/PP

Planning Hierarchy: Local Development

Applicant: Mr E & Mrs H Howarth

Proposal: Erection of dwellinghouse, installation of septic tank and formation of access.

Site Address: Cul A Mhill, Ardtun, Bunessan, Isle of Mull

SUPPLEMENTARY REPORT NO. 2

(A) ADDITIONAL INFORMATION

Supplementary Report No 1 addressed comments received from the Crofters Commission in respect of this application but indicated that responses to further questions posed to them were outstanding.

An additional response dated 07.03.12 has since been received from the Crofters Commission referring the Council to the Interim Plan prepared by the Commission and submitted to the Scottish Government in order to show how the Commission intends to discharge its functions until such time as the forthcoming Crofting Commission comes into being on 1st April 2012.

This refers *inter alia* to the matters to which the Commission will have regard in considering the acceptability of the potential sub-division of an existing croft, in both circumstances where the croft is tenanted and where it is owner-occupied. In relation to owner-occupied crofts these are as follows:

Promoting Occupancy

- Whether the owner-occupier crofter is resident on or within 32 kilometres of the croft
- Whether the division creates the opportunity for new entrants to crofting

Active Land Use

- Whether the plans for division are reasonable and realistic
- Whether there are any reasonable grounds for concern regarding the use of the crofts following the division

- Whether division of the croft will have an adverse effect upon the management of croft land
- Whether division might affect the croft in terms of its cultivation or some other purposeful use

Shared Management by Crofters

- Whether the croft division will be an asset to the crofting community
- The impact the proposals might have on any grazing share and communal crofting activities

Sustainability of Crofting and Population Retention

- Whether a proposed division affects the viability and/or functionality of the croft
- Whether a proposed division might affect the croft in terms of its cultivation or other purposeful use
- Whether division assists in sustaining a crofting community
- Whether division may assist in retaining population in the area
- The interest of the local crofting community
- The general proposals for the crofting use of the land

Shared Management by Crofters

- The proposals, if any, for creating common grazing (where appropriate)
- The interest of any existing crofting community within the locality

Sustainability of Crofting and Population Retention

- The anticipated social and economic benefits accruing from crofting status
- The general economic and social conditions pertaining within the area
- The potential for retaining population within the area concerned
- The potential to sustain crofting within the area concerned.

In relation to the division of the croft associated with applications 11/00847/PP and 11/00851/PP, the Crofters Commission has confirmed that the above policies would have been applied when the Commission approved the division of this croft and it has been concluded that that dividing the croft was in the public interest and would sustain crofting in the area. The Commission has pointed out that it did not respond to our initial consultation as the proposal was in keeping with their Policy and their understanding of the extant Local Plan which allows for new house on bare-land crofts or new crofts created through the Commission approving the division of existing crofts. The Commission does not, however,

propose to express any view on the viability of the applicants' proposals for the management of the croft or the extent to which their intentions would warrant a residential presence on the croft.

(B) RECOMMENDATION:

It is recommended that the position of the Crofters Commission be noted and that the application be determined in accordance with the recommendation set out in Supplementary Report No 1.

Author of Report and Contact Officer:

Richard Kerr

Date: 14/03/12

Angus Gilmour
Head of Planning and Regulatory Services