

DELEGATED DECISION MAKING AND ESCALATING CASES

Where an application complies with the published Commission policy and delegation parameters; a decision may, generally, be taken by the Case Officer at Tier One of the delegated authority structure as approval of such applications has been delegated to those officials.

Cases which do not meet these guidelines, generally, require us to collect further information e.g. obtaining a SGRPID report. The decision making for such cases is escalated to a panel of three senior officials at Tier Two and potentially to a Casework Group of Commissioners at Tier Three. As a result, these cases will tend to take longer for the Commission to consider. While escalated applications may be approved in their entirety, the Commission may also modify the boundaries or reduce the extent of the area to be decrofted. In addition, if escalated from Tier One, applications can be refused.

Applications to decroft the house site and garden ground are generally escalated to Tier Two and/or Tier Three due to the failure to comply with one or more of the following:

1. Ensuring the size of the area is acceptable

Policy	Tier One Parameter
<p>The Commission's Policy Plan states at paragraph 104 that:</p> <p>“The Commission will only approve applications where it is satisfied that the size of the area is acceptable (having regard, where appropriate, to the average size of the house sites in the locality) and that adequate access to the croft remains. Account will also be taken of the size of the croft, the quality of the proposed area of land and its location within the croft.”</p>	<p>The parameters for delegation require that</p> <p>Any application where the combined area of dwelling house and garden ground was in excess of 0.20 ha should be escalated...</p>



Gheibhear tuilleadh
foisrachaidh Di-chroiteadh
air ar làrach-lìn [www](http://www.crofting.scotland.gov.uk).
Coimisean na Croitearachd

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www.crofting.scotland.gov.uk

2. Ensuring adequate access to the croft remains

Policy	Tier One Parameter
<p>The Commission’s Policy Plan states at paragraph 104 that:</p> <p>“The Commission will only approve applications where it is satisfied...that adequate access to the croft remains.”</p>	<p>The parameters for delegation require that</p> <p>Any application where the access is included in the application but either no or inadequate access has been identified should be escalated...</p>

3. Buildings located within area applied for

Legislation	Tier One Parameter
<p>The Commission is required to give a decrofting direction under section 25(1)(b) of the Crofters (Scotland) Act 1993 where it is satisfied “the application is made in respect of part of a croft which consists only of the site of the dwelling-house...”.</p> <p>The Commission recognises that there may be circumstances where other buildings are included within the area applied for that are either contiguous or are located very close to the dwellinghouse and are incidental to and directly associated with or servicing the domestic house.</p>	<p>The parameters for delegation require that</p> <p>If there are any additional buildings included within the site and these are being used or are capable of being used as agricultural buildings equipping the croft, the application should be escalated...</p>

A full list of the delegated decision making parameters for decrofting applications can be viewed on our website www.crofting.scotland.gov.uk/decrofting.

During the course of the processing of a case, an applicant will generally be given the opportunity to modify their application to comply with the foregoing policy guidelines and delegation parameters.

If an applicant proposes such a modification, the case could still be dealt with at the Tier One level of decision making. If they do not propose a modification, the Commission will process the case on the applicant's understanding that it will be subject to escalation and potential refusal. Although, the Commission considers every application on its own circumstances and the evidence gathered during the processing of the case.

It should be noted that modification of any application will not guarantee that the Crofting Commission will grant a decrofting Direction in respect of the modified site.

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For advice on your own particular circumstances, we recommend you seek independent legal advice**