

|  |
| --- |
| **Application Decision** |
|  |
| **by Richard Holland** |
| **Appointed by the Secretary of State for Environment, Food and Rural Affairs** |
| **Decision date: 14 April 2022** |
| **Application Ref: COM/3284920****Petridgewood Common, Redhill, Surrey**Register Unit No: CL41Commons Registration Authority: Surrey County Council* The application, dated 14 October 2021, is made under Section 38 of the Commons Act 2006 (the 2006 Act) for consent to carry out restricted works on common land.
* The application is made by Salfords Cricket Club.
* The works comprise:
1. new single storey pitched roof cricket pavilion building comprised of WCs and showers, changing rooms, stores and plant room, club social spaces and an external covered veranda. Total maximum footprint 309.11m² (15.02m x 20.58m) with a 245.8m² gross internal area; and
2. installation of a chain-link and post fence around twin lane cricket practice nets enclosing an area of approximately 175m² (25m x 7m).
 |

**Decision**

1. Consent is granted for the works in accordance with the application dated 14 October 2021 and the plans submitted with it subject to the following conditions:
2. the works shall begin no later than 3 years from the date of this decision; and
3. the land shall be fully reinstated within one month from the completion of the works.
4. For the purposes of identification only, the location of the proposed works is shown outlined in red on the attached plan.

**Preliminary Matters**

1. I have had regard to Defra’s Common Land consents policy of November 2015 (the Defra policy) in determining this application under Section 38, which has been published for the guidance of both the Planning Inspectorate and applicants. However, every application will be considered on its merits and a determination will depart from the policy if it appears appropriate to do so. In such cases, the decision will explain why it has departed from the policy.
2. The application is partly retrospective. Consent is sought for the twin-lane cricket practice nets, which were installed over 10 years ago without a consent application being made, as well as for a new chain link fence around them. Retrospective consent may be considered for works carried out after 31 October 2007. The applicant confirms that the nets were installed after that date and I am satisfied that an application for their consent can be considered.
3. The application notice refers to temporary fencing, vehicle access and secure contractor’s compound, which the application form says may be required on site for the duration of the building work (estimated to be 3 to 6 months). However, not enough detail of these temporary works has been provided to enable me to take them into account when deciding the application.
4. Planning permission has been granted by Reigate and Banstead Borough Council (RBBC) for demolition of existing single storey timber cricket pavilion and construction of new single storey timber cricket pavilion (Decision 21/00110/F of 23 September 2021).
5. This application has been determined solely on the basis of written evidence. I have taken account of the representations made by Natural England (NE) and Surrey County Council Historic Environment Team (SCCHET).
6. I am required by section 39 of the 2006 Act to have regard to the following in determining this application:-
7. the interests of persons having rights in relation to, or occupying, the land (and in particular persons exercising rights of common over it);
8. the interests of the neighbourhood;
9. the public interest. (Section 39(2) of the 2006 Act provides that the public interest includes the public interest in; nature conservation; the conservation of the landscape; the protection of public rights of access to any area of land; and the protection of archaeological remains and features of historic interest); and
10. any other matter considered to be relevant.

**Reasons**

***The interests of those occupying or having rights over the land***

1. Petridgewood Common is owned by RBBC, which was consulted about the application but did not comment. The common land register records no rights of common. There is no evidence before me to suggest that the works are likely to harm the interests of those occupying or having rights over the land.

***The interests of the neighbourhood and public rights of access***

1. The proposed works are to demolish the existing pavilion and replace it with a larger one on the same site and to fence off the existing adjacent practice nets area on all sides. The interests of the neighbourhood test relates to whether the works will impact on the way the common land is used by local people and is closely linked with interests of public access.

1. The main area of Petridgewood Common to the west of Woodhatch Road has long been used as a cricket ground and Salfords Cricket Club entered into an extended lease with RBBC in 2019 for the continued use of the ground and pavilion. The lease runs until 2033 and it is the Club’s intention to retain the lease in the long term. The existing cricket pavilion has been in place for over 50 years. The proposed new pavilion will be more than twice the size of the existing one (from 137.6m² to 309.1m²).
2. The club wants to increase all forms of cricket, with more junior sides, the promotion of girls/women’s cricket and future investment in disability cricket. The applicant says that with the growing number of players at the club it has become apparent that the current pavilion is not suitable to meet the needs of its membership. Furthermore, it does not meet current building standards in several areas and is not compliant with England and Wales Cricket Board (ECB) standards for dressing rooms and facilities.
3. A larger pavilion will enable an appropriate standard of modern facilities to be provided to meet the increase in diversity of users. I consider it likely that many present and future club members will be local people and I conclude that the new pavilion will therefore benefit neighbourhood interests.
4. The practice nets area occupies approximately 175m². It is open at one end and currently accessible to all. Once fenced, access to it will be via a gate, which will be kept locked when it is not in use and it will be accessible only to Salford Cricket Club members and officers. The current nets suffer extensively from rabbit damage. They are worn and the applicant contends that if a cricket ball was to pass through one of the holes it would be a danger to by-standers or walkers. I conclude that preventing the escape of cricket balls is in the interests of the neighbourhood and that the proposed fencing is an appropriate solution to achieve it.
5. There is a problem with anti-social behaviour in the nets area when they are not in cricket club use, with smashed glass and evidence of alcohol/drug use; the Club has reported this to the police. The applicant says football is also played within the nets area, for which it is not designed, and there have been instances of deliberate pulling on the nets which has caused damage. Without a lockable gate in the proposed new fencing there is nothing to prevent such anti-social behaviour and damage from continuing.
6. As with the pavilion, the nets facility is for the use of club members and the proposed works will therefore benefit neighbourhood interests. Whilst the nets area is currently open to public access, it is intended to serve a specific purpose. The nets area occupies only a very small proportion of the area of the common as a whole and I conclude that excluding public access is justified if this means that, by protecting the facility from anti-social and damaging activity, it can continue to serve members of the local community who wish to play cricket at the club.

***The public interest***

*Nature conservation and conservation of the landscape*

1. The application land is not subject to any statutory designations for nature conservation. NE has raised no concerns about the proposed works but advises that the land lies within the Petridgewood Common Site of Nature Conservation importance (SNCI) and therefore has county level importance for nature conservation.
2. I consider that the works, which affect only the immediate areas around the existing pavilion and nets area, are likely to have a negligible impact on nature conservation interests.
3. The application land has no special landscape protection designation but the new pavilion will occupy more of the common than the pavilion it will replace and this will have some impact on the landscape. However, the new pavilion will be a single storey timber building as before with external materials in keeping with the rural setting of the common.
4. The cricket ground is surrounded by woodland and the pavilion site is set at the western edge in front of a line of mature trees, as viewed from the cricket pitch. The trees are to be retained and will soften the impact of the new pavilion.
5. The nets area is adjacent to the existing pavilion and is flanked by trees on two sides. The proposed chain-link fencing will impact on the landscape to an extent but will not be particularly visible from a distance and up close may be a visual improvement to the existing nets, which are in a poor condition. The twin lanes have a synthetic surface, which from an aerial view provided by the applicant, appears to be blend in well with the surrounding grass.
6. I am satisfied that the proposed works will not unacceptably harm landscape interests.

*Archaeological remains and features of historic interest*

1. SCCHET advised that it has no archaeological concerns about the works as there are no Scheduled Monuments at the site and the area does not fall within an identified Area of High Archaeological Potential. I am satisfied that the works will not harm any archaeological remains or features of historic interests.

**Conclusion**

1. Defra policy says “C*onsent will not normally be granted for permanent buildings on common land, because such development is normally incompatible with the future use of the land as common land. However, where such buildings are intrinsically related to the enjoyment or management of the common, such as a cricket pavilion, lambing shed or a keeper’s hut, consent under Section 38 may be considered appropriate.”*
2. Iconsider that the proposed new cricket pavilion, and associated practice nets, are intrinsically linked to the enjoyment of the common and will better serve the needs of cricket players than the existing pavilion, which is no longer fully fit for purpose.
3. I conclude that the proposed works will not unacceptably harm public access and landscape interests, as set out in paragraph 8 above. Furthermore, they will benefit the interests of the neighbourhood by improving facilities for local people playing cricket on the common and preventing anti-social and damaging behaviour in the nets area. Consent is therefore granted for the works subject to the conditions set out in paragraph 1.

**Richard Holland**

