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# Application Decision

by **Richard Holland**

Appointed by the Secretary of State for Environment, Food and Rural Affairs

Decision date: 7 March 2017

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## Application Ref: COM/3160328

### Shalford Common, Surrey

Register Unit No: CL 252

Commons Registration Authority: Surrey County Council

- The application, dated 4 October 2016, 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 Shalford Parish Council.
- The works comprise:
  - (i) extension to the area designated for play equipment from 450 square metres to 525 square metres to include a space net, cradle swing and balance beam trail; and
  - (ii) an existing youth shelter, constructed in 2009, situated to the rear of the play area covering 3 square metres.

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## Decision

1. Consent is granted for the works in accordance with the application dated 4 October 2016 and the plans submitted with it subject to the following conditions:
  - (i) the works which form part of the extension to the play area shall begin no later than 3 years from the date of this decision; and
  - (ii) the youth shelter panels shall be painted green within 3 months from the date of this decision.
2. For the purposes of identification only the location of the works are shown hatched in red on the attached plan.

## Preliminary Matters

3. I have had regard to Defra's Common Land Consents Policy Guidance<sup>1</sup> 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 guidance if it appears appropriate to do so. In such cases, the decision will explain why it has departed from the guidance.
4. This application has been determined solely on the basis of written evidence.
5. I have taken account of the representations made by Jenny and Murray Farrant, Christine Fair, the Open Spaces Society (OSS) and Natural England (NE).
6. I am required by section 39 of the 2006 Act to have regard to the following in determining this application:-

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<sup>1</sup> Common Land Consents Policy Guidance (Defra November 2015)

- a. the interests of persons having rights in relation to, or occupying, the land (and in particular persons exercising rights of common over it);
- b. the interests of the neighbourhood;
- c. the public interest;<sup>2</sup> and
- d. any other matter considered to be relevant.

## **Reasons**

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

7. The applicant confirms that the landowner, Guildford Borough Council supports the application. Rights of grazing, pannage, piscary, estover and turbarry are registered over the common but are not currently exercised. I do not consider that the proposed works will impact adversely on the interests of those occupying or having rights over the land and there is no indication that the youth shelter has had an adverse impact on those interests.

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

8. The interests of the neighbourhood test relates to whether the works would impact on the way the common is used by local people. The applicant explains that the existing play area known as 'Pound Place' has been on the common for some 50 years and is the only publically provided play area in the village. The play area is situated next to a busy footpath and is well used but does not, at present, adequately cater for school age children. The applicant confirms that the extension is in response to demand from local families for improved play facilities on the common, and will address the needs of a broader age range of children, particularly those within the 5-15 age bracket.
9. Amongst the concerns of those objecting is that the existing youth shelter has, and will, encourage incidents of anti-social behaviour and the extended play area will exacerbate existing parking issues for residents. I note that the comments also include support for the extension to the Pound Place play area, describing it as an excellent facility for local families. The OSS does not object to the works.
10. In response to concerns, the applicant confirms that the youth shelter was erected following advice received from the Police Community Support Officer, and it will liaise with the police to ensure that the shelter is regularly monitored and checked. The applicant explains that although parking is a major problem in the village, the proposed extension is unlikely to generate any increase in the demand for car parking spaces as the majority of visitors walk to the play area.
11. I am satisfied that the concerns raised about the works have been addressed by the applicant, although any knock-on effects there may or may not be on car parking in the village is of little relevance to my consideration of the impact the works may have on the way the common is used. No fencing is proposed and full access to the common will be maintained. It is clear that the play area is a popular and valuable amenity within the village. I therefore conclude that overall the works will benefit the interests of the neighbourhood, particularly local families and young people. I do not consider that the works will have, or have had, any significant impact on public rights of access.

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<sup>2</sup>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.

### *Nature Conservation*

12. NE comments that they do not see the works as having a detrimental effect on either landscape, access or the biodiversity of the common. In view of NE's comments, I am satisfied that the proposed works will not impact on nature conservation interests.

### *Conservation of the landscape*

13. The applicant explains that Pound Place play area is situated on a small open stretch of common and is bordered by an area of woodland to the east and roads to the south and west. The proposed play equipment will replace two existing pieces of equipment on the common with three new pieces of equipment, of mainly natural materials and colours (green and brown). The safety surfacing will be grass/grassmat. In response to concerns about the appearance of the youth shelter, the applicant confirmed that the shelter will be painted green to mitigate its visual impact.
14. I consider that the proposed extension to Pound Place play area is largely sympathetic to its surrounding and unlikely to have any further significant impact on the common than the existing play equipment. Painting the shelter green will help lessen its visual impact. The common is 23.3179 hectares in area so the new play equipment and youth shelter will cover a very small area (75 square metres) and (3 square metres) respectively; less than 0.04% of the whole common. In conclusion, I am satisfied that the works will conserve the common, and any slight visual impact is outweighed by the benefits from the increased amenity value of the common that the improvement to recreational facilities will bring.

### *Protection of archaeological remains and features of historic interest*

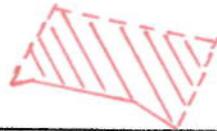
15. There is no evidence before me to indicate that the works will harm any archaeological remains or features of historic interest.

### **Conclusion**

16. I conclude that the works will benefit the interests of the neighbourhood by enhancing play facilities on the common and will not harm the other interests set out in paragraph 6 above. Consent is therefore granted for the works subject to the conditions set out in paragraph 1.

**Richard Holland**

 YOUTH SHELTER

 PLAY AREA EXTENSION

