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# Application Decision

by **Richard Holland**

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

Decision date: 22 September 2017

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**Application Ref: COM 3180919**  
**Harpenden Common, Hertfordshire**

Register Unit No: CL 16

Commons Registration Authority: Hertfordshire County Council

- The application, dated 20 July 2017, 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 Harpenden Town Council
  - The works comprise the replacement of the existing Cricket Club net and carpet structure with similar and the extension of the facility by 4 m.
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## Decision

1. Consent is granted for the works in accordance with the application dated 20 July 2017 and accompanying plan, subject to the condition that the works shall begin no later than three years from the date of this decision.
2. For the purposes of identification only the location of the works is shown outlined in red on the attached plan.

## Preliminary Matters

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

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

- 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 landowner is also the applicant. There is one right of grazing registered over the common which the applicant confirms is not exercised. I am satisfied that the proposed works will not harm the interests of those occupying the land or having rights over the land.

### ***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 will impact on the way the common land is used by local people. The existing nets require refurbishment, having been used by members of Harpenden Cricket Club during the last 15 years. Harpenden Cricket Club has played cricket on the common since 1863. The applicant explains that the provision of appropriate facilities is essential to retain its current members and increase participation. The extension of the nets by 4 m is required to meet English Cricket Board (ECB) safety requirements.
9. I accept that the net requires replacing and will benefit members of the cricket club and the wider cricketing community such as local schools sports partnerships. I do not consider that the replacement and modest extension of the net will impact on local people's use of the common or unacceptably interfere with public rights of access. I am satisfied that the proposed works will not impact on the interests of the neighbourhood or the protection of public rights of access.

### ***Nature conservation***

10. There is no evidence before me to indicate that the proposed works will harm nature conservation interests.

### ***Conservation of the landscape***

11. The existing cricket facility (net/carpet structure) will be replaced with similar materials and will be extended by 4m. I am satisfied that the proposed works will not impact on the visual amenity of the common and are not out of keeping with facilities one would expect to find associated with a long-standing cricket club on the common. I conclude that the works will conserve the landscape.

### ***Archaeological remains and features of historic interest***

12. HE comments that the proposed works do not have a direct effect on any designated assets and have no comments to make. I am satisfied that the proposed works will not harm any archaeological remains and features of historic interest.

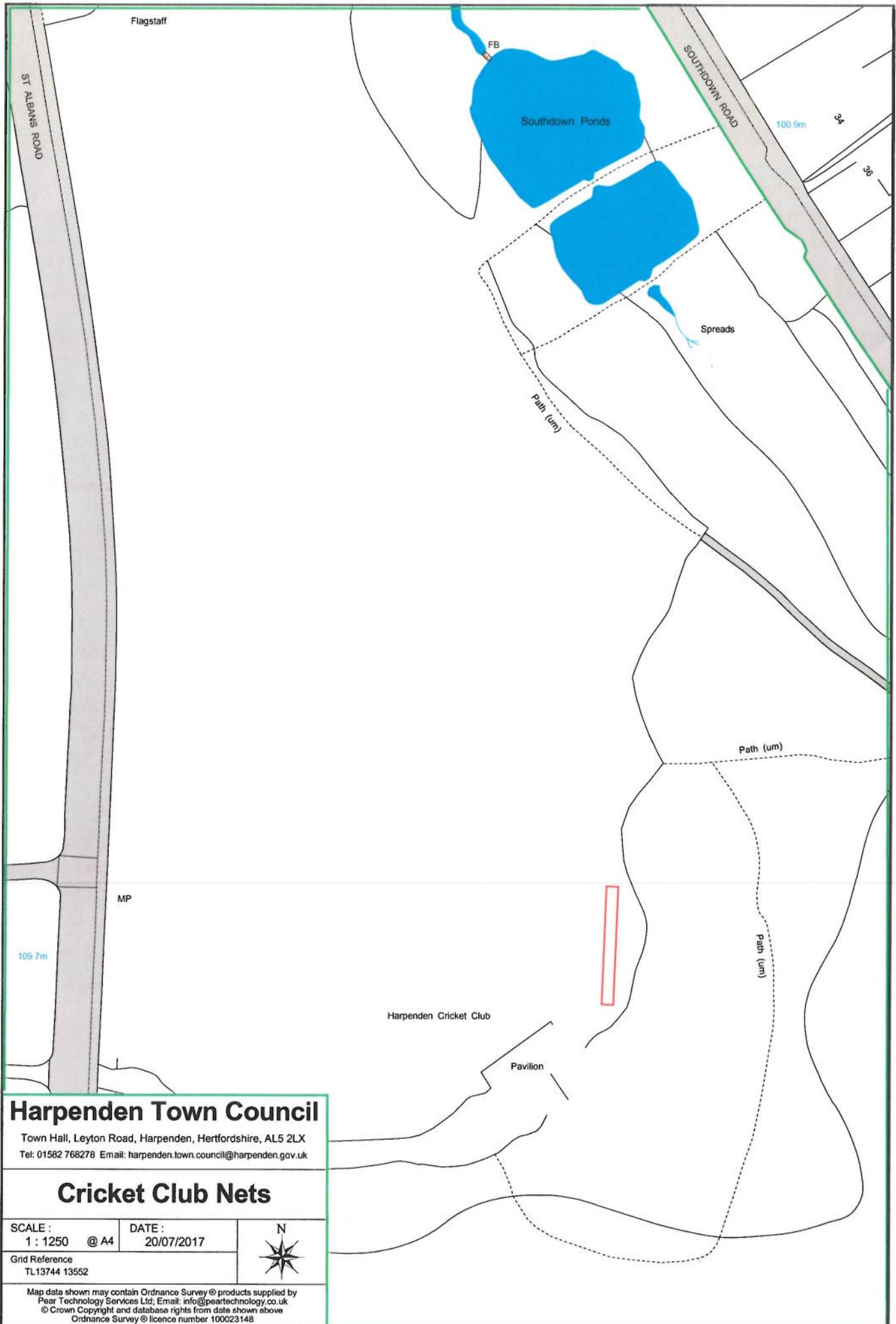
## **Conclusion**

13. I conclude that the proposed works will not harm the interests set out in paragraph 6 above. Consent is therefore granted for the works subject to the condition set out in paragraph 1.

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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.

**Richard Holland**



## Harpenden Town Council

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## Cricket Club Nets

SCALE :

1 : 1250 @ A4

DATE :

20/07/2017

Grid Reference

TL13744 13552



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