



Application Decision

by **Richard Holland**

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

Decision date: 7 January 2019

Application Ref: **COM 3213513** **Harpenden Common, Hertfordshire**

Register Unit No: CL 16

Commons Registration Authority: Hertfordshire County Council

- The application, dated 1 October 2018 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 a golf swing studio covering an area of 43.17m².
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Decision

1. Consent is granted for the works in accordance with the application dated 1 October 2018 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 Policy¹ 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 the Commons Registration Authority at Hertfordshire County Council.
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;
 - c. the public interest;² and

¹ Common Land Consents Policy (Defra November 2015)

²Section 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.

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 applicant explains that the golf club has been on the common since 1931 and hosts regular open events for all ages and charity days for local community groups. Planning permission (5/18/2068) has been granted for the construction of a swing studio. The works are an established interactive coaching aid needed to support coaching during the winter months for all members, including junior, senior and players with disabilities. The OSS does not object to the works.
9. I accept that the works are an expected part of a modern golf club which will benefit its members and are intrinsically related to the enjoyment of the common. The works are located behind existing golf club buildings and will cover a small area (less than 0.01%) of the overall common. The part of the common where the works are to be located has little amenity value for those using the common for access and recreation. I consider that the works will not impact on local people's use of the common or unacceptably interfere with public rights of access. I am satisfied that the works will not harm 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 works consist of a single storey building, no higher than 3.24m, with a timber exterior, designed to blend in with existing buildings. The building will be screened by surrounding hedges and trees. I am satisfied that the proposed works are designed to fit in with the environment and the visual impact will be mitigated by existing features on the common. I conclude that the works will conserve the landscape.

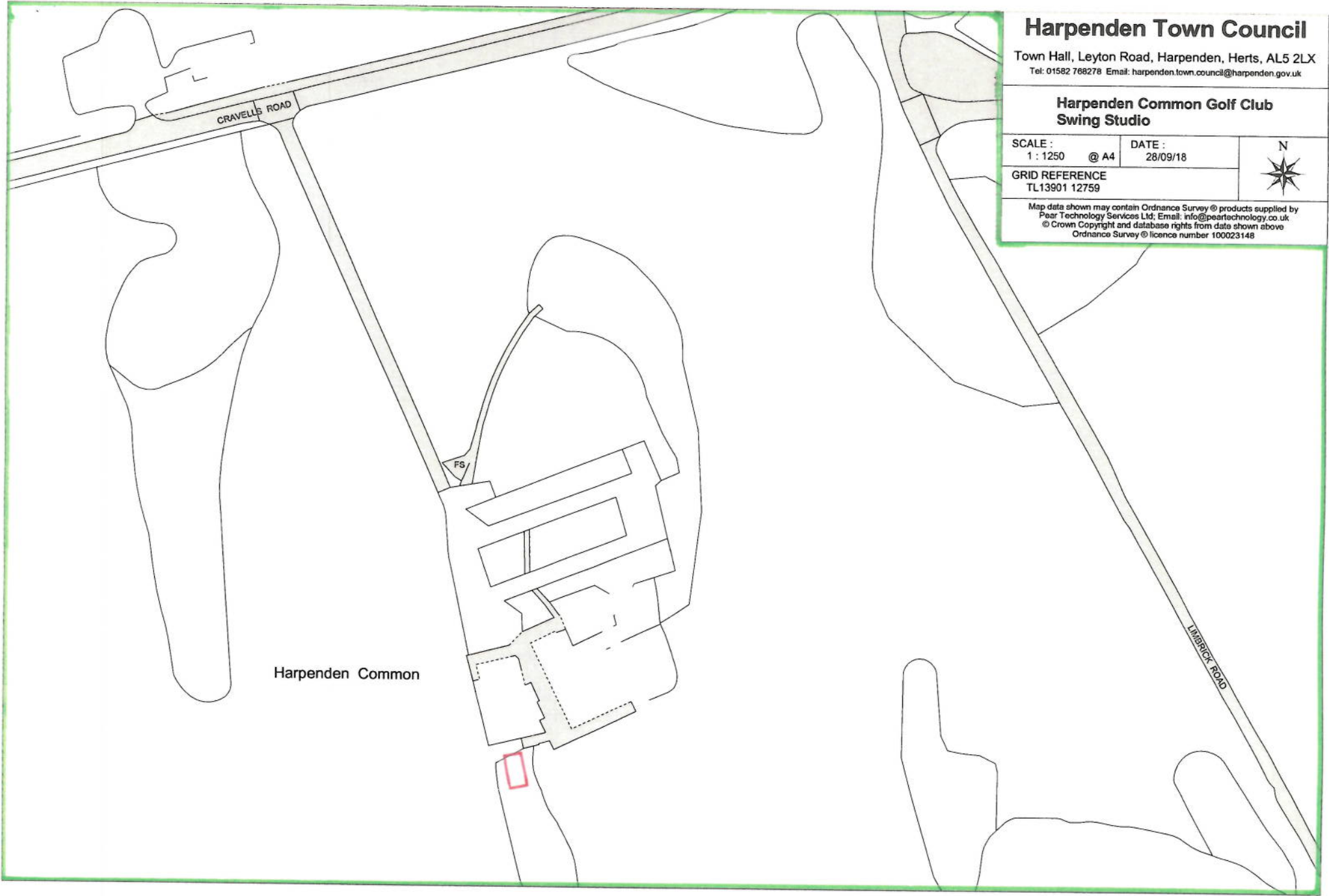
Archaeological remains and features of historic interest

12. There is no evidence before me to indicate that the proposed works will 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 and are intrinsically related to the enjoyment of the common. Consent is therefore granted for the works subject to the condition set out in paragraph 1.

Richard Holland



Harpenden Town Council

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Harpenden Common Golf Club Swing Studio

SCALE : 1 : 1250 @ A4 DATE : 28/09/18

GRID REFERENCE
TL13901 12759



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