

Application Decision

by Richard Holland

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

Decision date: 8 February 2019

Application Ref: COM/3213465
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 (i) a 58.25 m² (23.3 m long x 2.5 m deep) single storey rear extension to Harpenden Cricket Club (ii) 100m of metaled edging to car park (iii) 23.4m² of paving facing car park (iv) 14.4m² of paving at rear/beer store (v) 40m² hardstanding for sight screens and (vi) 130 m of temporary heras fencing.
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Decision

1. Consent is granted for the works in accordance with the application dated 1 October 2018 and the plan submitted with it, subject to the following conditions:
 - i. the works shall begin no later than three years from the date of this decision; and
 - ii. the temporary fencing shall be removed within one month from the completion of the works.
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), Historic England (HE), the Commons Registration Authority at Hertfordshire County Council and Mr Alan Dorman.

¹ Common Land Consents Policy (Defra November 2015)

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
 - d. any other matter considered to be relevant.

Reasons

The interests of those occupying or having rights over the land

7. The applicant, Harpenden Town Council, is also the owner of the common. There is one right of grazing registered over the common. The applicant confirms that the right is not exercised. I am satisfied that the works will not harm the interests of those occupying or having rights over the land.

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

8. The interests of the neighbourhood test relates to whether the works will unacceptably interfere with the way the common is used by local people. The applicant explains that Harpenden Cricket Club has played cricket on the common since 1863. The works are needed to update the existing cricket pavilion on the common to support increasing demand, particularly for junior and ladies cricket. The club also supports the local schools sports partnership and Herts Junior leagues and hosts annual community summer cricket camps, senior county games, county clubs and community groups. Local groups, including Scouts, Harpenden Society, the Chamber of Commerce and the History Society are in favour of the works as a potential venue and community resource. Community space is currently lacking in the local area and the works would enable the club to be used for private events, the revenue for which would contribute significantly to the maintenance costs of the building. The works have been granted planning permission (5/18/1773). The OSS confirms that it does not object to the works as they will benefit the community.
9. Mr Dorman is concerned that the purpose of the works is for economic benefit and is not directly related to outdoor sport. He adds that the area is well served by halls and function rooms for community use. In response, the applicant explains that Harpenden Cricket Club is a vital part of the sports and voluntary sector and the works will enhance the common and result in better outcomes for local people. The club improves the health and well-being of local children by giving them the opportunity to take part in physical activity on the common and the works will increase the capacity of the club to do even more for local people in the future.
10. Defra's Common Land Consents Policy considers consent may be appropriate where permanent buildings are intrinsically related to the enjoyment or management of the common, such as a cricket pavilion, lambing shed or a keeper's hut. I am satisfied that the works accord with the policy guidance. The temporary fencing is needed to protect the health and safety of the public during the building works for a maximum duration of 20 weeks and will be removed on completion. I note the concerns about the purpose of the works, however I accept that the works are intended to enhance an existing facility primarily used for recreation and sport on the common and I do not consider use for private

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.

events unreasonable given that the funds generated will be used to maintain the building. I conclude that the works will not harm the interests of the neighbourhood or public rights of access and will benefit those using the common for recreation and sport, particularly members of the cricket club.

Nature conservation

11. I am satisfied that there is no evidence before me to indicate that the works will harm nature conservation interests.

Conservation of the landscape

12. The works will use natural materials, such as timber cladding stained light brown, in keeping with the rural setting. The rear extension is designed to fit under the low pitched roof so that the low form of the building will remain uninterrupted. Temporary galvanised open mesh fencing will retain visibility across the common.
13. There will be some modest increase in the footprint of the building. However, as the extension and alterations are in keeping with the existing building and the rural setting of the common, I do not consider that the works will have a detrimental visual impact. I conclude that the fencing will not have a significant or lasting impact on the common and the works will conserve the landscape in the long term.

Archaeological remains and features of historic interest

14. HE confirms that it does not consider that the proposal will harm any highly designated assets in the vicinity, and does not object to the works. It recommends that archaeological staff at St Albans should be consulted regarding the impact on undesignated archaeological remains and historic features, and to advise on an appropriate archaeological mitigation strategy. I note that the applicant has consulted St Albans District Archaeologist who has not objected to the works. I am satisfied that the proposed works will not harm archaeological remains and features of historic interest.

Other matters

15. Mr Dorman is concerned that increased car parking following the extension of the club will damage the common and harm its character and appearance. He is also concerned that access arrangements are inadequate. However, I must confine my considerations to the impact of the works themselves as proposed in the application, rather than the impact of any activities that may take place as a result of the works. Nevertheless, I note from the planning permission that the local planning authority is satisfied that the parking provision is acceptable and that the development will not impact on the current access.

Conclusion

16. I consider that the works will not harm any of the interests set out in paragraph 6 above and are likely to benefit members of the cricket club and the wider community. I conclude therefore that consent should be granted for the works subject to the conditions set out in paragraph 1.

Richard Holland



Harpenden Town Council

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Harpenden Cricket Club pavilion extension

SCALE :
1 : 1250 @ A4

DATE :
27/09/18

GRID REFERENCE
TL13724 13512



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