
Application Decision

by **Richard Holland**

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

Decision date: 10 May 2019

Application Ref: COM/3222584

St Clements Common, Norfolk

Register Unit No: CL 443

Commons Registration Authority: Norfolk County Council

- The application, dated 4 February 2019, 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 Dickleburgh and Rushall Parish Council.
 - The temporary (10 years) works comprise a timber shed, which covers 7.43 m² (3.05 m x 2.44 m) and is 2.4 m high.
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Decision

1. Consent is granted for the works in accordance with the application dated 4 February 2019 and accompanying plan subject to the condition that the works shall be removed no later than 10 years from date of this decision.
2. For the purposes of identification only the location of the works is outlined in red within the common land boundary outlined in green 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. The application is retrospective as the works have been carried out.
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 Commons Act 2006 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;

¹Common Land Consents Policy (Defra November 2015)

- 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 landowner is also applicant. The OSS, which has a registered right of estovers over the common, does not object to the works. I am satisfied that there is no indication that the work have harmed the interests of those occupying 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 have unacceptably interfered with the way the common land is used by local people. The works are needed to provide suitable safe storage on the common, following a loss of storage off site. The shed is used to store items, such as sports equipment and marquees, needed throughout the year for community events taking place on the common.
- 9. The shed is located at the southern edge of the common and has a relatively small footprint of 7.43 m². I do not consider that the works materially interfere with public access over the common and, by providing a safe storage facility, benefit the local community and visitors using the common for recreation and sport. I am satisfied that the works are in the interests of the neighbourhood and have only a negligible effect on public rights of access.

Nature conservation

- 10. NE confirmed that it had no comments to make about the application. I am satisfied there is no evidence before me to indicate that the works have harmed nature conservation interests.

Conservation of the landscape

- 11. The applicant has provided a photo clearly demonstrating that the shed, which is of timber construction and modest size, is well screened by natural hedging on two sides and is in keeping with the character of the common. I am satisfied that the works have conserved the landscape.

Archaeological remains and features of historic interest

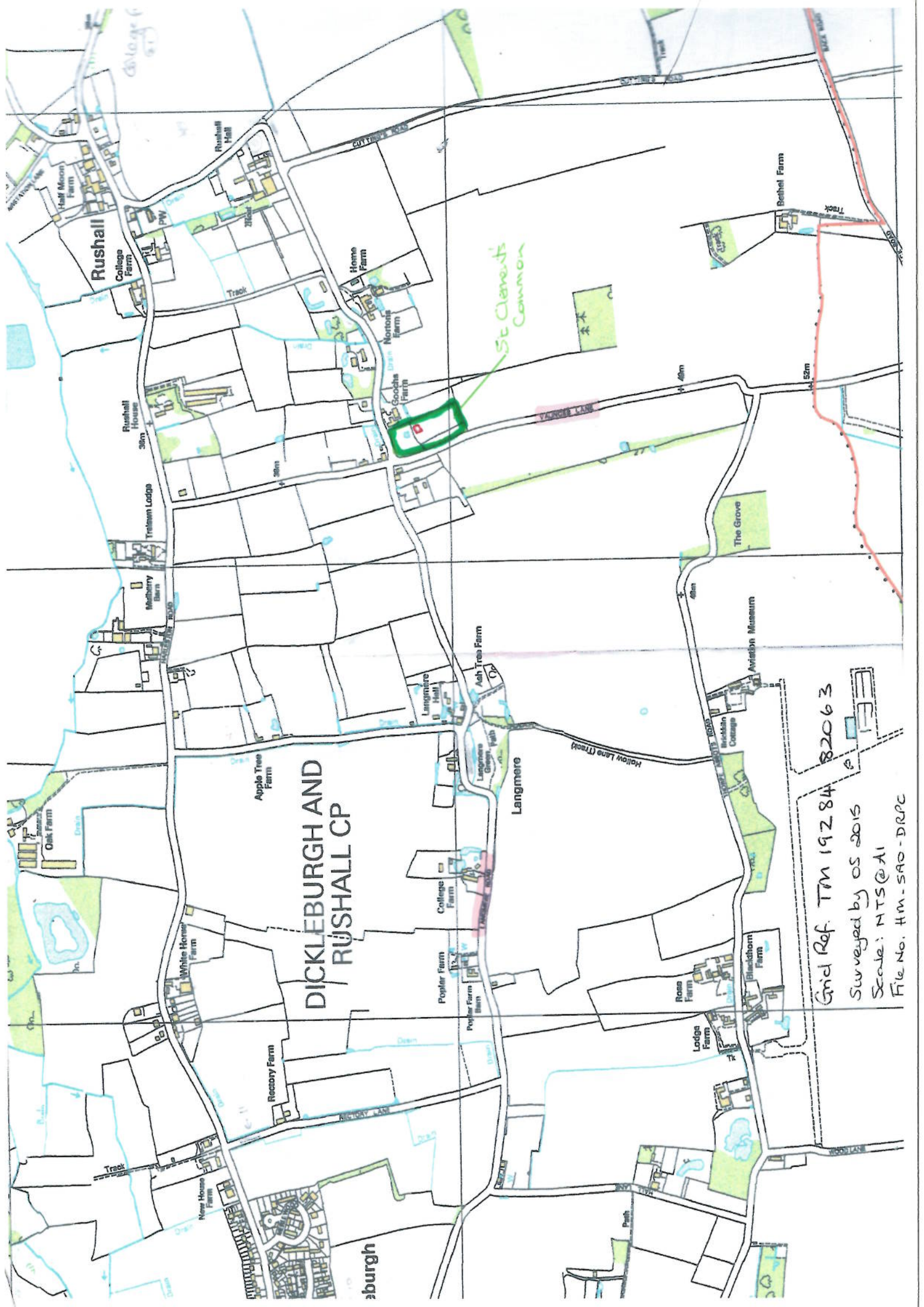
- 12. HE does not object to the application on heritage grounds but recommends that the Historic Environment Service at Norfolk County Council is consulted. The applicant has submitted comments from the Environment Service confirming that the works will not have any significant impact on the historic environment. Based on the information before me, I am satisfied that the works have not harmed any archaeological remains and features of historic interest.

Conclusion

- 13. I consider that the works benefit the way in which the common is used by local people and have not harmed the other interests set out in paragraph 6 above. Consent is therefore granted for the works subject to the condition set out in paragraph 1.

Richard Holland

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.



DICKLEBURGH AND RUSHALL CP

St Clement's Common

Grid Ref. TM 19284 82063
 Surveyed by OS 2015
 Scale: NTS@A1
 File No. HM-5A0-DRPC