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# Application Decision

by **Richard Holland**

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

Decision date: 11 March 2020

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**Application Ref: COM/3240250**  
**Town Hall Green, Buckinghamshire**

Register Unit No: CL 37

Commons Registration Authority: Buckinghamshire County Council

- The application, dated 2 January 2020, 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 the Beaconsfield Drinking Fountain Group.
  - The works comprise the installation of a drinking fountain with bottle refill station measuring 1630 mm x 360 mm x 737 mm and associated works (display plaque, brickwork paving, underground soakaway, pipework and water meter) on an area of 5 m<sup>2</sup>.
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## Decision

1. Consent is granted for the works in accordance with the application dated 2 January 2020 and the plan submitted with it subject to the condition that the works shall begin no later than 3 years from the date of this decision.
2. For the purposes of identification only the location of the works is shown marked 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 representation made by the Open Spaces Society.
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;<sup>2</sup> and

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

<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.

d. any other matter considered to be relevant.

## **Reasons**

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

7. Chiltern and South Bucks District Councils have been consulted about the proposal and have made no objection. The applicant advises that the works are supported by Beaconsfield Town Council which leases the land. There are no registered rights over the common. I do not consider that the proposed works will impact adversely on the interests of those occupying the land and the interests of those having rights over the land is not at issue.

### *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 works will encourage use of reusable containers by providing free, clean drinking water and will result in improvements to the local environment by reducing litter and plastic waste. The proposal has community support and has received local funding.

9. The works will occupy a small area at the edge of the common that is well used by residents, commuters and visitors to the town. I am satisfied that the works will not impact on public rights of access and are likely to benefit the interests of the neighbourhood by providing a valuable amenity for users of the common.

### *Nature Conservation*

10. Natural England confirmed that it had no comments to make on the application. I am satisfied that there is no evidence before me to indicate that the works will harm nature conservation interests.

### *Conservation of the landscape*

11. The common has no special landscape designation. The fountain will be coloured "Evergreen" and the surrounding brickwork paving will use materials in keeping with the surrounding area. I am satisfied that the works are of small scale and in keeping with the character of the common.

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

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

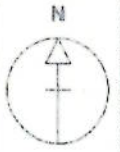
## **Conclusion**

13. I conclude that the works will benefit the interests of the neighbourhood by providing a valuable public amenity 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 condition set out in paragraph 1.

**Richard Holland**



TITLE NUMBER  
**BM60882**



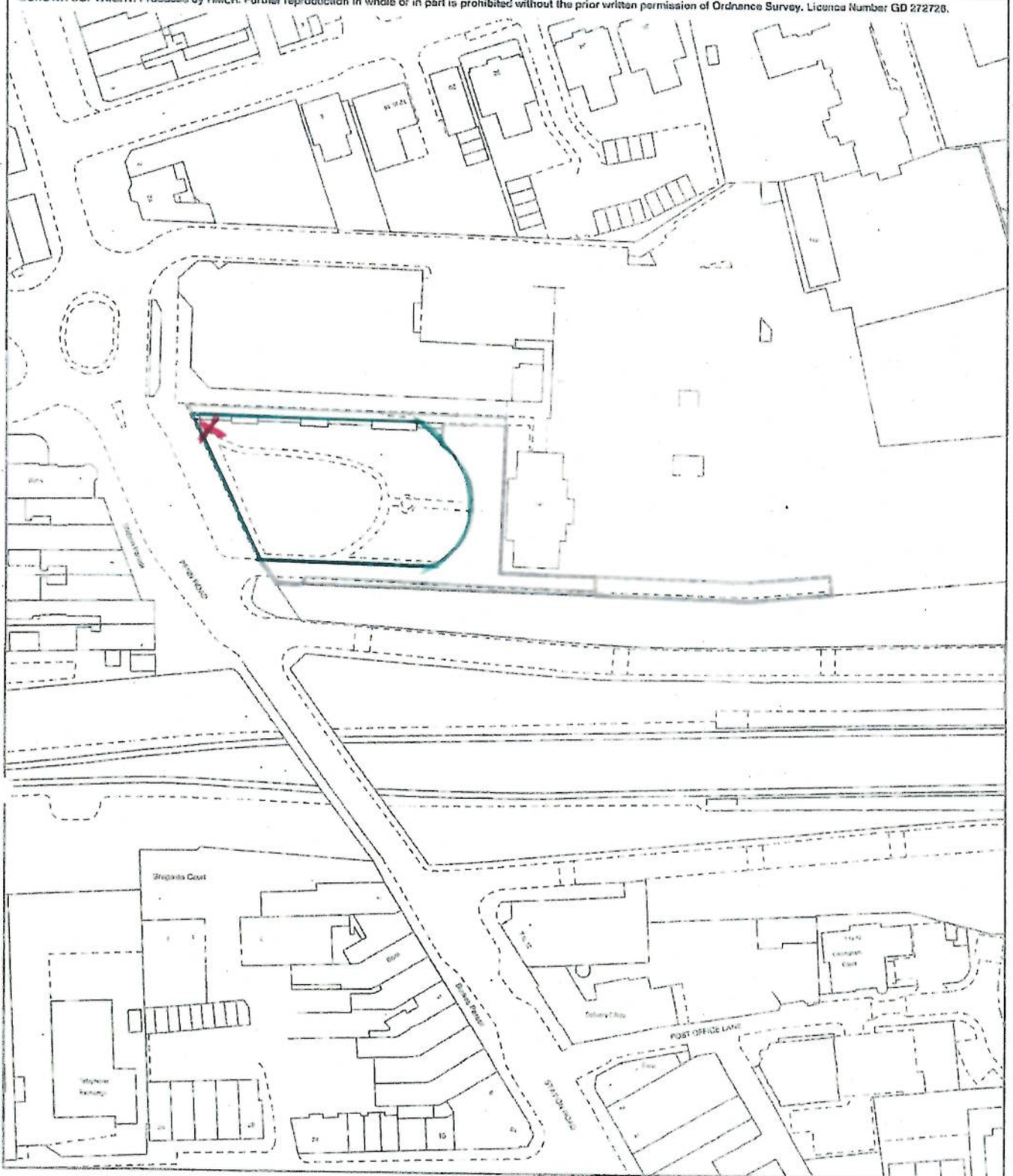
BUCKINGHAMSHIRE : SOUTH BUCKS

ORDNANCE SURVEY MAP REFERENCE:

SU9391SE

SCALE 1:1250

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This title plan shows the general position of the boundaries: it does not show the exact line of the boundaries. Measurements scaled from this plan may not match measurements between the same points on the ground. For more information see Land Registry Public Guide 7 - Title Plans.

This official copy shows the state of the title plan on 20 October 2006 at 11:20:04. It may be subject to distortions in scale. Under s.67 of the Land Registration Act 2002, this copy is admissible in evidence to the same extent as the original. Issued on 20 October 2006.

This title is dealt with by the Leicester District Land Registry.



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