
Application Decision

by Richard Holland

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

Decision date: 8 April 2020

Application Ref: COM/3245101

Petridgewood Common, Redhill, Surrey

Register Unit No: CL41

Commons Registration Authority: Surrey County Council

- The application, dated 9 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 Reigate & Banstead Borough Council.
 - The works comprise: i) construction of a 118 metre long, 1.2 metre high galvanized steel bow-top fence enclosing 676 square metres of an existing play area; and ii) underground installation of a 30 metres long 6 inch PVC drainage pipe with a PVC manhole cover.
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Decision

1. Consent is granted for the works in accordance with the application dated 9 January 2020 and the plans 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 common shall be restored within one month from the completion of the works.
2. For the purposes of identification only the location of the works is shown 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), Natural England (NE), Historic England (HE) and Surrey Historic Environment Planning (SHEP), none of which object to the application.
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);

¹ Common Land Consents policy (Defra November 2015)

- 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 common land is owned by the applicant, Reigate and Banstead Borough Council (the Council). There are no registered rights of common. 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 the protection of public rights of access

8. The interests of the neighbourhood test relates to whether the works will affect the way the common land is used by local people and is closely linked to rights of public access. The affected land is an existing children's playground and will continue to be so once the works have been carried out.
9. The Council says the play area needs updating to serve the public interests. The existing fencing is in a bad state of repair and needs replacing with a material that is more cost-effective to maintain. Two entrance points in the fence will provide access to and from the playground. The surface of the play area is prone to regular flooding and improvement to its drainage is required. The proposed drainage pipe will link with an existing 9 inch soil drain.
10. I conclude that the proposed works are in the interests of the neighbourhood as they will provide a secure playground boundary and an improved playground surface to the benefit of children who use the playground. Public access over the common will be unaffected as there will be no increase in the playground footprint.

Nature conservation and archaeological remains and features of historic interest

11. NE and HE advised that they have no comments to make about the application. SHEP advised that it does not object to the application as the works will not impact on any designated heritage assets and it is highly unlikely that currently unknown assets in the form of buried archaeological remains will be present within the area of impact. I am satisfied that the works will not harm the above interests.

Conservation of the landscape

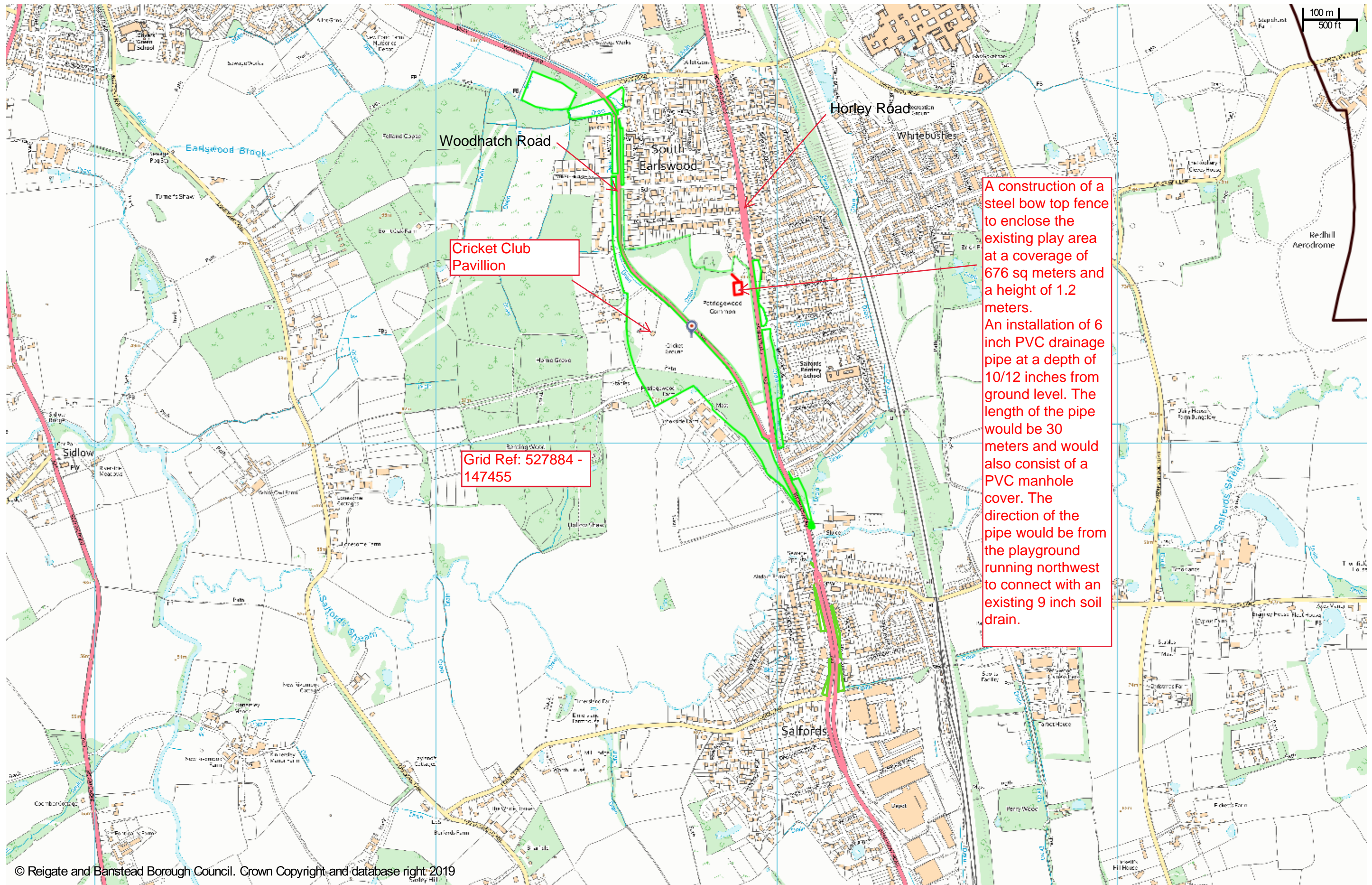
12. The proposed new fence is likely to be a visual improvement over the existing one, which is in a state of disrepair. The Council says the fence's uncoloured galvanized finish will be in keeping with the environment and no party has contested this view. The drainage pipe will be below ground with only the manhole cover visible and the common land will be reinstated on completion of the works, which can be secured by attaching a suitable condition to the consent.

Conclusion

13. I conclude that the proposed works will benefit neighbourhood interests and the local community by improving a children's playground; the new fence will also look better than the one it replaces. None of the other interests set out in paragraph 6 above will be harmed. Consent is therefore granted for the works subject to the conditions 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.



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Work Proposal Petridgewood Common

Scale: 1:10000 @ A3

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