



Application Decision

by Richard Holland

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

Decision date: 6 July 2020

Application Ref: COM/3251774

Redhill and Earlswood Commons, Surrey

Register Unit No: CL 39

Commons Registration Authority: Surrey County Council

- The application, dated 26 April 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 Merstham Cricket Club.
 - The works comprise a 12 m x 2 m rear extension to the cricket pavilion to provide equipment storage.
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Decision

1. Consent is granted for the works in accordance with the application dated 26 April 2020 and the plan submitted with it, 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), which does not object to the application, and Ian Lamont who supports it.
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

¹ Common Land Consents Policy (Defra November 2015)

- b. having rights in relation to, or occupying, the land (and in particular persons exercising rights of common over it);
- c. the interests of the neighbourhood;
- d. the public interest;² and
- e. any other matter considered to be relevant.

Reasons

The interests of those occupying or having rights over the land

7. The landowner, Reigate and Banstead Council, has been consulted about the application and has not objected to the works. There are no common rights registered over the land. I am satisfied that the works will not harm the interests of those occupying the land and the interest of those having rights over the land is not at issue.

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 consent was given in 2016 and again in 2018 for the temporary installation of a storage container to store essential maintenance equipment while the club negotiated a permanent solution and funding with the local authority and cricket organisations. Agreement has now been reached to extend the rear of the existing cricket pavilion by 24 m² to allow space for a new permanent storage area within the pavilion. The temporary storage container will be removed. The applicant confirms that the planning application (20/00728/F) for the extension has been approved.
9. I note that there is a long history (over 100 years) of playing cricket on the common and accept that the storage of equipment/machines needed to maintain the playing area will facilitate that use. The location and modest size of the works are unlikely to impinge on the use of the common for recreation or public rights of access. 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 cricket.

Nature conservation

10. Natural England confirmed that it would not be commenting on this 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 works will be constructed of materials matching the existing pavilion, such as brick and Decra roofing. Surrounding bushes and trees will provide a natural screen and a hedge, planted to screen the temporary storage container, will be retained.

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.

12. I am satisfied that the works are in keeping with the existing building and its rural location. I consider the slight increase in the footprint of the pavilion is offset by improvements to the visual amenity of the common from the removal of the temporary container and the retention of existing screening. I conclude that the landscape will be conserved.

Archaeological remains and features of historic interest

13. I am satisfied that there is no evidence before me to indicate that the works will harm archaeological remains and features of historic interest.

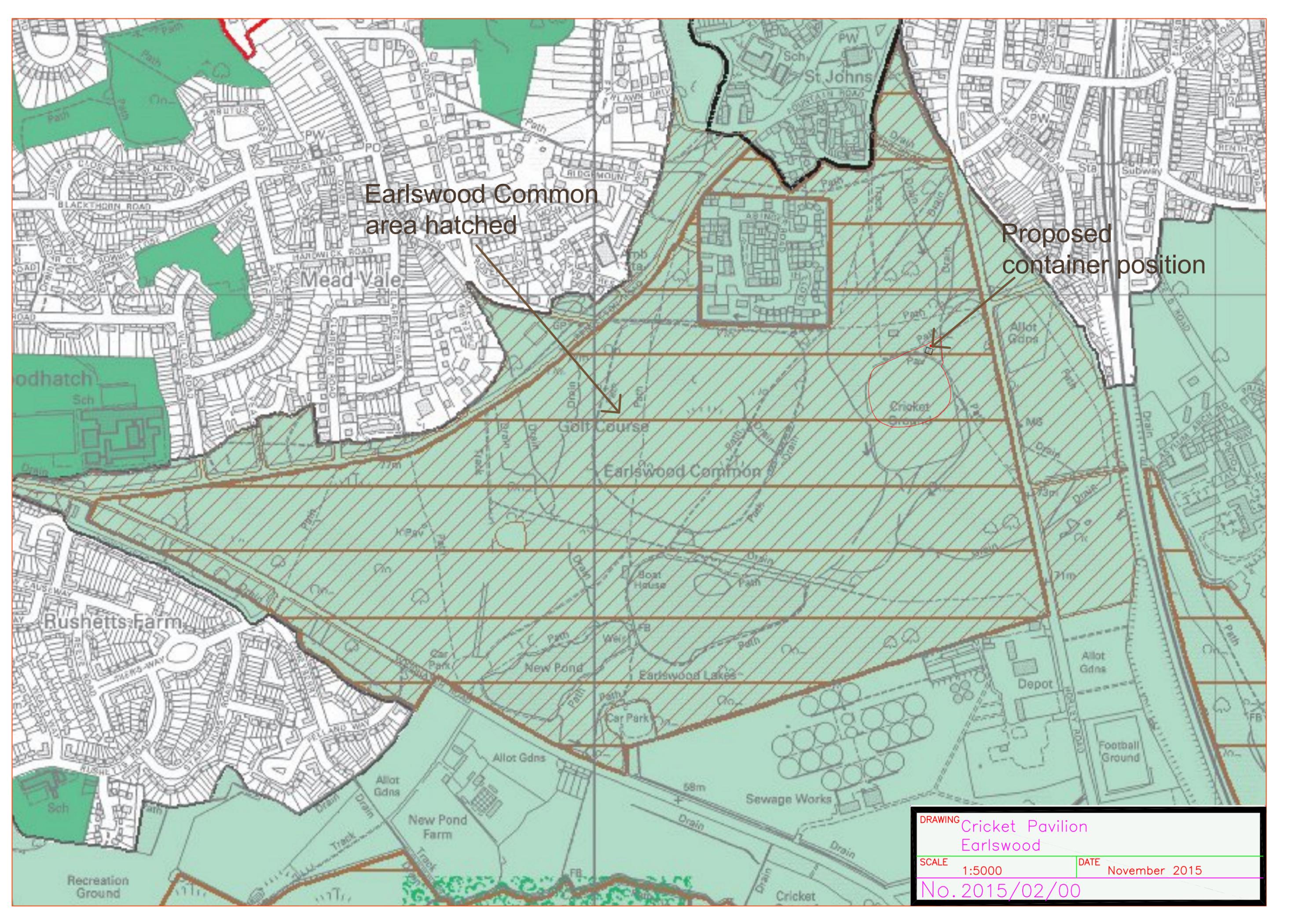
Other matters

14. 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.

Conclusion

15. I consider that the works will benefit members of the cricket club and the wider community through the provision of improved storage facilities and will not harm any of the other interests set out in paragraph 6 above. I conclude therefore that consent should be granted for the works subject to the condition set out in paragraph 1.

Richard Holland



Earlswood Common
area hatched

Proposed
container position

DRAWING Cricket Pavilion Earlswood	
SCALE 1:5000	DATE November 2015
No. 2015/02/00	