



Application Decision

by **Richard Holland**

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

Decision date: 11 August 2020

Application Ref: **COM/3251808** **Chorleywood Common, Hertfordshire**

Register Unit No: CL 44

Commons Registration Authority: Hertfordshire County Council

- The application, dated 1 May 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 Chorleywood Cricket Club.
 - The works comprise the demolition of the dilapidated single storey timber framed cricket pavilion and its replacement with a 25.30 m long x 10.50 m wide two storey pavilion, plus a single storey rear component 7.65 m long x 4.23 m wide.
 - Temporary fencing: 100 m of heras fencing to enclose the site for the duration of the works, 20 m to protect adjacent vegetation and 30 m of amphibian fencing.
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Decision

1. Consent is granted for the works in accordance with the application dated 1 May 2020 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.

¹ Common Land Consents Policy (Defra November 2015)

5. I have taken account of the 70 letters of representation received which include representations from the Open Spaces Society (OSS), Chorleywood Parish Council (Parish Council), Friends of Chorleywood Common, Chorleywood Residents' Association (CRA) and Friends of Chorleywood House Estate (FoCWHE).
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 Parish Council, as landowner, supports the application and is of the view that the works are a positive improvement to the current pavilion. The applicant explains that the common was given to the community for the purposes of playing golf and cricket. Rights of grazing and estovers are registered over the common. The applicant confirms that two rights of estovers are occasionally exercised. No commoner or other person or body having rights over the common has objected to the application. 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 the club has played cricket on the common for 167 years and runs both adult teams and matches for junior members. The current pavilion is over 50 years old and in need of major redevelopment to meet both Sport England and English Cricket Board guidelines and demand/capacity for wider membership, including disabled players. The current pavilion gives the impression that the club is only open to members. The new building will promote and encourage wider community and public use and includes a charity café and training facility which, in partnership with Mission EmployAble, will benefit people with learning difficulties. Temporary fencing is required for approximately nine months to maintain health and safety and protect the construction site, vegetation and wildlife.
9. Those commenting on the application, including the CRA and Friends of Chorleywood Common, view the cricket club as a valuable recreational resource and consider the works are vital if the tradition of playing cricket on the common is to be continued. Others commented that the works offer a significantly improved facility to current members and will encourage further participation of junior players and female and disabled players. The wider local community and the public using the common will

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.

benefit from access to the facility throughout the year and the café offers valuable employment opportunities. The Parish Council is also of the view that the works would bring social and economic improvements to the area.

10. In response to concerns about the use of the pavilion, external and internal lighting of the building and it opening to non-members, the applicant confirms that there are no plans to change the operation of the building and its use as a cricket pavilion and charity café. The new pavilion will be open to the public and it is envisaged that it will mainly be used by the local community and those using the common. Light emission from within the building will be controlled by a combination of external shutters and internal blinds. The extent and type of external lighting is the subject of a specific condition attached to the planning permission for the pavilion and is to be approved by the local planning authority and the Parish Council.
11. I accept that the temporary fencing is needed during the construction works and will be removed upon completion. The representations received show that the cricket club is highly valued by its members and the local community and there is very strong support for the works. The playing of cricket on the common is clearly well established and I consider that the works will help support and promote the future use of the common for cricket and recreation. The footprint of the new pavilion will be some 40% greater than the current building but as it lies within the area of the common dedicated to cricket use there should be little or no harm to public access over the common. I am satisfied that the works will benefit the interests of the neighbourhood by securing and promoting the continued provision of cricket and the wider use of the common for recreation and sport and will not impinge on public rights of access.

Nature conservation

12. The applicant has advised that the amphibian fencing is recommended to protect wildlife. I am satisfied that there is no evidence before me to indicate that the works will harm nature conservation interests.

Conservation of the landscape

13. The common lies within the Chiltern Hills Area of Outstanding Natural Beauty (AONB). The pavilion will be situated on a part of the common that is specifically set out for cricket and will not encroach on the existing playing area. The building and paving will increase the footprint of the pavilion from 236 m² to 334 m² and comprises a brick base, timber weatherboarding-clad walls and dark slate tiled pitched roof/dormers.
14. Those commenting on the application agree that the current building is an eyesore and are of the view that the works represent a considerable improvement, is visually attractive and will enhance the appearance of the common. The new modern building is located near other larger buildings and is designed to be sympathetic to its surroundings. The FoCWHE advise that the Chorleywood House Estate lies adjacent to the common and confirm that it supports the replacement of the old pavilion.
15. The photographic evidence and plans submitted with the application show clearly that the current club house is dilapidated and unsightly. I consider that, while the footprint of the new building will be significantly larger than that of the current

building, the sensitive design and careful use of materials will ensure that the new pavilion will enhance the appearance of the common. I am satisfied that the works are in keeping with their surroundings and will conserve the landscape and the natural beauty of the AONB.

Archaeological remains and features of historic interest

16. The applicant has advised that the works have been designed with input from a Heritage Consultant to ensure the building is appropriate to its setting and to minimise the impact of the works on a nearby grade II listed church. I am satisfied that the proposed works will not harm archaeological remains and features of historic interest.

Other matters

17. Defra's Common Land Consents Policy says 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.

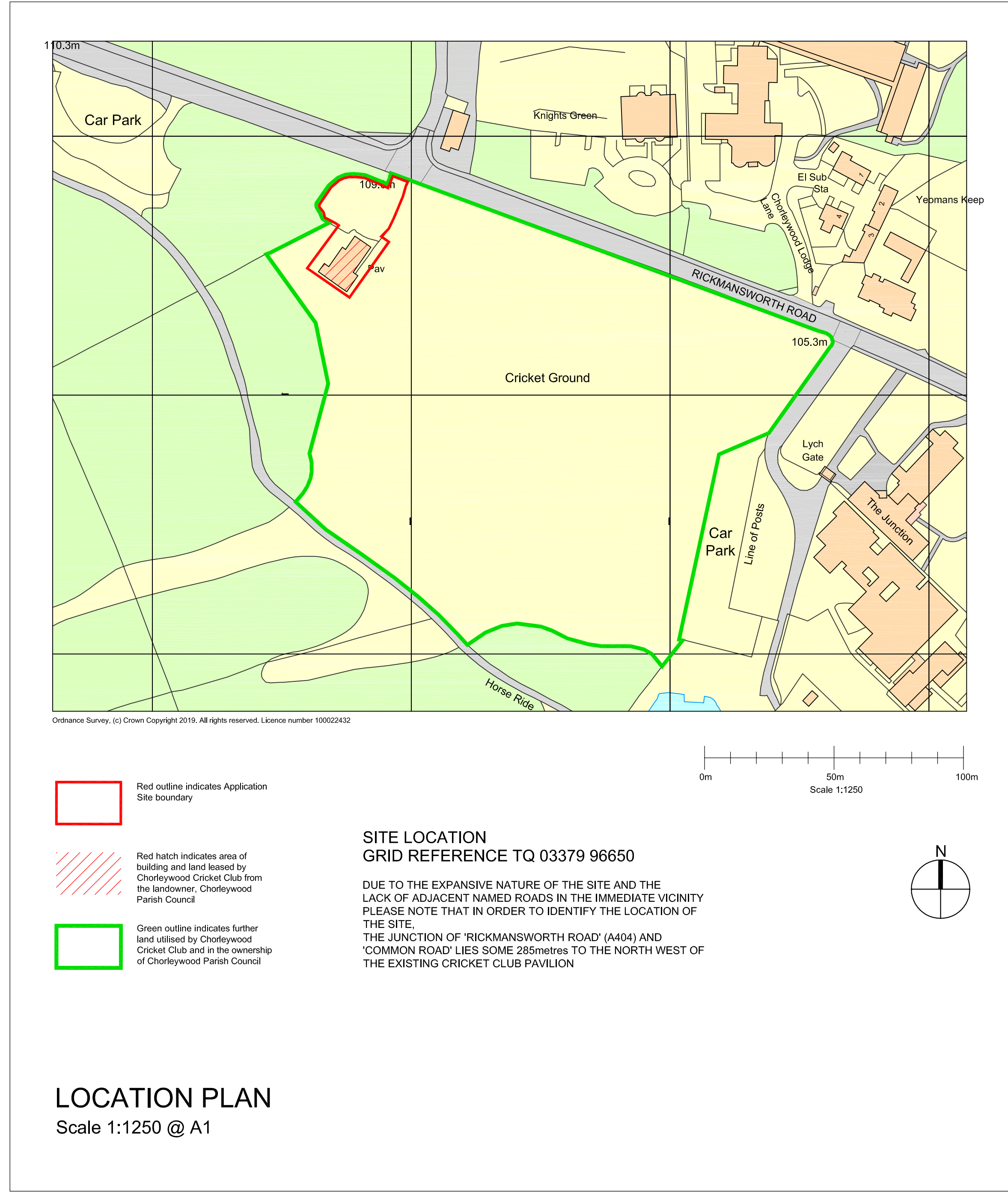
Conclusion

18. I consider that, by replacing a pavilion which is no longer fit for purpose, the works will add to the visual appeal of the common and benefit members of the cricket club and the wider community 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 conditions set out in paragraph 1.

Richard Holland

NOTE
 This drawing is copyright.
 The contractor is to check all dimensions on site before commencement of the works.
 Discrepancies must be reported immediately to the architect before proceeding.

REV	DATE	DESCRIPTION	CHK.
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SECTION 38 APPLICATION

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 interiors**

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CLIENT	PROJECT SPIRE		
ADDRESS	Chorleywood Common, WD3 5SG		
PROJECT	Proposed Replacement Pavilion		
DRAWING TITLE	Location Plan		
DRAWING NO.	REV.		
HCC-871-S38-001			
SCALE	DATE	DRAWN	CHECKED
1:1250@A1	20.04.2020	ibr	