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## Application Decision

Site visit made on 11 September 2020

**by Edward Cousins BA, BL, LLM, Barrister**

**an Inspector appointed by the Secretary of State for Environment, Food and Rural Affairs**

**Decision date: 5 November 2020**

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**Appeal Ref: COM/3240827**

**Land West of Central Parade, New Addington, Croydon, CR0 0JB**

Register Unit: VG 0901

Registration Authority: London Borough of Croydon Council

- The application, dated 1 November 2019, is made under Section 16 of the Commons Act 2006 ("the 2006 Act") to de-register and exchange land registered as a town or village green.
  - The application is made by the London Borough of Croydon Council.
  - **The release land** comprises 286.27m<sup>2</sup> of land and includes two separate parcels of registered land to the sides of Addington Community Centre and the New Addington Leisure Centre.
  - **The replacement land** comprises 287.6m<sup>2</sup> of land and currently forms part of the New Addington Leisure Centre Car Park.
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### Decision

1. The application is granted in accordance with the terms of the application dated 1 November 2019, and the plan submitted therewith dated 7 October 2019.

### Preliminary Matters

2. Section 16(1) of the 2006 Act provides, inter alia, that the owner of any land registered as a town or village green may apply for the land ("the release land") to cease to be so registered. If the area of the release land is greater than 200m<sup>2</sup> a proposal must be made to replace it with other land to be registered as a town or village green ("the replacement land").
3. I made an unaccompanied site inspection on 11 September 2020 and I was able to view both the release land and the replacement land.

### The Application

4. The application is made by London Borough of Croydon Council, the owner of the release land and the replacement land. The release land comprises two parcels of land, namely (1) along the north east and south east sides of Addington Community Centre, and (2) along the north east side of the New Addington Leisure Centre. One section of the release land consists of a paved footpath leading to both the Community Centre and the Leisure Centre.
5. The replacement land currently forms part of an existing car park. The intention is that the tarmac on the replacement land will be removed and the area will then be grassed over and turfed to form an extension to, and of the same quality as, the existing town or village green grassed area.

6. The reason for the application for de-registration and exchange is to facilitate safe demolition of the Addington Community Centre and the former New Addington Leisure Centre. Hoardings are to be erected on the release land for this purpose. These are required to be positioned 2.175 metres away from the Addington Community Centre and 2.775 metres from the New Addington Leisure Centre. The distances have been calculated based on the required angle of repose i.e. the steepest angle at which a sloping surface is stable, in order to enable the safe excavation and removal of the foundations and underground services.

### **Main Issues**

7. I am required by section 16(6) 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 release land;
  - (b) the interests of the neighbourhood;
  - (c) the public interest;<sup>1</sup>
  - (d) any other matter considered to be relevant.
8. I will also have regard to published guidance in relation to the determination of the application under section 16.<sup>2</sup>

### **Reasons**

#### ***The Interests of the Neighbourhood***

9. The 2006 Act does not define the term "*neighbourhood*". However, published guidance<sup>3</sup> makes it clear that the term shall be taken to refer to the local inhabitants.
10. In this case, the release land is situated close to the centre of New Addington. It therefore seems appropriate to regard the entire town as "*the neighbourhood*" for the purposes of assessing this application.
11. The area of replacement land is almost identical in area as the release land, so approval of the application would not lead to any net loss of the town or village green land.
12. I consider that de-registration of the release land will have no adverse effect on the interests of the neighbourhood. Indeed, the proposal will be of benefit to the public as the land will be grassed over so as to become an extension to the current registered land.
13. Further, it is apparent that there is no adverse impact occasioned to any person with an interest in the land. Indeed, as landowner, the London Borough of Croydon Council supports the application.

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<sup>1</sup> S.16(8) of the 2006 Act provides that the public interests 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 or archaeological remains and features of historic interest.

<sup>2</sup> Common Land Consents Policy, November 2015 Defra.

<sup>3</sup> The explanatory memorandum to the Deregistration and Exchange of Common Land and Greens (Procedure) (England) Regulations 2007, SI2007 No.2589.

14. Overall, I consider that the proposed de-registration and exchange will have no adverse effect on the interests of local residents and indeed will have a beneficial effect.

### ***The Public Interest***

15. I am satisfied that the application does not raise conservation or landscaping issues. Further, I have not been made aware of any archaeological remains which could be affected by the application, or any aspects of historical interest.
16. The public will have a continuing right of access onto and over the release land which is adjacent to the replacement land over which hitherto the public has had a right of access. In this regard the Open Spaces Society has stated that it has no objection to the application as the replacement land is the same size as the release land and will be convenient for the public. There will therefore be no net loss of land over which the public will have access.

### **Other Matters**

17. 17. I note the objection raised by one person regarding this application. The concerns expressed seem to be related to public safety issues and whether the application is the appropriate remedy to achieve the result sought. However, I have seen no evidence to suggest that these concerns are well-founded or relevant to my determination of this application. In any event, the current application must be determined in accordance with the criteria set out in the 2006 Act. I have concluded that no rights will be affected or compromised by giving effect to the application.

### **Conclusion**

18. 18. Overall, therefore, in my judgment, the proposed de-registration and exchange will have no adverse effect on the interests of persons having rights over the release land, the interest of the neighbourhood, or on the wider public.
19. Accordingly, the application should be granted.

*Edward Cousins*

**Inspector**

## Order

On behalf of the Secretary of State for Environment, Food and Rural Affairs and pursuant to Section 17(1) and (2) of the Commons Act 2006, **I HEREBY ORDER** the London Borough of Croydon Council, as commons registration authority for the area in which the release land and replacement land are situated:

- (a) to remove the release land from its register of town and villages greens, by amending the register unit VG0901 to exclude the release land;
- (b) to register the replacement land as a town or village green, by amending the register unit VG0901 to include the replacement land; and
- (c) to register as exercisable over the replacement land (in addition to remaining exercisable over the remainder of the land comprised in register unit VG0901), any rights relating to its status as a town or village green which, immediately before the date on which the release land is removed from the register, are registered as exercisable over the release land and the remainder of the land comprised in register unit VG0901.

### First Schedule – the release land

Colour on Plan	Description	Extent
Edged Red	The two parcels of land comprising 286.27m <sup>2</sup> and forming part of register unit VG0901 identified as plots "RL1" and "RL2" on the Plan dated 7 October 2019 annexed hereto.	286.27m <sup>2</sup>

### Second Schedule – the replacement land

Colour on Plan	Description	Extent
Edged Green	The two parcels of land comprising 287.6m <sup>2</sup> and forming part of register unit VG0901 identified as "Replacement Land" on the Plan dated 7 October 2019 annexed hereto.	287.6m <sup>2</sup>

*Edward Cousins*

**Inspector**

## PINS Appeal Plan COM 3240827 New Addington

