
Application Decision

by **Richard Holland**

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

Decision date: 1 December 2020

Application Ref: COM/3259055

Cranswick Village Green, East Yorkshire

Register Unit No: VG18

Commons Registration Authority: East Riding of Yorkshire Council

- The application, dated 8 September 2020, is made under Section 38 of the Commons Act 2006 (the 2006 Act) for consent to carry out restricted works on a village green.
 - The application is made by Hutton Cranswick Parish Council
 - The works comprise a permanent tarmacadam footpath 75 m in length and 1.8 m in width.
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Decision

1. Consent is granted for the works in accordance with the application dated 8 September 2020 and accompanying plan, 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 as a red line on the attached plan.

Preliminary Matters

3. Cranswick Village Green ('the green') is subject to a scheme of management made under the Commons Act 1899 and is therefore land to which section 38 of the 2006 Act applies.
4. 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.
5. This application has been determined solely on the basis of written evidence.
6. I have taken account of the representation made by the Open Spaces Society.
7. 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;

¹ Common Land Consents Policy (Defra November 2015)

- 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

8. The applicant is the landowner and confirms that the former Driffield Rural District Council delegated management of the green to the Parish Council in 1905. There are no rights of common registered over the green. I am satisfied that the works will benefit 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 the protection of public rights of access

9. The interests of the neighbourhood test relates to whether the works will impact on the way the land is used by local people. The applicant explains that the provision of a footpath will help local families avoid a busy layby and road by creating a direct and safe route to an existing play area on the green and to Hutton Cranswick Primary School. The works will help to conserve the green, and reduce damage to it particularly during wet weather, as it is used as a short cut.
10. I am satisfied that the works will help protect the green by regulating access while also encouraging use and recreation by providing a safe, formalised route for the local community and the public. I conclude that the works will benefit the interests of the neighbourhood and protect public rights of access.

Nature conservation

11. Natural England advised that it had no comments to make. There is no evidence before me to indicate that the proposed works will harm nature conservation interests.

Conservation of the landscape

12. The footpath will be located in the south west corner of the green which is bounded by residential properties and the primary school. The footpath will be constructed of compacted stone and edged with pin kerbs, linking to an existing access road.
13. East Riding of Yorkshire Council's Cranswick Conservation Area Appraisal dated July 2006, submitted with the application, considers that an existing pond and the play area have, to some extent, intruded into the landscape setting and the further introduction of non-green elements would be a retrograde step. However, I am satisfied that, overall, the impact of the footpath on the landscape is limited given its location and modest size (135 m²). I consider there would also be some benefit to the green from the prevention of further damage. I conclude that, overall, the works will conserve the landscape.

Archaeological remains and features of historic interest

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

Conclusion

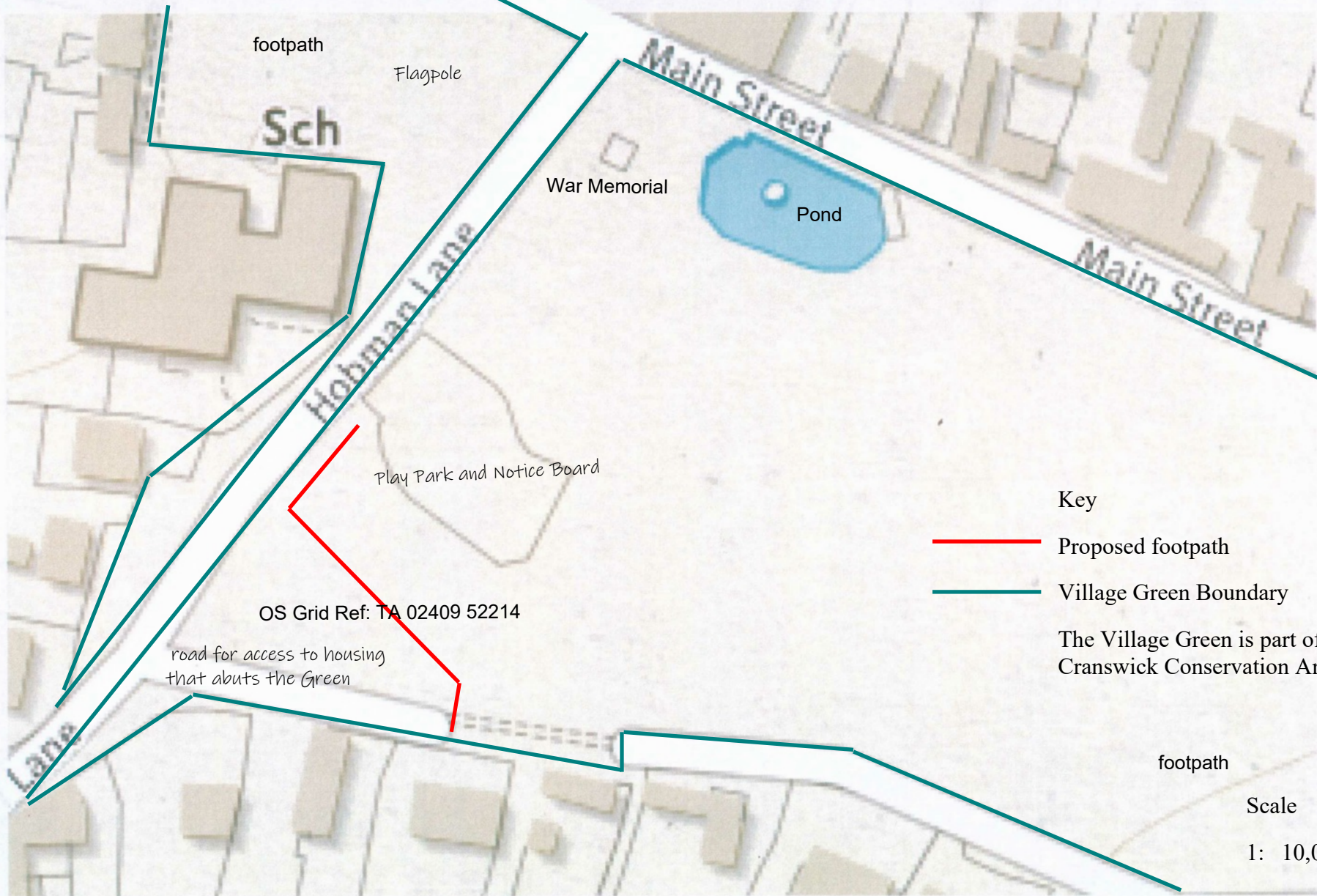
15. I conclude that the proposed works will facilitate access while preventing further damage to the green and will not adversely impact the other interests set out in paragraph 7 above. Consent is therefore granted for the works subject to the condition set out in paragraph 1.

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.

TA 023 523

TA 025 523



footpath

Flagpole

Sch

War Memorial

Pond

Main Street

Main Street

Hobman Lane

Play Park and Notice Board

OS Grid Ref: TA 02409 52214

road for access to housing that abuts the Green

Key

— Proposed footpath

— Village Green Boundary

The Village Green is part of the Cranswick Conservation Area

footpath

Scale

1: 10,000

TA 023 521



Ordnance Survey

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