
Application Decision

by Richard Holland

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

Decision date: 13 January 2021

Application Ref: COM 3244128 Harpenden Common, Hertfordshire

Register Unit No: CL 16

Commons Registration Authority: Hertfordshire County Council.

- The application dated 20 December 2019 is made under Section 38 of Commons Act 2006 (the 2006 Act) for consent to carry out restricted works on common land.
 - The application is made by Harpenden Town Council.
 - The works to the Baa Lambs car park comprise:
 - i) the excavation and laying of MOT type 1 material over 72 square metres of land to expand the existing car park to 456 square metres;
 - ii) installation of pre-cast concrete edging around the whole area of the car park;
 - iii) installation of porous paving grids across the surface of the expanded car park;
 - iv) creation of a grassed embankment up to 2.5 feet high on the western side of the car park; and
 - v) installation of Heras security/safety fencing around the car park and to create a temporary 750 square metres site storage compound for plant/machinery, etc during the approximate 3-week period of works.
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Decision

1. Consent is granted for the works in accordance with the application received 20 December 2019 and accompanying plan, subject to the following conditions:-
 - i. the works shall begin no later than three years from the date of this decision; and
 - ii. all the fencing shall be removed and the common shall be fully restored within one month from the completion of the works.
2. For the purposes of identification only the location of the car park 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 Natural England (NE), The Harpenden Society (HS) and the Open Spaces Society (OSS).

¹ Common Land Consents Policy (Defra November 2015)

6. The application form and published application notice make no reference to the proposed temporary fenced working compound. However, the applicant has since confirmed that such works are part of the application. Whilst such a fenced compound constitutes restricted works under section 38 of the 2006 Act, as it is only temporary and is needed to carry out the resurfacing works, I will consider it when deciding the application. The published notice also makes no reference to the new embankment but it is included in the application and I will consider it when deciding the application. I am satisfied that, in considering the compound and embankment, the interests of those who have commented on the application will not be prejudiced.
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;
 - 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 landowner is also the applicant. There is one right of grazing registered over the common. The rights holder was consulted by the applicant but has not commented. The applicant confirms that the right is not exercised and that there has been no grazing on the common since 1962. I am satisfied that the proposed works will not harm the interests of those occupying the land or having rights over the land.

The interests of the neighbourhood and the protection of public rights of access

9. The car park was formalised as a space for 20 vehicles in 1997/98 when a similar surface to the one now proposed was laid. It is positioned inside the western boundary of the common, leaving a grassed strip of common land of approximately 10m width between St Albans Road and the car park's western side. Vehicle access is to the south via a short driveway from St Albans Road.
10. It is proposed to expand the car park on the western side to provide better spacing and a greater turning area to reduce incidents of parking on the driveway and on the verges of the entrance. The proposed embankment will, in conjunction with existing embankments on the other three sides, also prevent cars from accessing the car park by any other means than the formal southern entrance. It is also proposed to improve the surface, which has deteriorated over the years, leaving some grids sitting proud of the surface. It is not proposed to increase the number of parking spaces, to which HS says it would object.
11. The interests of the neighbourhood test relates to whether the works will unacceptably interfere with the way the land is used by local people and is closely linked with public rights of access. Whilst the works will reduce the width of the grassed strip, they will improve pedestrian safety by forcing vehicles to use the driveway. The proposed

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.

resurfacing will benefit persons walking across the car park as it will remove trip hazards caused by the current deteriorating surface.

12. I am satisfied that the proposed storage compound for plant/machinery will have only a minor and temporary impact on public access over the common and that it will facilitate efficient completion of the works.

Nature conservation

13. NE advised that it had no comments to make about the application. There is no evidence before me to suggest that the works will harm nature conservation interests.

Conservation of the landscape

14. The works will extend the car park by about 16% from 384 square metres to 456 square metres, which will modestly increase the size of an existing feature in the landscape rather than create a new one. The current surface is in a state of disrepair and the new surface will be a visual improvement. The northern, southern and eastern edges of the car park have grassed embankments and the proposed embankment will provide visual continuity. It will also protect the surface of the grass strip by preventing cars from driving over it.
15. HS suggests that the proposed pre-cast concrete edgings would have an urbanising visual affect and that they are an unnecessary addition to the embankments, which are more in keeping with the common. The applicant has advised that the edgings are proposed for their longevity and robustness and will only be visible from within the car park as they will be shielded from external view by the embankments. I am satisfied that edgings are integral to the re-surfacing works and that they will not look out of place within a car park setting. In its response to representations the applicant said that it is considering wooden, rather than concrete, edgings. However, the application has not formally been amended to reflect this and I have decided it as made.
16. The works compound will cause some temporary visual harm but all fencing will be removed and the land reinstated to its former condition following completion of the works, which can be ensured by attaching suitable conditions to the consent.

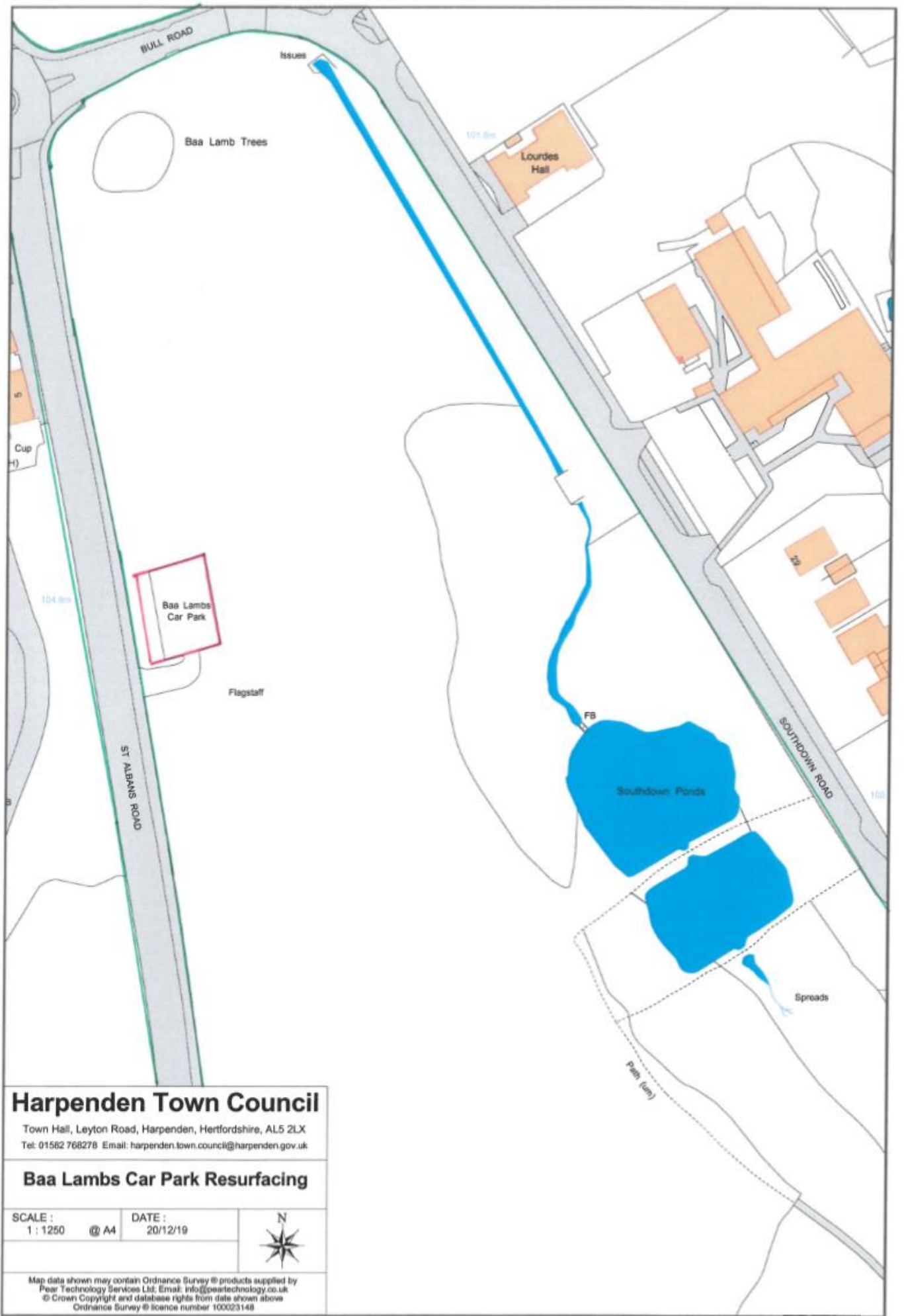
Archaeological remains and features of historic interest

17. The works will not involve significant excavation of the soil and there is no evidence to suggest they will harm any archaeological remains and features of historic interest.

Conclusion

18. I conclude that the proposed works will not unacceptably harm the interests set out in paragraph 7 above. Indeed, they will assist and promote responsible parking within the car park and prevent parking outside of the formal parking area. Consent is therefore granted for the works subject to the conditions set out in paragraph 1.

Richard Holland



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Baa Lambs Car Park Resurfacing

SCALE : 1 : 1250 @ A4 DATE : 20/12/19



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