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# Application Decision

by **Richard Holland**

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

Decision date: 20 January 2017

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## Application Ref: COM/3162912

### Cranleigh Common, Surrey

Register Unit No: CL 221

Commons Registration Authority: Surrey County Council.

- The application, dated 7 November 2016, 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 Cranleigh Cricket Club.
- The works are to update and relocate cricket practice net facilities and comprise:
  - i. removal of existing 4 metre high 2 bay practice nets; and
  - ii. erection of 4 metre high 3 bay practice nets on a new artificial grass colour surface covering an area of 300 square metres.

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## Decision

1. Consent is granted for the works in accordance with the application dated 7 November 2016 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 on the attached plan.

## Preliminary Matters

3. I have had regard to Defra's Common Land Consents Policy<sup>1</sup> 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), Natural England (NE) and Cranleigh Parish Council (CPC), none of which object to the application. I have also taken account of five letters of support provided by the applicant.
6. Waverly Borough Council granted planning permission for the nets and artificial grass surface on 14 March 2016 (Ref WA/2015/2371).
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);

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<sup>1</sup> Common Land Consents Policy (Defra November 2015)

- b. the interests of the neighbourhood;
- c. the public interest;<sup>2</sup> and
- d. any other matter considered to be relevant.

## **Reasons**

### ***The interests of those occupying or having rights over the land***

8. The cricket ground forms part of the wider Cranleigh Common over which there are no registered rights. The applicant, Cranleigh Cricket Club (CCC), leases the cricket ground land from the land owner, Waverley Borough Council (the Council). The Council was consulted about the application but did not comment. 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 the protection of public rights of access***

9. CCC has advised that the existing nets at the north west of the ground are dilapidated and dangerous. The proposed new practice facilities, to be located near the existing score hut, car park and pavilion in the south east corner of the ground, are needed to comply with minimum standards required by the cricket authorities following CCC's promotion to Surrey Division 1.
10. The interests of the neighbourhood test relates to whether the works will unacceptably interfere with the way the common land is used by local people. CCC has advised that the club is open to all members of the public and plays an important role in the village by providing cricket development opportunities to the community. Teachers from two local schools have written in support of the proposals and CCC says over 300 children attend summer coaching sessions. I consider that the proposed works are consistent with the established use of the land for cricket and that the local community will benefit from the new facilities.
11. It is not clear whether casual access to the new practice nets area will be discouraged by CCC, although it seems likely that use of the nets will be of a more organised and controlled nature. However, the existing nets area will become fully available to public access once the nets have been removed and this will go some way to balancing any access restrictions to the new nets area. I consider that, overall, public access interests will not be so unacceptably affected that consent should be refused.

### ***Nature conservation***

12. NE advised that it does not see the works as having a detrimental effect on landscape, access or the biodiversity of the common as a whole. There is no evidence before me to indicate that the proposed works will harm nature conservation interests.

### ***Conservation of the landscape***

13. The proposals constitute relocating 4 metre high nets from an open area of the cricket ground to within a more developed and urbanised corner where they are likely to be less conspicuous. I consider that this in itself will be beneficial to the wider landscape. I note that a condition attached to the planning permission requires that the existing nets are removed and the area returned to grass before the permitted new nets are first used. A condition also requires that the new nets and supports are in place only from April to August in any calendar year and that they are removed and stored clear of the common at other times; there is no evidence before me that the existing nets are subject to a similar restriction.
14. I am satisfied that adherence to the planning permission conditions will reduce the visual impact of cricket nets on the common and that the new grass coloured artificial surface will not contrast significantly with the surrounding grass. Overall, I conclude that the proposals will have less of a

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<sup>2</sup>Section 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.

visual impact than the existing nets and so will benefit the public interests in the conservation of the landscape.

### ***Archaeological remains and features of historic interest***

15. There is no evidence before me to indicate that the proposed works will harm any archaeological remains or features of historic interest.

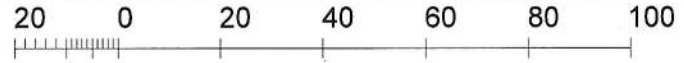
### **Conclusion**

16. I conclude that the proposed works will not harm the interests set out in paragraph 7 above. Indeed, their visual impact will be less than the existing nets and they will benefit the neighbourhood by improving cricket facilities used by the community. Consent is therefore granted for the works subject to the condition set out in paragraph 1.

**Richard Holland**

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Metres

139309m



504988m

395

395

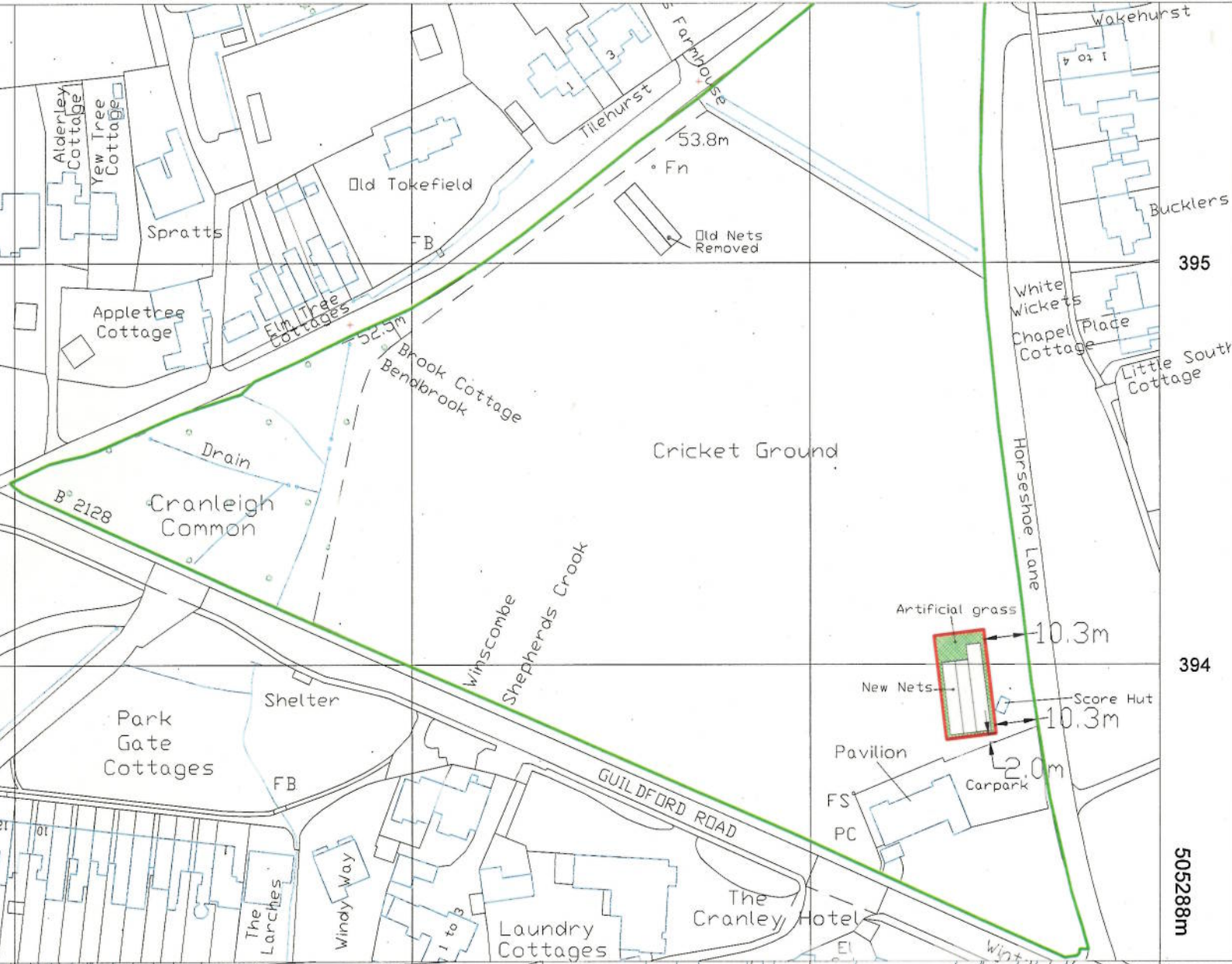
394

394

504988m

505288m

139309m



General Notes

Rev A Room names added to the drawing  
4/7/16

No.	Revision/Issue	Date

Client Name and Address  
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Project Name and Address  
**Cranleigh Cricket Club**  
 Horseshoe Lane Cranleigh

Erection of replacement  
 cricket nets following removal  
 of existing nets

A1 Paper

Project	Sheet
pj/CCLClub	001
Date	Nov 2016
Scale	1/500@ A1 or 1/1000@A3