



# Application Decision

by **Richard Holland**

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

Decision date: 2 January 2018

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**Application Ref: COM 3187900**

**Whiteshill Common, Bristol**

Register Unit No: CL 272

Commons Registration Authority: South Gloucestershire Council

- The application, dated 19 October 2017, 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 Winterbourne Parish Council
  - The works comprise the resurfacing of the existing car park area on the side of the Bristol Road.
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## Decision

1. Consent is granted for the works in accordance with the application dated 19 October 2017 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 outlined in blue 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 representation made by Historic England (HE).
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;<sup>2</sup> and

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

<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.

- d. any other matter considered to be relevant.

## **Reasons**

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

7. The owner of the common is unknown. There is one registered right of common for grazing. There is no indication that the right of common is exercised. I am satisfied the interests of those occupying the common is not at issue, and the works will not harm the interests of those having rights over the common.

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

8. The interests of the neighbourhood test relates to whether the works will impact on the way the common land is used by local people. The works are to resurface an area used for car parking on the common. The applicant confirms that the parking area has been on the common for many years and is well used by the local community, including those accessing the common. The area is in a poor state of repair and its uneven, potholed surface is potentially a hazard to its users, particularly to those on foot. The resurfacing should reduce, if not eliminate, this hazard.
9. I conclude that the works will benefit local people and the public by improving safety and access to this part of the common and will be in the interests of the neighbourhood.

### ***Nature conservation***

10. There is no evidence before me to indicate that the proposed works will harm nature conservation interests.

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

11. The parking area, which currently has an uneven and unsightly hard surface, will be resurfaced with a similar tarmac material, to improve its condition. I am satisfied that, as well as improving its condition, the works are likely to improve the appearance of the car park. I conclude that the proposed works will conserve the landscape.

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

12. HE advises that as there are no designated heritage assets that would be impacted by the proposals to re-surface a car park, they do not wish to make any comments. I am satisfied that there is no evidence before me to indicate that the works will harm any archaeological remains or features of historic interest.

## **Conclusion**

13. I conclude that the proposed works will not harm the interests set out in paragraph 6 above. Consent is therefore granted for the works subject to the condition set out in paragraph 1.

**Richard Holland**

brook

Whiteshill Cottages

Railway View

46.9m

2 SHEDS  
WHERE  
FLOWERS  
KEPT  
FOR  
SPORTS  
CLUB

Club

Work to be done here.

Whiteshill Common

PW

The Old Mews

Hambrook Primary School

MOOREND ROAD

Whiteshill House

Whiteshill

MOORENS LANE