
Application Decision

by Richard Holland

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

Decision date: 12 December 2018

Application Ref: COM/3211407
Yateley Common, Yateley, Hampshire

Register Unit No: CL 24

Commons Registration Authority: Hampshire County Council.

- The application, dated 5 September 2018, 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 Yateley Town Council.
 - The works of approximately one week's duration comprise:
 - i. tarmac resurfacing of an existing 1365m² car park; and
 - ii. temporary safety/security fencing enclosing the car park for the duration of the works.
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Decision

1. Consent is granted for the works in accordance with the application dated 5 September 2018 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. the common shall be restored and all fencing removed within one month of the completion of the works.
2. For the purposes of identification only the location of the 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 the Open Spaces Society (OSS) and Natural England (NE), neither of which object to the application.
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);

¹ Common Land Consents Policy (Defra November 2015)

- 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

- 7. The works are proposed for an area of the common known as Darby Green Playing Fields, which is owned by the applicant, Yateley Town Council (the Council). I am satisfied that the works will not harm the interests of the Council, as occupier of the land.
- 8. The common land register records numerous rights of grazing, turbury, estovers, common in the soil, pannage and piscary over the wider common. As the affected land is already a hard surfaced car park I conclude that it would not be possible to exercise such rights over it and the Council has confirmed that no rights are exercised.

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 unacceptably interfere with the way the common land is used by local people and is closely linked with the interests of public access. The re-surfacing is proposed to make the car park a more usable facility for those who use Darby Green Playing Fields. The Council has said that the current surface is uneven and forms pot-holes very quickly after remedial work. It also ponds after heavy rain, making the car park unusable at times. The land will continue to be used as a car park once the works have taken place and the works are limited to the existing car park footprint. I consider that the works are in the interests of the neighbourhood as they will benefit those travelling by car to visit Darby Green Playing Fields.
- 10. The car park comprises five plots separated by narrow areas of grass. The Council has said that all five plots are to be resurfaced at the same time. There will be no public access to any of the plots until the works are fully completed but the Playing Fields will remain accessible through pedestrian routes at a number of points around the perimeter. The Council has also said that it might be necessary to erect temporary fencing around the bays as the work is carried out to ensure public safety. However, whether fencing is erected or not, I conclude that temporary exclusion from the affected land for approximately one week will not significantly harm the interests of public access.

Nature conservation

- 11. Yateley Common lies within the Castle Bottom to Yateley and Hawley Commons Site of Special Scientific Interest (SSSI) and the Thames Basin Heaths Specially Protected Area (SPA). NE advised that it had no comments to make other than to say that it seemed to be a sensible proposal. As the works do not extend beyond an existing hard surfaced car park I am satisfied that the works will not harm nature conservation interests.

Conservation of the landscape

- 12. The car park is an established kerb-edged hard standing with a compacted stone surface. The surface is in poor condition and I consider it likely that the new tarmac surface will be a visual improvement, or at least visually no more detrimental to the landscape than the current surface. Following the works the common will be restored, which can be required by attaching a suitable condition to the consent. I conclude that the works are unlikely to have a detrimental impact on landscape interests.

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.

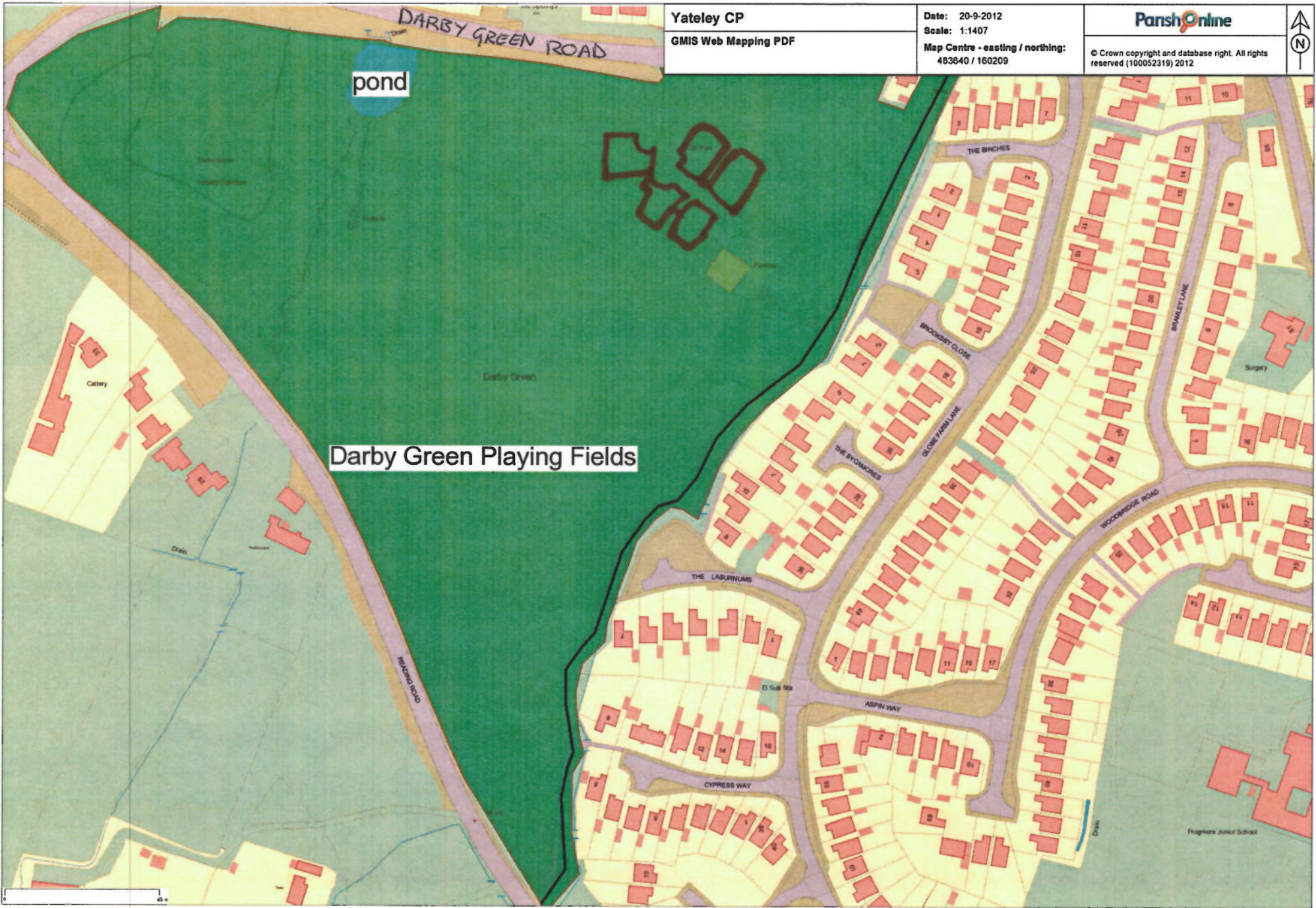
Archaeological remains and features of historic interest

13. There is no evidence before me that leads me to think the works will harm the above interests.

Conclusion

14. I conclude that the proposed works will not harm the interests set out in paragraph 6 above and will benefit those who travel by car to use Darby Green Playing Fields. Consent is therefore granted for the works subject to the conditions set out in paragraph 1.

Richard Holland



Yateley CP
GMIS Web Mapping PDF

Date: 20-9-2012
Scale: 1:1407
Map Centre - easting / northing:
483640 / 160209

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Darby Green Playing Fields

pond

DARBY GREEN ROAD

THE BIRCHES

BROOKSBURY CLOSE

BRAMLEY LANE

THE PYRAMONES

GLOVE FARM LANE

WOODBRIDGE ROAD

THE LABURNUMS

ASPEN WAY

CYPRESS WAY

Cattery

Frogmore Junior School