
Application Decision

by **Richard Holland**

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

Decision date: 31 March 2020

Application Ref: COM/3243171

Part of Albury Heath, Surrey

Register Unit No: CL 345

Commons Registration Authority: Surrey County Council

- The application, dated 6 December 2019, 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 Albury Sports Club.
 - The works of approximately 7 months duration comprise: (i) three single storey wooden style cladding extensions to the rear and sides of the existing club house totalling 75m²; (ii) a 48m² wooden style cladding storage building with roller shutter doors; and (iii) temporary Heras fencing enclosing an area of approximately 1350m² for the duration of the works.
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Decision

1. Consent is granted for the works in accordance with the application dated 6 December 2019 and the plans submitted with it, subject to the following conditions:
 - i. the works shall begin no later than three years from the date of this decision; and
 - ii. all fencing shall be removed within one month from the completion of the works.
2. For the purposes of identification only the location of the works is shown outlined in red on the attached plans.

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. Planning permission for the permanent works was granted by Guildford Borough Council on 18 October 2018 (Application Ref No. 18/P/01628) and 22 October 2018 (Application Ref No. 18/P/01626).
5. The application as originally made and advertised did not include the temporary fencing proposals. The applicant subsequently confirmed the extent of the temporary fencing to be used. I am satisfied that its omission from the application as originally made has not prejudiced any party wishing to comment on the permanent works proposed.

¹ Common Land Consents Policy (Defra November 2015)

6. This application has been determined solely on the basis of written evidence. I have taken account of the representations made by the Trustees of the Albury Estate, Surrey Hills AONB Board, Historic England (HE), Natural England (NE) and the Open Spaces Society (OSS).
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 land is owned by the Trustees of the Albury Estate, which supports the application and in 2017 granted the applicant (Albury Sports Club – ASC) a 25-year lease to enable it to apply for grant funding to assist with the cost of the work. The common land register records one right to graze 25 horses and 2 cows together with the right of turbary over the whole of the common land unit. The applicant has advised that the rights holder does not exercise the rights. 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 protection of public rights of access

9. The proposed works will create improved changing rooms and toilets and a bigger social space. Associated works within the clubhouse will reduce the available storage space, hence the need for the proposed separate storage building. The works are necessary to modernise the existing inadequate facilities so that football, cricket and rounders can continue at ASC and sporting capacity can be increased. ASC has secured funding from the Football Foundation, the London Marathon Charitable Trust and the Garfield Weston Foundation to expand facilities to support the promotion of these sports.
10. The interests of the neighbourhood test relates to whether the works will unacceptably interfere with the way the common is used by local people and is closely linked with public rights of access. The area of the common concerned is traditionally used for playing sports and ASC promotes sports for all in the community, with over 400 football members and over 200 cricket members. The landowner says cricket has been played on Albury Heath for almost 250 years and that the extended facilities will also be available for community use by other local groups and will be a valuable addition for the parish of Albury. ASC confirms that the clubhouse will be available for hire and used as a meeting place for dog walkers, horse riders and all who use the common.
11. The works will together occupy 123m² of the common which will no longer be accessible for recreational use or public access. However, I consider that the land is unlikely to be much used for such purposes. The land is currently used to store goal frames and refuse/recycling bins (to be moved to the storage building) and ASC's scorer's box (which will not be replaced). The storage building site is next to the ASC car park away from the sports playing area. Furthermore, I consider it reasonable that improved facilities and equipment storage, in line with ASC's plans, will require additional space. I also consider the extent of the proposed temporary fencing, which will be in place for approximately 7 months, to be reasonable for reasons of public health and safety during the period of works. Whilst the fencing will surround the ASC car park and will therefore

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.

take it out of use during the works period, the application plan shows two other nearby car parks that can be used by visitors to the common.

12. NE and OSS both raised some concerns about land being taken up by a storage building at the expense of public access. I consider that any harm to public access is outweighed by benefits for those using the improved ASC facilities for recreation and sport and also for the wider community. In this way the works are in the interests of the neighbourhood.

Nature conservation and archaeological remains and features of historic interest

13. NE raised no concerns about any impact on nature conservation interests. HE advised that it does not object to the proposals as they will not harm any highly designated assets in the vicinity. There is no evidence before me to suggest that the works will harm nature conservation interests or archaeological/historic interests.

Conservation of the landscape

14. There will be some modest increase in the footprint of the clubhouse and the storage building will be a new feature in the landscape, although it will be partially screened by the existing practice nets. I am satisfied that the design and materials will be sympathetic to the existing clubhouse design and that the overall visual impact on the common will not be significant. I am also satisfied that the temporary fencing will not have a significant or lasting visual impact and that the land will be fully reinstated, which can be secured by attaching a suitable condition to the consent.
15. The clubhouse and storage building site lie within the Surrey Hills Area of Outstanding Natural Beauty (AONB). The AONB Board supports the application and considers the proposed works to be of a relatively small scale and appropriate design. The AONB also considers that the works accord with its Management Plan 2020-2025 Planning Policy P4, which supports proposals for the social wellbeing of residents. I am satisfied that the natural beauty of the AONB will be conserved by the works.

Conclusion

16. Defra's Common Land Consents Policy is that consent may be appropriate where permanent buildings are intrinsically related to the enjoyment or management of the common, such as a cricket pavilion, lambing shed or a keeper's hut. I am satisfied that the works accord with the policy. I also consider that the works will be in the interests of ASC and the wider community and will not unacceptably harm any of the other interests set out in paragraph 7 above. I conclude therefore that consent should be granted for the works subject to the conditions set out in paragraph 1.

Richard Holland

ALBURY SPORTS CLUB PAVILION
SIDE AND REAR EXTENSION
LOCATION PLAN
SCALE: 1:1250@A3
DATE: 23/08/2018

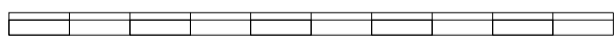


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Site & Location Plan 1:1250

M 1:1250

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ALBURY SPORTS CLUB PAVILION
STORAGE BUILDING
LOCATION PLAN
SCALE: 1:1250@A3
DATE: 23/08/2018



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Site & Location Plan 1:1250

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