



Application Decision

Site visit made on 16 December 2020

by Mark Yates BA(Hons) MIPROW

an Inspector appointed by the Secretary of State for Environment, Food and Rural Affairs

Decision date: 14 January 2021

Application Ref: COM/3258698

Pound Common, Kirdford

Register Unit: CL133

Registration Authority: West Sussex County Council

- The application, dated 27 August 2020, is made under Section 16 of the Commons Act 2006 ("the 2006 Act") to deregister and exchange land registered as common land.
 - The release land comprises of 185m² of land adjacent to the eastern side of Plaistow Road, which forms part of the highway verge.
 - The replacement land comprises of 190m² of land adjacent to Great Common.
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Decision

1. The application is granted.

Preliminary Matters

2. No objections were made in response to the application which seeks to deregister a strip of common land for the purpose of implementing the planning permission¹ granted for a residential development on the adjacent land. It would in essence facilitate the approved access to the site.

Main Issues

3. I am required by Section 16(6) 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 release land;
 - (b) the interests of the neighbourhood;
 - (c) the public interest²; and
 - (d) any other matter considered to be relevant.

¹ Ref: 19/00086/FUL

² Section 16(8) 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.

Reasons

The interests of those occupying or having rights over the release land

4. The application is supported by the owners of the release land and there are no rights registered over the land.

The interests of the neighbourhood

5. The impact of the proposed deregistration and exchange on members of the public generally is considered below. These matters are likely to have particular relevance to local residents.

The public interest

6. There is a shortage of housing supply nationally and the provision of new homes will generally be in the public interest. The de-registration of the release land would facilitate the provision of the approved access to the development. In these circumstances, the application can be seen to be in the public interest.
7. The release land contains some trees and shrubs, but it has no apparent landscape or biodiversity value. Whilst the same can be said of the replacement land, which currently consists of vegetation, there is the potential for it to have greater value for the public than the release land given that the latter comprises of a highway verge.
8. The current fencing separating the replacement land from Great Common is to be removed to facilitate connectivity between them. It is proposed as part of the development for a network of highways to be provided which will facilitate access to the replacement land. Additionally, people will still be able to walk along the verge of Plaistow Road beyond the access road.
9. There is nothing to suggest that the application would impact upon any other relevant matters.

Conclusions

10. There would be no apparent loss arising from the deregistration and exchange of the common land. I have also noted that the application would facilitate the provision of the access road to the residential development and therefore it can be viewed as being in the public interest. There is additionally the potential for the replacement land to be of greater value to the public than the release land.
11. For these reasons I conclude on balance that the application to deregister and exchange land registered as common land should be granted.

Mark Yates

Inspector

Order

On behalf of the Secretary of State for Environment, Food and Rural Affairs and pursuant to Section 17(1) and (2) of the Commons Act 2006, **I HEREBY ORDER** West Sussex County Council, as commons registration authority for the area in which the release land and the replacement land are situated:

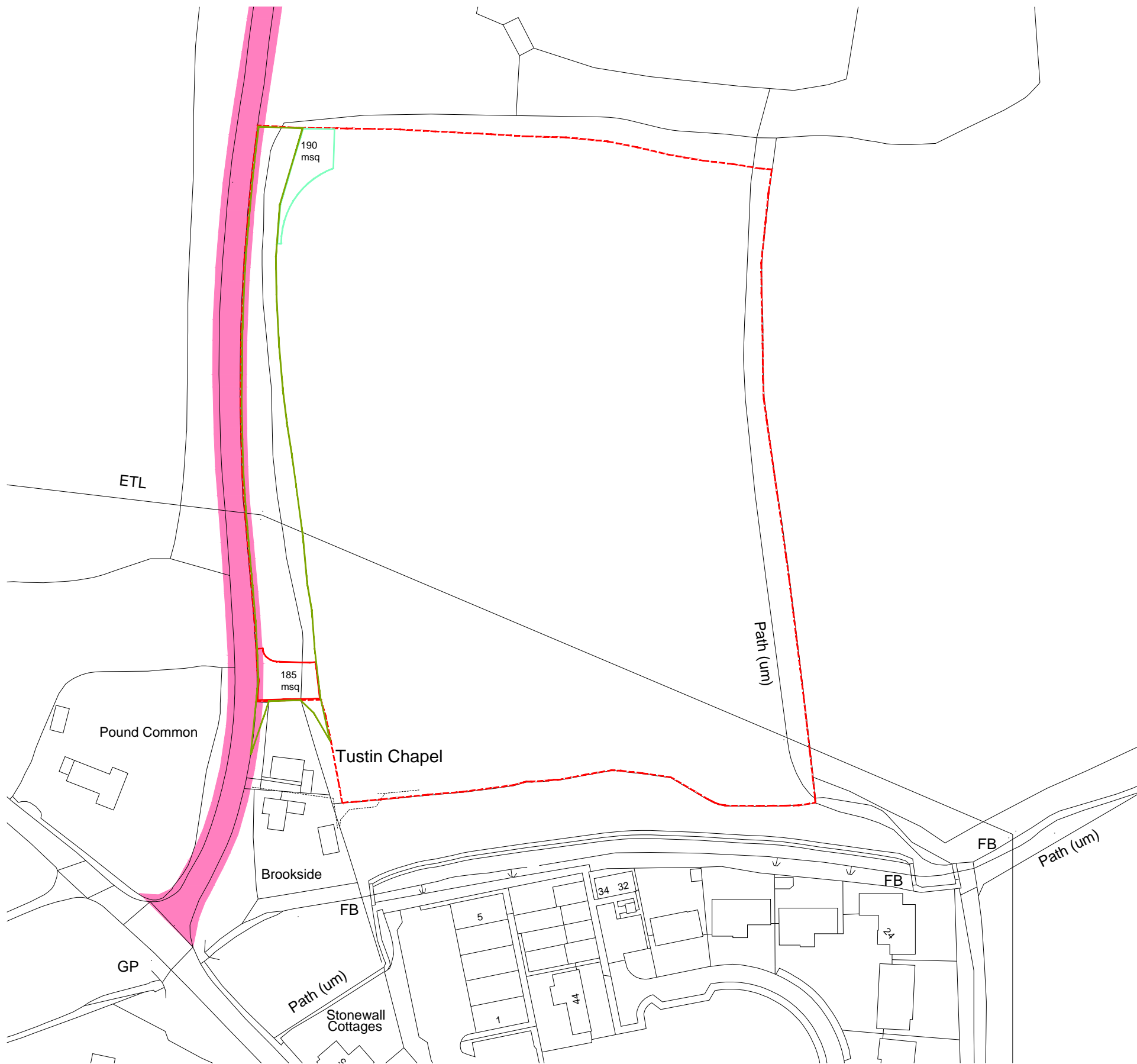
- (a) to remove the release land from its register of common land, by amending register unit CL 133 to exclude the release land, and
- (b) to register the replacement land as common land, by amending register unit CL 133 to include the replacement land.

First Schedule – the release land

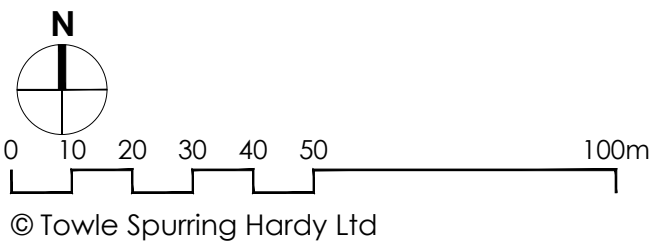
Colour on Plan	Description	Extent
Coloured red	Land forming part of Pound Common and located adjacent to the eastern side of Plaistow Road, Kirdford.	185m ²

Second Schedule – the replacement land

Colour on Plan	Description	Extent
Edged light green	Land adjacent to the south western boundary of Great Common.	190m ²



- Key**
- Site boundary
 - Land to be deregistered (release land)
Area 185 msq
 - Land to be registered (replacement land)
Area 190 msq
 - Common land
 - Extent of Highways land



Map Ref (E) 501416 (N) 127287



A		YY/MM/DD	Description
Rev	Date		
Plaistow Lane			Date: May 2020
Kirdford			Scale: 1:1250@A3
			Status: For Approval
Common Land			Drawn: kem
Transfer Plan			
2015027 - A - - TR - 501			Revision: /