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| **Application Decision** |
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| **by Mr W Johnson BA(Hons) DipTP DipUDR MRTPI** |
| **an Inspector appointed by the Secretary of State for Environment, Food and Rural Affairs** |
| **Decision date: 23 August 2022** |

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| **Application Ref: COM/3277509**  **Therfield Heath, Baldock Road, Royston**  Register Unit No; CL 092  Commons Registration Authority: Hertfordshire County Council |
| * The application, dated 11 June 2021, 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 Ms Carol Fossick of The Therfield Regulation Trust * The works comprise the installation of 10no. wooden circular bollards located at 4m intervals on the western side of Therfield |
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Decision

1. Consent is granted for the proposed works in accordance with the application dated 11 June 2021 and the plan submitted with it, subject to the condition that the works shall begin no later than 3 years from the date of this decision.
2. For the purpose of identification only a copy of the application plan is attached to this decision.

**Preliminary Matters**

1. I have had regard to Defra’s Common Land Consents Policy dated November 2015 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.
2. This application has been determined solely on the basis of written evidence and an accompanied site visit undertaken on 26 April 2022.
3. I have had regard to the representations made by Historic England (HE); Natural England (NE); the Open Spaces Society (OSS) and a local resident. I have considered all submissions in reaching my decision on this application.
4. 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 (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); and

d. any other matter considered to be relevant.

Reasons

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

1. There are a number of registered rights recorded over the land as outlined on the Register, which include grazing, the playing of cricket, golf and other games. I am satisfied that the works would also be in the interests of persons exercising rights of common over the land. Furthermore, I am satisfied that the development would not harm the interests of those occupying or having rights over the land.

***The interests of the neighbourhood***

1. The interests of the neighbourhood test relate to whether the works will impact on the way Therfield Heath (the Common) is used by local people. In general terms works should only be permitted if they maintain or improve the condition of the Common or where they confer some wider public benefit and are either temporary in duration or have no significant or lasting impact. There is no definition within the 2006 Act of the term ‘neighbourhood’.
2. Whilst noting the objection to the development from a local resident, I also note that HE, the OSS and NE do not raise any objections. During my visit, I noted that vehicles including Heavy Goods Vehicles travel along Therfield Road at notable speeds. Whilst I accept that this is only a snapshot in time, in the absence of evidence to the contrary, it was a good indication of the traffic conditions. Therefore, it appears to me that the benefits that will be derived by local people (and those living within the neighbourhood in particular) from the improvements to highway safety are a factor to be weighed in the balance when determining this application.

***The public interest***

1. 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.

*Nature Conservation*

1. There is no evidence before me to indicate that the development harms nature conservation interests.

*Landscape*

1. Although the location of the 10no. bollards would be located within the Common, the character of the site is very much dominated by Therfield Road. A number of bollards have already been installed in proximity to the site, subject of this application. Thus, the development sought under this application would represent a continuation of the existing bollards. In this instance, given the existing character and appearance of the site, the proposed installation of 10no. bollards would not create any significant visual harm.

*Public access*

1. I consider that the development does not unacceptably restrict public rights of access or harm the interests of people from the neighbourhood wishing to use the common.

*Archaeological Remains and Features of Historic Interest*

1. There is no evidence to suggest that the development has an adverse effect on any archaeological remains or features of historic interest.

**Conclusion**

1. I conclude that the proposed works will not seriously harm the interests set out in paragraph 6 above and will bring wider public benefits by improving highway safety in the section of carriageway immediately surrounding the site. Consent is therefore granted for the works subject to the conditions set out in paragraph 1.

W Johnson

INSPECTOR

