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| **Application Decision** |
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| **by Harry Wood** |
| **Appointed by the Secretary of State for Environment, Food and Rural Affairs** |
| **Decision date: 31 July 2023** |
| **Application Ref: COM/3319837**  **Godstone Green Common, Godstone, Surrey**  Register Unit No: CL16  Commons Registration Authority: Surrey County Council   * The application, dated 31 March 2023, 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 Godstone Parish Council. * The works comprise installing a tarmac path (54 metres in length and 1 metre wide) to connect Godstone Green Play Area to an existing tarmac path. | |

**Decision**

1. Consent is granted for the works in accordance with the application dated 31 March and the plans submitted with it subject to the following conditions:
2. the works shall begin no later than 3 years from the date of this decision; and
3. the land shall be fully reinstated within one month from the completion of the works.
4. For the purposes of identification only, the location of the proposed works is shown on the attached plan.

**Preliminary Matters**

1. I have had regard to Defra’s Common Land consents policy of 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.
3. I have taken account of the representations made by Natural England (NE), the Open Spaces Society (OSS) and Surrey County Council’s Historic Environment Planning team (SCCHEP).
4. I am required by section 39 of the 2006 Act to have regard to the following in determining this application:-
5. the interests of persons having rights in relation to, or occupying, the land (and in particular persons exercising rights of common over it);
6. the interests of the neighbourhood;
7. 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
8. any other matter considered to be relevant.

**Reasons**

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

1. The common is owned by the applicant, Godstone Parish Council (GPC), and it follows that the proposed works are in its interests.
2. The common land register records no rights of common over CL16.
3. GPC highlight that the public “have a right of access to the common for air and exercise”, and that “football and cricket is played on Godstone Green. They assert that the proposed work is “not […] in an area that would affect the playing of these sports or other games”. Several properties adjacent to Godstone Green have access agreements with GPC, whichasserts that the proposed path “is not in an area near these properties and would not affect access”.
4. 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 public rights of access***

1. The interests of the neighbourhood test relates to how the works will impact on the way the common land is used by local people and is closely linked with interests of public access.
2. GPC suggests that currently the playground “can only be accessed by crossing the grass that surrounds it”, and that during wet weather this area can become quickly waterlogged. The proposed tarmac path would offer improved access in all seasons and would “significantly improve accessibility for those with mobility issues [and] […] for parents with young children in buggies”.
3. I consider that the proposed path will significantly improve access to Godstone Green Play Area. I conclude that the works are in the interests of the neighbourhood and public rights of access.

***The public interest***

*Nature conservation and conservation of the landscape*

1. The application land is not subject to any statutory designations for which NE consent/assent is required. No concerns have been raised by NE about the impact of the resurfacing works on nature conservation interests and I am satisfied that these interests will not be harmed.
2. GPC has emphasised that, in an effort to mitigate the visual impact of the works, the tarmac path “would be laid level with the grass with no concrete kerb or edging”.
3. I am satisfied that the short section of new path will not seriously harm landscape interests.

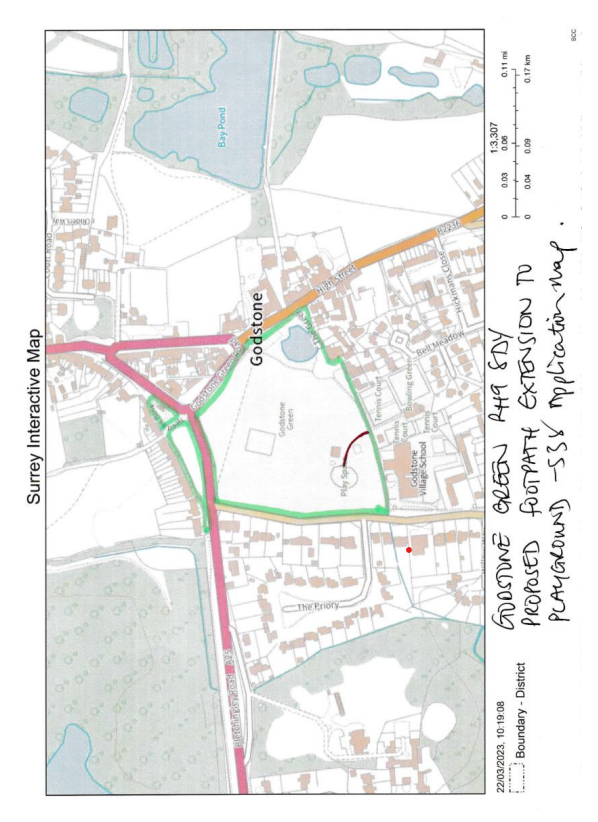
*Archaeological remains and features of historic interest*

1. SCCHEP have indicated that the proposed development is “in an Area of High Archaeological Potential defined around the historic core of Godstone”. They nonetheless assert that “the works are unlikely to disturb any Heritage Assets of archaeological significance”. I am satisfied with this assessment.

**Conclusion**

1. I conclude that the proposed tarmac path will benefit neighbourhood and public access interests by improving access to Godstone Green Play Area without seriously harming the other interests set out in paragraph 6 above. Consent is therefore granted for the works subject to the conditions set out in paragraph 1.

**Harry Wood**

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