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| **Application Decision** |
| **by Harry Wood** |
| **Appointed by the Secretary of State for Environment, Food and Rural Affairs** |
| **Decision date: 7 November 2024**  |

# Application Ref: COM/3347186

**LONDON FIELDS, LONDON BOROUGH OF HACKNEY**

Register Unit No: CL 20

Commons Registration Authority: London Borough of Hackney

* The application, dated 26 June 2024, is made under Article 12 of the Ministry of Housing and Local Government Provisional Order Confirmation (Greater London Parks and Open Spaces) Act 1967 for consent to construct works on common land.
* The application is made by the London Borough of Hackney.
* The works comprise a permanent single-storey ground level extension of 37.6m² to the existing London Fields Park Depot building.

# Decision

1. Consent is granted for the works in accordance with the application dated 26 June 2024 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.

REASON: To provide certainty to users of London Fields.

1. Any common land impacted by the works shall be fully reinstated within one month from the completion of the works (note that this does not apply to any physical changes or permanent features introduced as part of the works for which consent is granted).

REASON: To retain access for the public over London Fields.

1. For the purposes of identification only the location of the works is shown on the attached plan.

# Preliminary Matters

1. Article 7 of Ministry of Housing and Local Government Provisional Order Confirmation (Greater London Parks and Open Spaces) Act 1967 (the 1967 Act) provides that a local authority may in any open space provide and maintain a variety of facilities for public recreation subject to conditions. In particular, with regard to the application before me, a local authority may under Article 7(1)(f) erect and maintain buildings for the accommodation of keepers and other persons employed in connection with the open space.
2. Article 12 of the 1967 Act provides that in the exercise of powers under Article 7 the local authority shall not, without the consent of the Minister, erect, or permit to be erected, any building or other structure on any part of a common.
3. I have had regard to Defra’s Common Land Consents Policy Guidance (Defra November 2015) in determining this application, 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 guidance if it appears appropriate to do so. In such cases, the decision will explain why it has departed from the guidance.
4. This application has been determined solely on the basis of written evidence.
5. I have taken account of the representations made by Natural England (NE), Historic England (HE) and Open Spaces Society (OSS).
6. I am required by section 39 of the Commons Act 2006 (the 2006 Act) to have regard to the following in determining applications under Article 12 of the 1967 Act:
	1. the interests of persons having rights in relation to, or occupying, the land (and in particular persons exercising rights of common over it);
	2. the interests of the neighbourhood;
	3. 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
	4. any other matter considered to be relevant.

# Reasons

1. The applicant (the Council) advises that London Fields Park Depot (the Depot) has evolved in a piecemeal fashion over time to meet the needs of the Operational Team. This has led to it being poorly laid out and having extremely poor staff welfare and changing facilities, as well as a general lack of infrastructure facilities for vehicle, equipment and materials storage.
2. The Council considers that facilities need to be significantly improved to meet basic modern standards. In particular, the building is too small for its purpose and has limited changing facilities, with some staff having to change in a shipping container in the Depot yard. The welfare and kitchen space is said to be inadequate for the number of staff based at the site.

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

1. The Council is the owner of the land and the common land register records no rights of common. I am satisfied that the works will not harm the interests of those occupying the land and the interests of those having rights is not at issue.

## The interests of the neighbourhood and the protection of public rights of access

1. The interests of the neighbourhood test relates to whether the works will impact on the way the common land is used by local people and is closely linked with the interests of public rights of access.
2. The building is proposed to be extended on its northern facing side and will be contained within the existing Depot yard, which is screened from the rest of the common on all sides. Whilst the area proposed to be added to the building’s footprint forms part of the common, it is not an area open to the public for recreational use.
3. I am satisfied that no publicly accessible green space areas of the common will be taken up by the proposed works and I conclude that the works will not harm the interests of the neighbourhood and public rights of access.

## Nature conservation and conservation of the landscape

1. NE advises that the site is not subject to any statutory designations for nature conservation, although the London Fields Site of Importance for Nature Conservation (SINC) Mapledene conservation area is immediately adjacent to the works area. From the information available, NE does not anticipate that the works will have any significant adverse effects on any protected sites or the biodiversity of the common.
2. The extension will be of the same height and style as the existing building and will continue with existing roof lines. It will be screened from the rest of the common on all sides so will not be visible from outside the Depot yard.

17. I am satisfied that the works will not harm the interests of nature conservation or the landscape.

## Archaeological remains and features of historic interest

1. HE considered the proposals with reference to information in the Greater London Historic Environment Record and advised that the proposed works are unlikely to have a significant effect on heritage assets of archaeological interest.
2. I am satisfied that the works will not harm archaeological remains and features of historical interest.

***Other matters***

1. The submitted plan showing the extent of the proposed extension also shows a potential location for cycle racks in front of the east facing side of the building. OSS suggests that any such racks should be covered to protect them from rain. Other submitted plans show new storage containers. The Council advises that the area identified on the plan for potential cycle storage is for colleagues briefly visiting the Depot in the course of their working day and that replacing existing storage containers with new units is envisaged as part of their plans. However, no such racks and storage units are included in the application form or the published application notice and do not form part of the works for which consent is being considered.
2. The Council confirms that they wish to proceed with the existing application and it is open to them to make a separate application for cycle racks and storage containers as appropriate.

**Conclusion**

1. I conclude that the works will not harm the interests set out in paragraph 8 above and will benefit the London Fields Operational Team by providing improved welfare and changing facilities at their place of work. The works are those that a local authority may, under Article 7 of the 1967 Act, provide and maintain for persons resorting to the open space and consent for the works is granted subject to the conditions set out at paragraph 1.

***Harry Wood***

