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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: 2 June 2025** |

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| **Application Ref:** COM/3352947  **Allendale Village Green, Allendale, Northumberland**  Register Unit Number: VG37  Commons Registration Authority: Northumberland County Council |
| * The application, dated 20 October 2024, 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 Allendale Parish Council. * The works comprise:  1. The construction of a bus shelter on concrete base. The structure will be approximately 2.45m tall with a footprint of approximately 6.4m². |

**Decision**

1. Consent is granted for the works in accordance with the application dated 20 October 2024 and the plans submitted with it subject to the following conditions:
2. the works shall begin no later than three years from the date of this decision;

REASON: To provide certainty to users of Allendale Village Green.

1. the land 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 commoners across Allendale Village Green

1. The bus shelter shall be removed and the green reinstated if the current bus route is discontinued and the shelter is no longer in use.

REASON: To ensure the Green is reinstated if the use for the shelter is no longer required.

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

**Preliminary Matters**

1. I have had regard to Defra’s Common Land Consents Policy Guidance (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 guidance if it appears appropriate to do so. In such cases, the decision will explain why it has departed from the guidance.
2. This application has been determined solely on the basis of written evidence. I have taken account of the representations made by the Open Spaces Society (OSS) and Natural England (NE).
3. I am required by section 39 of the 2006 Act to have regard to the following in determining this application:
4. the interests of persons having rights in relation to, or occupying, the land (and in particular persons exercising rights of common over it);
5. the interests of the neighbourhood;
6. 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;
7. any other matter considered to be relevant.

**Reasons**

1. The applicant explains that the works have been requested to provide shelter at the bus stop in the centre of Allendale town. They note that stop is well used and there is currently no shelter in place.

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

1. The applicant outline that the Allendale Estates are the owners of the land. The land is managed under an agreement between the applicant and Northumberland County Council. The common land register records no rights over the whole of the land at Allendale Village Green.
2. I am satisfied that the planned works would not interfere with the interest of those occupying or having rights over the land.

***The interests of the*** ***neighbourhood and public access***

1. The interests of the neighbourhood relate to whether the works will unacceptably interfere with the way the Green is used by local people and is closely linked with interests of public access.
2. Allendale Village Green is comprised of several green spaces throughout the parish of Allendale. The works themselves are located on a small section of the Green adjacent to the B6303. I believe the Green is an active space for open air recreational activities for the public. However, the recreational value of this specific area of the Green is limited by its size and location adjacent to the highway.
3. The applicant explains that the bus shelter is required to provide shelter to those using the bus stop located on the Village Green, outlining that the shelter has been requested by residents of the parish and has been the subject of a public consultation meeting.
4. The structure will introduce a new barrier onto the Green and prevent access to the area of the Green where it is located. This would only affect a small area of the Green, and on balance I do not view that the works will cause an unacceptable impediment to the public’s access of the Green.
5. NE have been consulted on the application and stated that they do not view that the works will have any negative impact regarding access.
6. OSS have stated that generally they would be in support of the application but they question the location that has been chosen for the structure.
7. They outline that “we are not clear why it is necessary to sacrifice a further part of the green […] Alternatively, space surely could be found within the marketplace itself”. OSS continue that they are not assured that alternative locations have been considered.
8. In response the applicant has outlined that “The bus stop was relocated by the Parish Council with the County Highways Department and the bus company for safety reasons […] Any other location would make exiting the road junction adjacent to a stationary bus hazardous and would be too close to the pedestrian crossing point to be legal.”
9. OSS reiterated that they feel an alternate location could be considered, while the applicant responded further stating that alternative locations would not be appropriate and reiterating that they have limited control over the location of the bus stop due to the health and safety concerns present.
10. OSS have outlined that they would be like to see a condition added to the consent that requires the removal of the bus shelter if the bus route is discontinued and therefore the bus stop is no longer in service.
11. When considering applications for works on Village Greens I must consider whether the works would enhance the Green for its continued use.
12. From the evidence before me it is clear that there is a public interest in the proposal for a bus shelter. As the bus stop is located on the Green and the route runs parallel to this area of the Green, it follows that the Green is used to access the bus route, and the proposed bus shelter would be an appropriate enhancement to the Green for this purpose.
13. However, as the OSS highlight, if the current bus route was altered or discontinued the shelter would not be enhancing the Green for this purpose. I therefore take the view that a condition should be added to this consent that the Green is reinstated, and the bus shelter removed, if the current bus route is discontinued so that the Green can be retained for its original purpose.
14. Overall, I do not believe the works as planned would create any unacceptable impediment to people’s access to and across the Green or affect the recreational value of the Green.

***The public interest***

1. As well as having regard to the public interest in the protection of public rights of access, I must also have regard to the public interest in nature conservation, the conservation of the landscape and the protection of archaeological remains and features of historic interest.

***Nature conservation and conservation of the landscape***

1. The proposed works within this application are intended to be permanent which would introduce a new urbanising feature onto the Green. However, the structure is small in size and the applicant intends to use materials that are in keeping with the visuals of the green and surrounding structures of the village.
2. On balance I do not view that the structure would have a significantly adverse impact on the visuals or landscape value of the Green.
3. NE have stated that “from the information available to us we do not anticipate that the works will have any significant adverse effects on any protected sites, or the common’s biodiversity, landscape or accessibility for the public”

***Protection of archaeological remains and features of historic interest.***

1. HE has been consulted on the application and have not provided comment.
2. There is no evidence before me to suggest that these interests will be harmed by the proposed works.

***Conclusion***

1. In this case I conclude that the works will not introduce an unacceptable barrier to public access to the Green and the recreational value of the Green will not be affected. Additionally, the nature conservation***,*** landscape value and historic interests of the Green will not be affected. The proposed bus shelter would enhance the Green for its current and continued use, until such time that the bus route is altered or discontinued at which point the bus shelter should be removed so the Green can be reinstated. The works will not seriously harm the other interests set out in paragraph 5 above. Consent for the works is therefore granted subject to the conditions set out at paragraph 1 above.

Harry Wood

Figure 1 – Location of the shelter on the Green

