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# Application Decision

by **Richard Holland**

Appointed by the Secretary of State for Environment, Food and Rural Affairs

Decision date: 5 August 2016

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**Application Ref: COM 795**  
**Yateley Green, Hampshire**

Register Unit No: CL 27

Commons Registration Authority: Hampshire County Council.

- The application, dated 18 May 2016, is made under Section 38 of Commons Act 2006 (the 2006 Act) for consent to carry out restricted works on common land.
  - The application is made by Edison Homes Limited.
  - The works comprise: the excavation of common land to allow for new services to be laid which will cover 27.9 square metres.
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## Decision

1. Consent is granted for the works in accordance with the application dated 18 May 2016 and accompanying plan, subject to the following conditions:-
  - i. the works shall begin no later than three years from the date of this decision; and
  - ii. the common shall be restored within one month of the completion of the works.
2. For the purposes of identification only the location of the works is shown as a red line on the attached plan.

## Preliminary Matters

3. I have had regard to Defra's Common Land Consents Policy<sup>1</sup> 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.
4. This application has been determined solely on the basis of written evidence.
5. I have taken account of the representation made by the Open Spaces Society (OSS).
6. 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;

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<sup>1</sup> Common Land Consents Policy (Defra November 2015)

- c. the public interest;<sup>2</sup> and
- d. any other matter considered to be relevant.

## **Reasons**

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

7. Yateley Town Council, as landowner, has been consulted and has not objected to the proposed works. There is no indication that the works will impact on grazing rights which exist over the common. The applicant confirms that these rights are not exercised. I am satisfied that the proposed works will not harm the interests of those occupying or having rights over the land.

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

8. The interests of the neighbourhood test relates to whether the works will unacceptably interfere with the way the common is used by local people. The proposed works involve the installation of underground services for three new dwellings. The applicant confirms that the proposed works are needed on the common to link to existing connection points. The works are expected to last no longer than one week. The route of the proposed works is designed to avoid a footpath on the common and minimise any impact on access.
9. The works are underground and the common land will be reinstated upon completion of the works. No temporary fencing will be erected as each trench will be backfilled as it is progressed. I conclude that the works will not have a significant or lasting impact on the interests of the neighbourhood or public rights of access.

### ***Nature conservation***

10. There is no evidence before me to indicate that the proposed works will harm nature conservation interests.

### ***Conservation of the landscape***

11. I note that the applicant has sought to ensure that the smallest area of common is affected and limit any visual impact by, for example, routing electricity connections underground. All works will be underground and the common fully restored upon completion. I consider that any visual impact on the landscape will be limited and short term. I am satisfied that there will be no lasting harmful impact on the common.

### ***Archaeological remains and features of historic interest***

12. There is no evidence before me to indicate that the proposed works will harm any archaeological remains or features of historic interest.

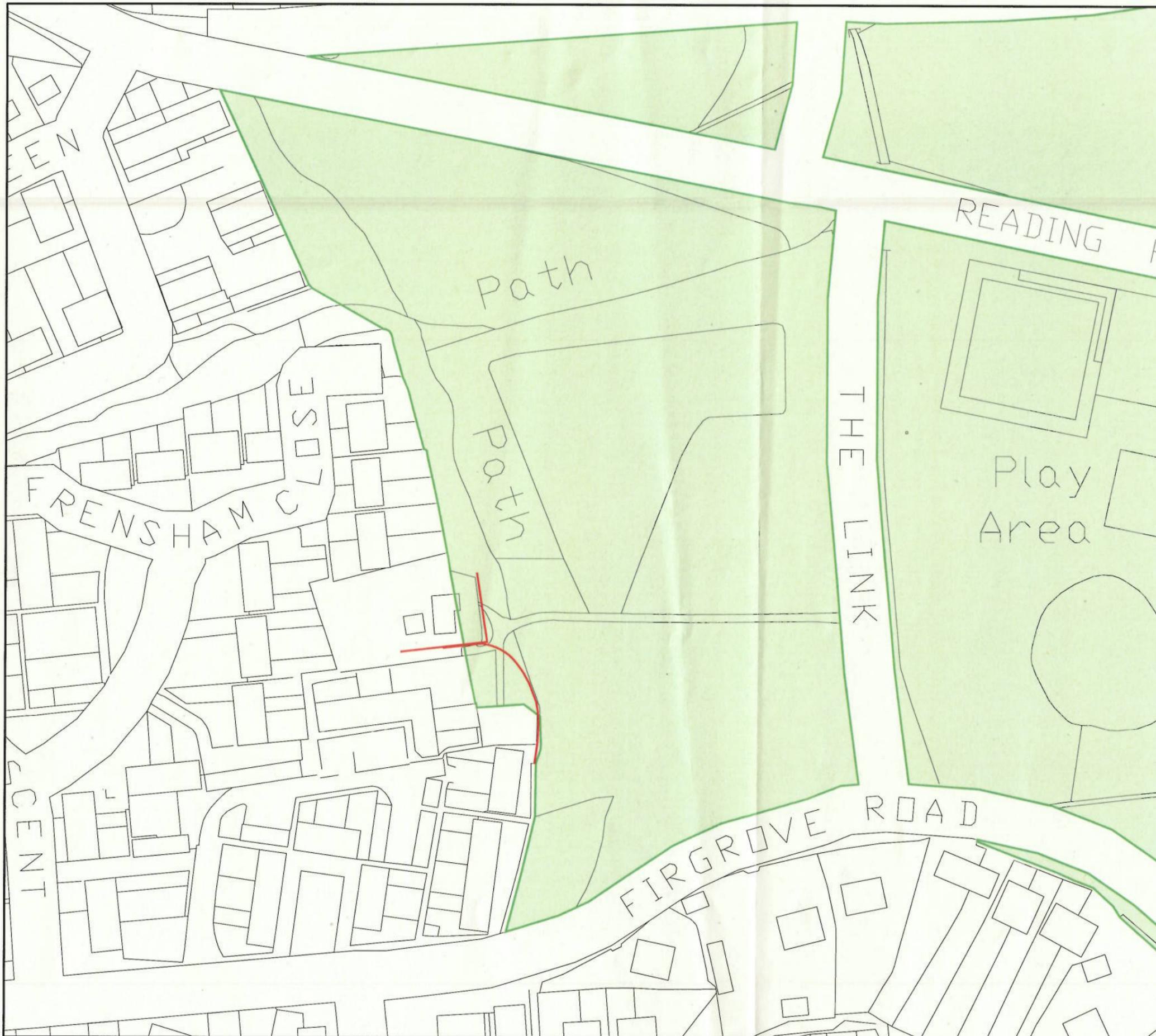
## **Conclusion**

13. I conclude that the proposed works will not harm the interests set out in paragraph 6 above. Consent is therefore granted for the works subject to the conditions set out in paragraph 1.

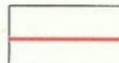
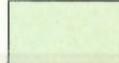
**Richard Holland**

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<sup>2</sup>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.



The scaling of this drawing cannot be assured  
 Revision \_\_\_\_\_ Date \_\_\_\_\_ Drn \_\_\_\_\_ Ckd \_\_\_\_\_

-  Location of Proposed Works
-  Common Land

Project  
**Robins Grove Cottage,  
 Yateley**  
 Drawing Title  
**Site Location Plan**



Date	Scale	Drawn by	Check by
07.05.16	1:1250@A3	S.M.	C.P.
Project No	Drawing No	Revision	
25756	RG-M-01	-	



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