

Application Decision

by **Richard Holland**

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

Decision date: 26 August 2016

Application Ref: COM 798 Harpenden Common, Hertfordshire

Register Unit No: CL16

Commons Registration Authority: Hertfordshire County Council

- The application, dated 3 June 2016, 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 Harpenden Town Council (the Council).
 - The works are to resurface the entrance road into Harpenden Common Golf Club and the Golf Club car park. The works comprise the excavation and removal of existing gravel and tarmac material, the laying of 3360 square metres of stone-mastic asphalt and the marking out of 123 parking bays.
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Decision

1. Consent is granted for the works in accordance with the application dated 3 June 2016 and the accompanying plan, subject to the condition that the works shall begin no later than three years from the date of this decision.
2. For the purposes of identification only the location of the works is shown in red on the attached plan.

Preliminary Matters

3. I have had regard to Defra's Common Land consents policy¹ 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;
 - c. the public interest;² and
 - d. any other matter considered to be relevant.

¹ Common Land Consents policy (Defra November 2015)

²Section 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.

Reasons

The interests of those occupying or having rights over the land, the interests of the neighbourhood, and the protection of public rights of access

7. The Council is both applicant and land owner. The Council has advised that the registered grazing rights over the common are not exercised. The proposals are in any case only for common land that is already hard-surfaced. No additional land is to be hard-surfaced. I am therefore satisfied that the interests of persons occupying or having rights over the land will not be harmed.
8. The interests of the neighbourhood test relates to whether the works will unacceptably interfere with the way the common land is used by local people. The common is used as a golf course and the purpose of the proposed works is to improve the Golf Club's car park. The proposed improvement works are consistent with the existing use of the land as a hard-surfaced vehicular entrance road to the Golf Club and as the Golf Club's car park.
9. The main purpose of the works is to introduce a disciplined and safe parking regime within the existing car park. Uniform solid surfacing of the car park, which is currently partially loose-surfaced with gravel, will allow for formal painted parking bays, increasing parking capacity by up to 25%. It will also end informal parking which provides no clear flow for traffic or pedestrians and is a public safety concern especially at busy times and when vulnerable adults with learning difficulties and disabilities are present. Four designated disabled parking spaces will be provided. I consider that the works will be in the interests of public rights of access and the neighbourhood by increasing the number of car spaces for, and improving the safety of, people visiting the common.
10. Section 193 of the Law of Property Act 1925 gives a public right of access for air and exercise over the land on horseback as well as on foot. I am satisfied that the proposed works do not prevent the exercising of these rights. OSS has said that it does not object to the proposals.

Nature conservation

11. The Council has said that no vegetation works will be necessary; I take this to mean that the works will not affect any trees, shrubs or other flora. There is no evidence before me that leads me to think that the proposed works will harm any statutorily protected sites or other nature conservation interests.

Conservation of the landscape

12. The golf course area is maintained for the benefit of players and visitors but Harpenden Common has no special designated landscape value. Whether the proposed new car park surface will be a visual improvement over the existing surface is a subjective matter. However, the car park is largely screened on three sides by trees and on the remaining side by Golf Club buildings so the impact of the works here will not be widely seen. Whilst the resurfacing of the entrance road is more likely to introduce a somewhat urbanising feature into the common (because it is not screened from public view and the surface will initially look new), its visual impact is not likely to be markedly greater than that of the current surface. I consider that the visual impact will not be so unacceptable that consent should be refused on landscape conservation grounds.

Archaeological remains and features of historic interest

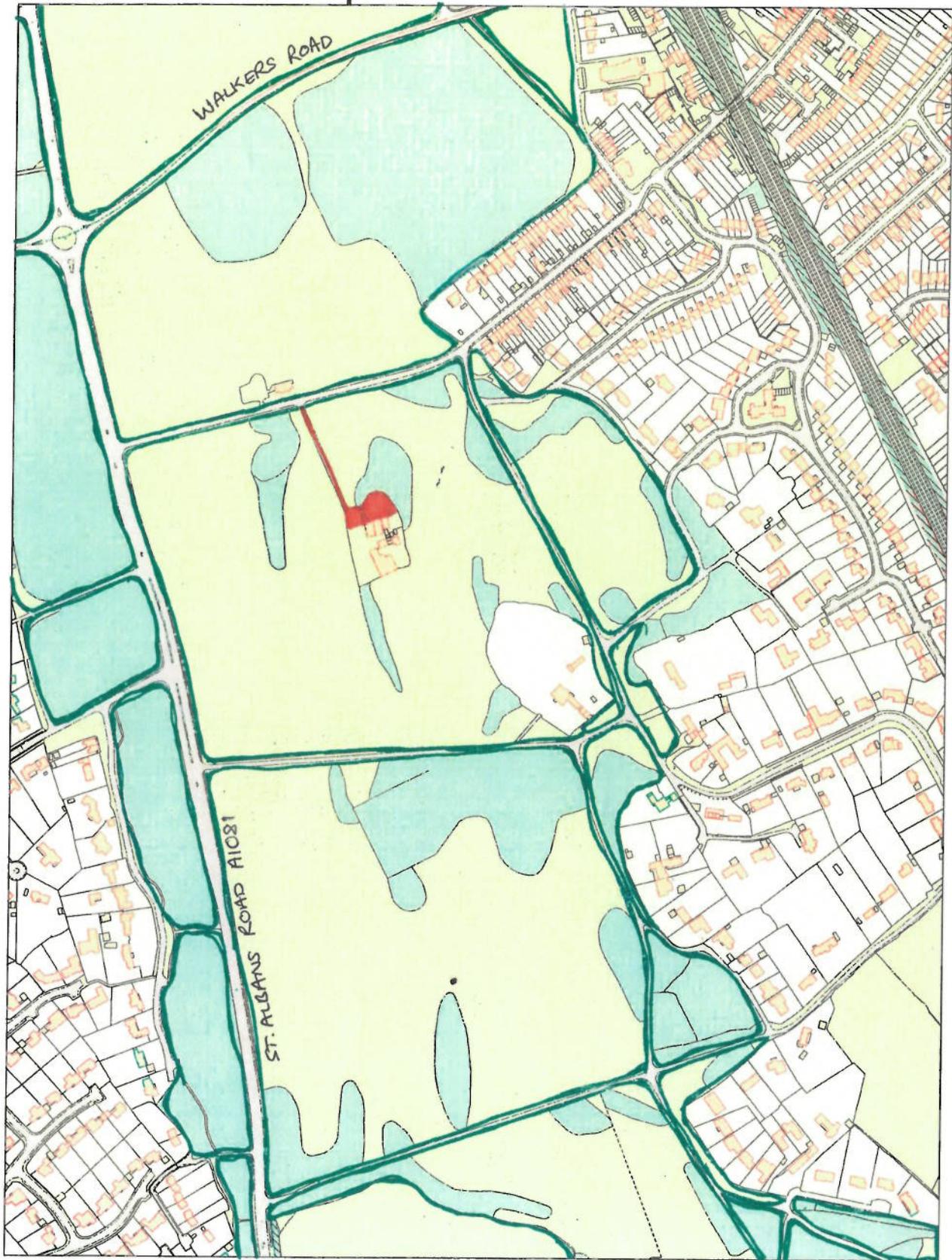
13. There is no evidence before me of any archaeological features within the application site or nearby. I am content, therefore, that the works are unlikely to harm any such remains or features.

Conclusion

14. I conclude that the works will not unacceptably harm any of the interests set out in paragraph 6 above; indeed, they will be in the public interest by increasing pedestrian safety in the car park and facilitating access to the common. Consent is therefore granted for the works.

Richard Holland

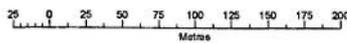
Harpenden Common



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