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# Application Decision

by **Richard Holland**

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

Decision date: 25 April 2018

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**Application Ref: COM 3192533**  
**Gerrards Cross Common, Buckinghamshire**

Register Unit No: CL100

Commons Registration Authority: Buckinghamshire County Council.

- The application, dated 20 December 2017, 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 Gerrards Cross Town Council.
  - The works comprise the installation of a permanent 10ft x 8ft metal storage container.
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## Decision

1. Consent is granted for the works in accordance with the application dated 20 December 2017 and 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 location plan.

## Preliminary Matters

3. The application plan (site plan) gives the dimensions of the container as 8ft by 10ft. This equates to approximately 7.3 sqm, as stated in the application form. However, the published application notice gives the container dimensions as 2.99m x 7.3m (approximately 10ft by 24ft) covering an area of 21.82sqm, which would be a significantly larger structure. The applicant has confirmed that the dimensions given in the published notice are wrong and those given in the application form and plan are correct. I am satisfied that no-one wishing to comment on the application has been significantly prejudiced by the proposed container being substantially smaller (less than half the size) than that advertised.
4. 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.
5. This application has been determined solely on the basis of written evidence.
6. I have taken account of the representation made by the Open Spaces Society (OSS), which does not object to the application. No other representations were received.

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

7. South Bucks District Council has certified that, at the time of Gerrards Cross Town Council's application for planning permission, the siting of the storage container would have been lawful (Certificate of Lawfulness of proposed use or development: Application No. 17/00968/CLOPED of 1 June 2017).
8. 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;<sup>2</sup> and
  - d. any other matter considered to be relevant.

## **Reasons**

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

9. The land is owned by David Baldwin and Katherine Mary Barber, who were consulted by the applicant about the proposals but have not commented. The common land register shows that there are no registered rights. There is no evidence before me to suggest that the works will 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***

10. 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 and is closely linked with interests of public access. The area of common land concerned is a triangle of land on the northern side of East Common Road, which separates it from the main body of the common. Photographs submitted by the applicant indicate that it is a grassed area and its use appears to be for general recreational access.
11. It is proposed to install the container next to an existing, larger wooden shed in the very corner of the triangle where the boundary of the common is edged by trees and vegetation. The container is for the storage of tools and equipment to be used by Gerrards Cross Conservation Volunteers to carry out conservation work on the common. At present this equipment is stored in the wooden shed, which the applicant says is prone to vandalism and burglary. The metal container will allow the equipment to be stored more securely in the area of the common that is already used for storing it.
12. I see no harm to the interests of the neighbourhood in continuing to use this part of the common for storing equipment used to maintain the land as common land. Whilst the container will be a new structure that will reduce the area of common available for public use, I consider that its small footprint and its position in a corner of the common means it will not have a significant effect on public rights of access.

### ***Nature conservation***

13. There is no evidence before me to indicate that the proposed works will harm nature conservation interests. Indeed, the tools and equipment to be stored in the container will assist those carrying out conservation work on the wider common.

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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.

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

14. The container will be closely flanked on two sides by the vegetation on the common land boundary and on a third side by the wooden shed, which is to be retained. The applicant's photographs show that the remaining side (directly facing the common) will be partially hidden from view by a tree set slightly in from the corner. The applicant has said that the container will be painted green and that further planting will be introduced around it. I am satisfied that a combination of its positioning and the measures that will be taken to camouflage it will significantly limit its visual impact and that it will not seriously harm the landscape.

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

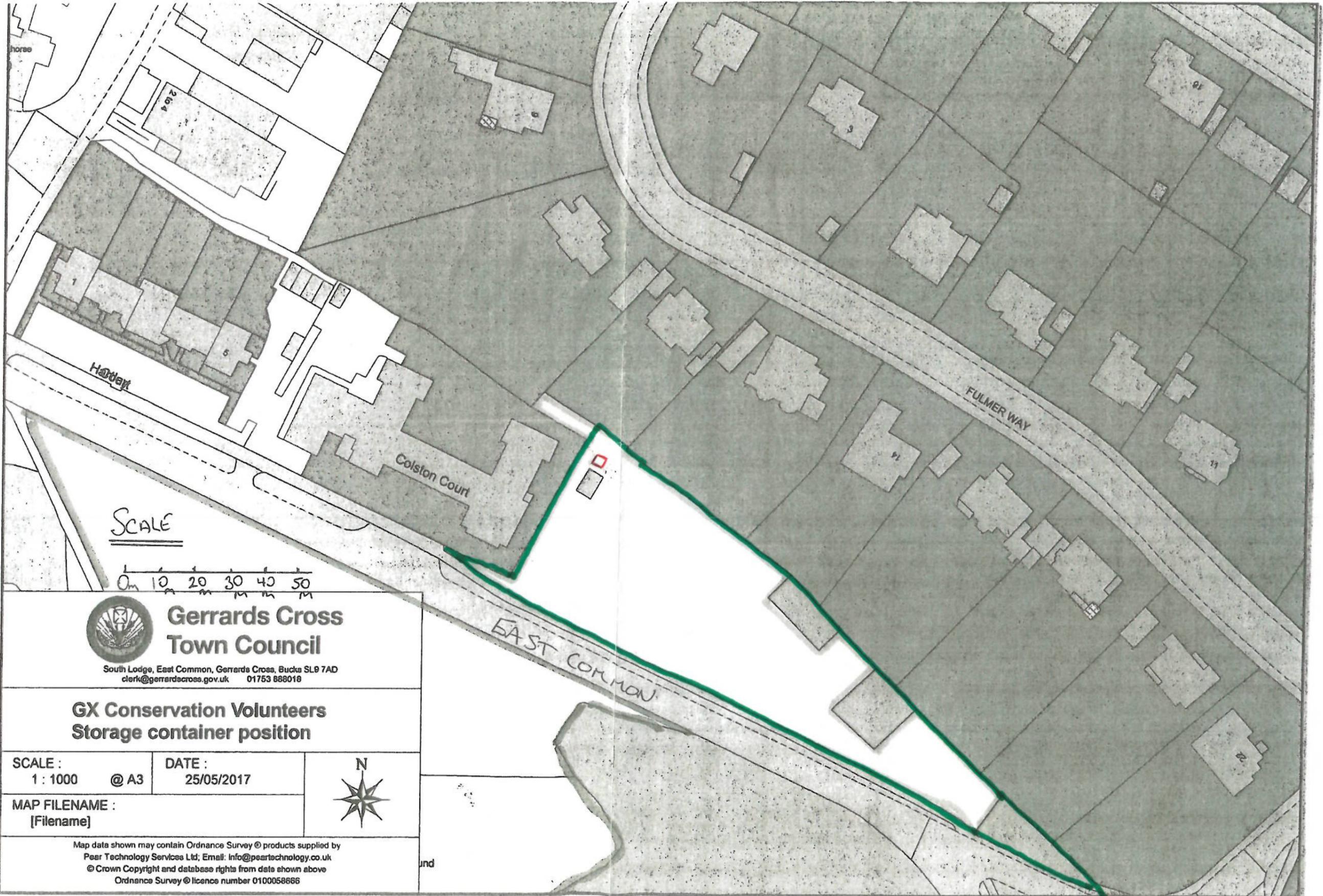
15. There is no evidence before me to indicate that the proposed works will harm any archaeological remains or features of historic interest.

### **Conclusion**

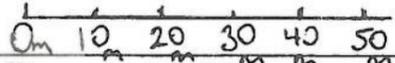
16. I consider that the proposed works will not significantly harm any of the interests set out in paragraph 8 above and will provide secure storage for equipment used to maintain the common. I conclude therefore that consent should be granted for the works subject to the condition set out in paragraph 1.

**Richard Holland**

Location Plan



SCALE



**Gerrards Cross  
Town Council**

South Lodge, East Common, Gerrards Cross, Bucks SL9 7AD  
clerk@gerrardscross.gov.uk 01753 888018

**GX Conservation Volunteers  
Storage container position**

SCALE :  
1 : 1000 @ A3

DATE :  
25/05/2017



MAP FILENAME :  
[Filename]

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