



Application Decision

by Harry Wood

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

Decision date: 28 May 2025

Application Ref: COM/3346435

The Village Green, Bramley Road, Sherfield on Loddon

Register Unit Number: VG131

Commons Registration Authority: Hampshire County Council

- The application, dated 23 May 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:
 - i) A cricket store made from concrete with a footprint of approximately 18 feet by 10 feet.
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Decision

1. Retrospective consent is granted for the works in accordance with the application dated 23 May 2024 and the plans submitted with it subject to the following condition:
 - i) Any land effected by the completion of the works shall be fully reinstated within one month from the date of this decision (note that this does not apply to any physical changes or permanent features introduced as part of the works for which consent is granted)
2. For the purposes of identification only the location of the works is shown on the attached plans.

Preliminary Matters

3. 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.

4. This application has been determined solely on the basis of written evidence. I have taken account of the representations made by Natural England (NE), Friends of the Village Green (FOTVG) and Alan Seabrooke.
5. I am required by section 39 of the 2006 Act to have regard to the following in determining this application:
 - i. the interests of persons having rights in relation to, or occupying, the land (and in particular persons exercising rights of common over it);
 - ii. the interests of the neighbourhood;
 - iii. 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;
 - iv. any other matter considered to be relevant.

Reasons

6. The applicant explains that the store is used by the cricket club as a lockable store for the equipment needed to maintain the cricket square. Prior to this facility the equipment was stored in an open compound and on occasions was subject to theft and the other stores present needed repair.
7. They outline that the structure has been in place since 2019. Consent was not sought at this point as they did not believe it was required as the structure replaced an existing building located in the same area. The applicant sought legal advice on whether consent was required which was delayed until the time of this application.

The interests of those occupying or having rights over the land

7. The applicant outlines that the Mitchell Family own the land, and the Parish Council is the custodian of it under a scheme of management. Permission has been obtained from the Mitchell Family for the works that are the subject of this application. A copy of the scheme of Regulation for the Green has also been provided. The village green land register records no rights over the whole of the land.
8. I am satisfied that the planned works would not interfere with the interest of those occupying or having rights over the land and.

The interests of the neighbourhood and public access

9. 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.

10. The Green at Sherfield is comprised of multiple areas of open grassed space with multiple areas of the Green being dedicated to playing fields for sporting activities. I believe the Green is an active space for open air recreational activities for the public and has a high recreation value.
11. The applicant has outlined that the store is used for the storage of the cricket club's equipment and has provided comments from that the cricket club, who state the store is vital to the continuation to the club as there is not a suitable alternate location for their equipment.
12. The structure is a barrier on the Green and prevents access to the area of the Green where it is located. However, this structure has been built on the same location as the structure it replaced. I do not view that the store will cause an unacceptable impediment to the public's access of the Green, as it will constitute the same impediment as the previous structure.
13. NE have been consulted on the application and stated the following: "In the location of the proposed works and from the information available to us we do not anticipate that the works have any significant adverse effects on any protected sites, or the common's biodiversity, landscape or accessibility for the public."
14. In this case when considering works on Village Greens I must consider whether the works would enhance the Green for its continued use.
15. From the evidence before me it is clear that there is a public interest in the proposal for the cricket store as it allows for the continued use of the Green for the recreational activities that are taking place on the Green.
16. Overall, I do not believe the works create any unacceptable impediment to people's access to and across the Green. The works are also important for maintaining the recreational value of the Green.

The public interest

17. 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

18. The proposed works within this application are intended to be permanent and are an urbanising feature on the Green. However, the structure is a remodelling of an existing structure previously located on the same footprint of the new structure and therefore its impact is similar to the previous structure.

19. The structure has not been increased in height and largely shares the same footprint of the previous structure and therefore does not significantly affect sightlines across the Green more than the previous store.
20. The applicant details that the new store is concrete whereas the previous structure was wooden. The front has been painted white to match the adjacent building on the Green. The older structure made of wood would be more in keeping with the natural features of the Green.
21. The FOTVG state that the material used in the construction of the store “differ so markedly from those of adjacent and nearby buildings (brick and timber cladding) and almost everywhere else on Sherfield Green.” They add that “the choice of materials and design ignore both modern and traditional vernacular traditions which could have been easily adopted”.
22. Alen Seabrooke also states that the store is not “in keeping with the character of the Village Green”.
23. In response the applicant has outlined that “The Storage unit was selected due to its shiplap look and is off white in colour, again the colour was approved to blend with the front of the Cricket Pavilion which remains white as traditional Cricket pavilions are, with the white colour enabling the sight of the red ball with more ease. A dark brown wooden building and cladding of the existing building in dark wood would not give that visual assistance to the Cricketers and Spectators.”
24. They continue that previously the “Cricket Club painted the front and the side of the Pavilion white, however, after complaints raised by Mr Lansley the side was repainted brown with the front of the Pavilion remaining white.”
25. The applicant also highlights that two building options were presented to Councillors, “a wooden building and the one that is in situ for which permission is being sought. The preference was the one in situ as it was felt a wooden building would not be secure enough. Prior to the erection of the new store, expensive machinery such as the mowers as well the petrol were kept in the Pavilion but due to Insurance concerns, an alternative building to the derelict shed that was in situ needed to be provided”
26. The FOTVG and Mr Seabrooke maintain that the store does not sit well on the Green and they do not view that enough consideration has been given to the style, colour and material used in the construction of the store.
27. In coming to a decision here particular focus must be given to considering the overall impact the works have on the Greens landscape value.
28. The Common Land Consents Policy highlights that weight must be given to the impact on the landscape if a proposal proceeds. Decision makers must consider whether such impacts include an adverse effect on the enjoyment of the remaining part of the common or green and, what consideration has been given to minimising any impact by good design.

29. The representations from the FOTVG and Mr Seabrooke highlight that they are not satisfied with the visual aspects of the store and how it blends in with the surrounding Green, and that in their opinion good design has not been considered.
30. It is fair to say that the existing structure and facility does have an impact on the landscape of the Green and views over the Green as it is an urbanising feature in the area of greenspace. However, the described works were for the alteration of an existing structure on the Green, and the plans do not introduce higher structures onto the Green. On balance, I do not view that the colour of the store or the materials used are substantially detrimental to the value of the Green for consent not to be granted.

Protection of archaeological remains and features of historic interest.

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

Other Matters

33. In this case the Inspectorate has received a number of representations concerning the conduct of the Parish Council. I consider that these are matters between the applicant and the interested parties and are not relevant to my determination of the application.

Conclusion

34. 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 Common would be maintained and improved by the described works. Additionally, the nature conservation, landscape value and historic interests of the Common will not significantly be affected to the point where consent should not be granted. 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 store on the common

