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## Application Decision

Inquiry held on 7, 8, 9, 10, 13, 14 & 15 June 2022

Site visits made on 13 & 15 June 2022

**by R J Perrins MA**

**an Inspector appointed by the Secretary of State for Environment, Food and Rural Affairs**

**Decision date: 30 November 2022**

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### **Application Ref: COM/3263104**

### **Tooting Bec Common – Triangle Sports Facilities London SW12**

- The application, dated 11 November 2020, is made under Article 12 of the Ministry of Housing and Local Government Provisional Order Confirmation (Greater London Parks and Open Spaces) Act 1967 ('the 1967 Act') for consent to construct works on Common land.
- The application is made by Wandsworth Borough Council.
- The works are described as:

The construction of extensions to the rear and side elevations of the premises currently occupied by the Balham Amateur Boxing Club, the installation of new roofing across this building and adjacent structures currently providing toilets and changing areas and a covered link with the former Triangle One O'Clock Centre, the installation of new external doors, disabled access ramps and platforms, all to create a clubhouse, together with the installation of new artificial grass surfaced all weather sports pitches with associated perimeter fencing and floodlighting, the new artificial grass surfaced areas and floodlights replacing an existing floodlit and degraded all weather sports pitch. The extension to north side of the premises will be constructed in painted brickwork to match the existing building and the extension to the west side of the boxing club premises will be constructed of metal cladding to match that building. Together the extensions will form a clubhouse providing a hall for the Balham Amateur Boxing Club together with changing facilities, showers and toilets and ancillary storage for users of the indoor and outdoor sports facilities together with facilities to support the continued provision of stay and play opportunities for young children, with a refreshment facility and toilets (male, female, and disabled access) accessible to all users of the sports facilities and the wider Common.

At 475sq.m. the built premises will be 57sq.m. larger than the current premises (418sq.m.)

The enclosed "garden" between the pavilion and the outdoor sports pitches remains unchanged at 770sq.m. As well as providing the link between the pavilion and the sports pitches the area will provide additional outdoor space for the proposed "stay and play" provision and the refreshment facility.

The outdoor artificial grass surfaced sports area will provide opportunities for people of all ages to participate in a number of outdoor sports in a safe, secure and modern environment.

The area occupied by the new sports pitches remains the same as the area occupied by the current facility at 3580sq.m.

**Summary of Decision: The application is refused.**

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**Preliminary Matters**

1. Article 7 of the Ministry of Housing and Local Government Provisional Order Confirmation (Greater London Parks and Open Spaces) Act 1967 ("the 1967 Act") provides that a local authority may in any open space provide and maintain a variety of facilities for public recreation subject to conditions. Article 7(1)(a) (ii) specifically refers to the provision and maintenance of courts, greens and such other open air facilities as the local authority think fit for any form of recreation whatsoever (being facilities which the local authority are not otherwise specifically authorised to provide under this or any other enactment). Article 12 of the 1967 Act provides that in the exercise of powers under Article 7 the local authority shall not, without the consent of the Minister, erect, or permit to be erected, any building or other structure on any part of a Common.
2. The application is made by the Leisure and Culture Contract manager on behalf of Wandsworth Borough Council ("the Council").
3. Tooting Bec Common ("the Common") covers an area of some 58 hectares and is registered as Common land under the Commons Registration Act 1965. The Common is managed by the Borough Council as one of their parks and there are several facilities within it, including a Lido, sports pitches, changing rooms, pavilion, playgrounds, tennis courts, cricket pitch, boxing club, children's centre, athletics track, gym and fitness studio. There are several tarmac pathways crossing the Common, some of which are combined footpath and cycle tracks.
4. The Common is sited in a highly populated urban area with residential roads and streets on all sides and some adjoining residential properties. The Common is dissected by two railway lines one running north to south and the other toward the northernmost part of the Common where it runs from east to west. The railways are distinct visual and physical features which divide the Common. The area to which this application relates is near to where the two railways meet to the north of the Common and is known as the Tooting Bec Triangle ("the Triangle").

**Procedural Matters**

5. Following advertisement of the application, many hundreds of representations were received from numerous parties including objections from the Open Spaces Society and a group calling themselves the Balham, Streatham and Tooting Residents who submitted a joint statement with numerous proofs included. In addition to those objectors identified on Wandsworth Council's Tooting Triangle Sports Facilities website, a number of other parties, as listed in the appearances below, attended the Inquiry to give oral evidence. The Friends of Tooting Common and the Tooting Commons Management Advisory Committee were represented and gave evidence as interested parties.
6. The Inquiry sat on 7, 8, 9, 10, 13, 14 & 15 June 2022 with a round table Hearing session arranged for the evening of Monday 13 June at a venue on the Common for those local residents who were unable to attend the Inquiry during the day. The session was held using the standard Hearing format as agreed with all the parties. Some 53 people spoke at the Hearing both for and against the proposal. The Inquiry was also a blended event with one witness giving evidence to the Inquiry via Microsoft Teams. It is appropriate at this point for me to thank the Council and those involved with organising the Inquiry venue,

the online provision and for those who organised the Hearing venue and sound system.

7. I carried out an accompanied site visit on Wednesday 15 June 2022 before hearing closing submissions on the last day of the Inquiry. I also had the opportunity to walk around the Common unaccompanied before and after the evening meeting on Monday 13 June. At that time, I had asked for the floodlights to be turned on and was able to view them at the end of the meeting during the hours of darkness. The weather on both days was dry and bright. I have also visited the Common on other occasions over the last two years when dealing with other casework nearby.
8. This application has been determined on the basis of all of the oral and written evidence and my own observations of the site and surrounds.

## Background

9. Currently the site consists of a steel-clad building used by Balham Amateur Boxing Club ("the Boxing Club") together with a range of brick-built structures that provide storage and changing facilities. A further brick-built structure, linked to the steel-clad building by a covered corridor, once housed the Triangle One O'Clock Centre ("the children's centre") which until recently provided stay and play provision for young children. Adjacent to the buildings, is an all-weather floodlit sports pitch which is a permeable gravel/clay 'Redgra' surface. As I saw from my site visit the buildings are somewhat dilapidated with the changing facilities in particular being in a very poor state of repair and in need of complete overhaul.
10. The stated purpose of the application proposed is to improve and restore the facilities, indoor and outdoor, to a good and useable condition along with the provision of publicly accessible toilets and a refreshment facility. In addition, the works would include improvements to the drainage infrastructure to better carry away excess surface water during periods of wet weather. There has in the past been significant flooding both on the site and on adjacent areas, including the children's playground and the adjacent footpath routes across the Common. The intention is that the works would also provide for a children's play facility.
11. Those works, described as *alterations including internal refurbishments and ancillary café; erection of single storey rear and side extensions; installation of replacement roof and retractable awning; installation of replacement doors and platforms with disabled access ramps; installation of replacement all-weather football pitches with associated perimeter fencing and replacement floodlights*, were given planning permission (ref:2019/4206) by Wandsworth Council on 21 May 2020. That permission was subject to a number of planning conditions to protect the character and appearance of the area, the Common itself, local wildlife/biodiversity and existing trees. There is no dispute that not all of those works require consent under Article 12 of the 1967 Act. That is to say only those works that go beyond what currently exists on the Common need to be considered under this application.
12. Therefore, those works to be considered are:
  - The proposed extensions to the north and west elevations of the existing building.

- One additional floodlight beyond those which currently exist.
  - The erection of fencing around the pitch.
13. On completion of the works the facilities would be managed by TFC Leisure Ltd and use of the pitch would be subject to a charge, set annually, in accordance with Council charging policies.
14. In that regard my attention has been drawn to the high court judgment in the case of *Muir (Alexander Keay Muir v Wandsworth Borough Council Smart Pre-Schools Ltd (Interested Party))* [2017] EWHC 1947 (Admin)) where it was held that the introduction of a fee-paying nursery on the Common was unlawful. However, it is not comparable to the development being considered here. I say that as *Muir* considered a case where a nursery would have been let to an interested party for its sole use, rather than (as would be the case here) letting the premises to an independent party. That party would effectively stand in the shoes of the Council, to provide and maintain facilities as the Council would have done, and as permitted by Article 8 of the Act.
15. There is nothing before me to suggest that what is being proposed in terms of management of the facilities is not unlike many recreational facilities on Common land being managed by interested parties. The nearby Lido and tennis courts on the Common being just two examples of that.

### **Main Issues**

16. I am required by section 39 of the Commons Act 2006 to have regard to the following in determining applications under Article 12 of the 1967 Act:-
- 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 (*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*); and
  - d. any other matter considered to be relevant.
17. In determining this application, I have had regard to the latest edition of Defra's Common Land Consents Policy (Defra November 2015) ('the 2015 Policy') 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.

### **Reasons**

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

18. There are no rights registered over the area of Common affected by the works. I am also satisfied that the interests of those occupying the land is not at issue. Nevertheless, the public have a right of access to the Common for the purposes of open-air recreation under section 193 of the Law of Property Act 1925 and

the Countryside and Rights of Way Act 2000. The works, as recognised by the Council, would inevitably change the way in which users of the Common would access and use the area affected by the works. I address this below.

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

19. The interests of the neighbourhood test relates to whether the works would unacceptably interfere with the way the Common is used by local people and is closely linked with public rights of access. The 2015 Policy seeks to ensure that the stock of Common land is not diminished and that any works should maintain or improve the condition of the Common, or exceptionally, that the works confer some wider public benefit.
20. Firstly, it is necessary to address the previous fence that existed around the Redgra pitch. It is notable that the planning application referred to replacement of the all-weather pitches and associated fencing. In the committee report officers noted that it had been brought to their attention that the pitch was previously enclosed with wire fencing, part of which was retained along the west boundary. The report also sets out that the proposed fence would be lightweight and semi-transparent, a matter to which I will return. The report notes that it is not clear when the fence was removed.
21. Against that background there is nothing before me to suggest that the fencing when it was placed in situ was done so with consent. There is also no compelling evidence that it was locked for any significant period or that access was restricted only to those who had booked to play on the Redgra. Therefore, without any certainty as to the legality of the previous fence, the length of time it was in situ, or the periods of time where access may have been restricted, I must give the previous fence no weight in my deliberations. That is to say my focus must be on the proposal for a new fence. That fence would enclose an open area, which has, as a matter of fact and degree, been available for free access uninterrupted for a significant length of time.
22. Therefore, the current public rights of access would be diminished. Whilst I recognise it is only a small part of the Common it is, as set out below, a much valued area and denying unrestricted access to it would interfere with the way it has been used for many years.
23. Counter to that, the applicant argues that the facility is much needed. Whilst there is an acceptance that the existing Redgra is open to all and used for informal recreation, it can still be booked more formally. When so used it means it is not available for informal recreation in any event. Furthermore, the benefits of the scheme outweigh any current informal use. Before I turn to those benefits, it seems to me that the Redgra (recognised by those opposing and supporting the scheme to be somewhat worn out) is a valued resource.
24. To that end I heard from representatives of London Casuals FC, currently the only regular users of the pitch on a pre-booked basis. They left me in no doubt of the value of the pitch to their club and the wellbeing of those within it and the very real concerns that they would not be able to afford to play at the new facility.
25. In addition, I heard from those who have used the pitch to, amongst other things, teach children to ride bikes in a safe environment, to play informal sports, for keep fit, for dog walking, kickabouts, for a dry place to meet during

times when the area is flooded or when the ground is saturated. The development would inevitably put an end to all of that given the secure fencing being proposed. Albeit many of those activities could be carried out on the grassed areas during dry weather.

26. In addition, I am mindful that there would be nothing to prevent the Council from improving the current facilities, without fencing, such that it may be more attractive for teams to book and thus, reducing the availability for informal recreation in any event. Nevertheless, the argument that the pitch represents the only unenclosed, dry, all-weather exercise and recreation area on the whole Common, is not without merit. Overall, I accept that it is a much-needed and well-used communal, informal recreation playground, and social space.
27. However, the applicant argued that the facility would enable more people to use the Common and that it would be available for others too. In that regard the Inquiry heard from TFC Leisure (who would run, manage and profit from the facility) that the development would be similar to other facilities they run in west London. Those facilities offering football, tennis, netball, paddle tennis and other uses such as mini-tennis and quick cricket. Bookings would be available each hour for between 30 and 90 minutes. During the day and school holidays there would be the ability for youngsters to just turn up and play. There would be free state school access during term time along with other schemes to target key inactive participation groups.
28. The proposed pitches would be flexible providing six small 5-a-side football pitches or one x 7-a-side football pitch and three 5-a-side multi-sport use pitches. There would be approximately 8 full-time members of staff employed as well as part-time coaches, toilet facilities would be available for general use and there would be a soft play area for children. Alongside that there would be a stay and play facility for 6 hours during the day, the cost of which would depend on external funding and volunteers. The boxing club would be improved and would have security of tenure. From all that I have seen and heard the boxing club is a really valued provision and the proposed improvements for the club are much needed and would be a benefit to the community as a whole.
29. Objectors have suggested that the new pitch facility would become the training base of a local football club. Whilst I accept there is nothing to suggest an exclusive arrangement has or would be put in place, the football club have stated support for the scheme at planning application stage and that it was desperately needed for 25 teams of all ages. Social media also points to the club 'coming to Tooting'. Although, I accept that TFC Leisure had no control over that and that no guarantees have been made to any club.
30. I do though accept concerns from Objectors, given the evident interest from those supporting the proposal, that block bookings would be possible months or terms in advance by organised teams restricting the availability to other users of the Common. The Inquiry also heard of the success of *Friday Night 5's* at TFC Leisure facilities elsewhere which operate from 1600 to 2200hrs and attracts thousands of children across west London to play in junior 5-a-side leagues. TFC Leisure would expect the same sort of take up at the Common.
31. It seems therefore on the evidence that the facility would be well used. I say that having heard the views of Objectors and the applicant on the matter of need to which there was some debate. A number of objectors at the Inquiry suggested there were underused all weather, floodlit pitches locally,



particularly in schools. Whilst the applicant pointed to the position as set out in the Wandsworth Infrastructure delivery Plan 2022 reflecting the Council's Playing Pitch Assessment Report 2013.

32. However, whilst I recognise a policy need has been identified, it is not for me to deliberate over the detailed provision of sports pitches in the locality or further afield. In the context of an application for works on Common land such matters are rarely decisive; this should have been considered at the planning stage and weighed in the balance. Although, I accept the representations put forward by objectors, with regards to local facilities being underused, point to some availability. Nevertheless, no detailed analysis has been carried out regarding the public availability of other sites and what useful purpose they would serve.
33. However, what is clear, and as set out within the 2015 Policy, is the fact that 'the Secretary of State will wish to know what alternatives have been considered to the application proposal'. To that end, as clearly expressed by the Open Spaces Society, no evidence is before me. There is therefore some inevitability that I reduce the weight given to the Common being the only place where the identified need can be met. I cannot be certain that it could not be accommodated elsewhere in any event although I recognise the sites suggested by Objectors, including the nearby athletics track, would not be suitable for a number of reasons.
34. Even if I am wrong in that regard, what is evident is that the facility would be well used. I say that given my reasoning above and representations from both those objecting to and supporting the development. That potential it seems was recognised by the Council's Environmental Services Team who recommended a temporary period to run the facility at planning application stage, such that the effects of it could be monitored.
35. It is against that background that I must consider the interests of the neighbourhood and whether the works would unacceptably interfere with the way the Common is used by local people. That is in the face of any benefits which I recognise would ensue. Indeed, the verbal representations of those in favour of the development made at the Hearing were compelling. I am satisfied that if the development were to go ahead many local children and young people would be served by it.
36. In the same way I recognise TFC Leisure have done much to support healthy communities and offer valued sporting facilities to many. Although, private enterprises need to make money and ensure pitches are used to capacity. TFC Leisure also suggest that when pitches are free from bookings or during less busy times pitches would be offered to schools and others. Although when questioned about the balance between public recreation (play), and TFC Leisure's more formal coaching and training provision, it was clear the latter would make up the majority of the provision.
37. Nevertheless, with my focus on all users of the Common and the neighbourhood the question I must ask is would the development be of overall positive benefit? That encompasses not only the benefits to those who would use the new facilities but the wider picture. That includes the primary reason for visiting Tooting Commons, as identified in the Management and Maintenance Plan, which is "to walk, exercise and relax". Would the development be of positive benefit to current users, who as I have heard, read,

and experienced for myself, have access to the open space and enjoy a relatively tranquil setting in the heart of west London?

38. To that end I note that the planning committee report sets out that the pitch would remain the same overall size and that "it is not considered the proposed would materially alter the levels of noise disturbance over and above what is currently attainable on site". In addition, the report sets out that as there would be no material change of use it does not "necessitate assessment of transport and waste impacts". Those statements for planning purposes are not incorrect, the facility and use exist and the pitches could be used far more than they are now. However, there is nothing before me to suggest the Council is likely to improve the existing Redgra and not leave it open. My considerations cannot ignore the changes that would be brought about by the development.
39. Those changes would be introduced into the current tranquil setting and the evening of the Hearing was testament to that. Any reasonable person experiencing the Common at that time, or during other times of the day when I visited, would have noted, between the regular rumble of trains and tubes, an almost village green like ambience.
40. People picnicking, walking dogs, engaging in informal recreation and other activities, set against a low level of background noise generated by sporting and other social activities. That ambience carried on and was even more noticeable later in the evening when users were reduced in number. Whilst I recognise there are other parts of the Common which would offer the same experience, this benefit of this part of the Common cannot be ignored.
41. I am in no doubt the new pitches with better lighting, fencing, kickboards surfacing and changing facilities would bring about considerable change to the character of the locality. Given the success elsewhere it seems to me that the expected use would go far beyond that experienced currently, even when taking into account the use of this part of the Common for organised rugby games. I accept that measures would be put in place in attempt to control the noise of those playing on the pitches however, in my experience, the level of noise from the exuberance of those taking place in sporting activities is not something readily turned down or managed. The noise of balls hitting the fence may be minimised by fixings and clamping, in accordance with Sport England guidance, but it cannot be avoided.
42. In addition, many objections relate to the alleged conflict and the perceived difficulties that would arise due to additional vehicular traffic; particularly parking problems both at the site itself and in surrounding residential streets. This, and matters such as noise levels are matters that should have been considered by the Local Planning Authority when determining the planning application. I recognise that some objectors believe the process was flawed but I must apply the relevant criteria to this application for consent and the policies relating to the legislation under which I am considering the matter, and my findings are on that basis.
43. In that regard the Tooting Common Management and Maintenance Plan sets out that the majority of visitors to Tooting Common travel by foot. However, it was clear that there is real concern about parking; even those who spoke in favour of the proposal and identified themselves as potential users of any new facility were unsure where people would park. That was further corroborated by local residents, my own site visits, and the team that play there regularly. It



seems to me, the influx of traffic into the area would inevitably bring more activity, noise and disturbance to the residential streets which border the Common with inevitable detrimental effects by way of noise and pollution onto the Common itself and users of it. I am also mindful of those residential properties that adjoin the Triangle. It seems to me their living conditions would be adversely affected given the increased activity and proximity to the pitches and walkways. That pressure is recognised by the Council who suggest that they would work with TFC Leisure, local residents and others to minimise any impact.

44. I recognise the availability of public transport is good and that Wandsworth and Lambeth highway authorities raised no objections to the planning proposal. Furthermore, any highway issues could be dealt with through enforcement of on-street parking and controlled zones. However, I remain concerned that such pressure would lead to encroachment of parking onto the Common with subsequent harm to it.
45. For these reasons I am not convinced, on balance, that the proposed works, even though the site is only some 5% of the Common, would be of positive benefit to the neighbourhood. Whilst there would be new sports provision, it would not be accessible to all and the development would introduce a great deal of noise and disturbance across a wider area of the Common. It would prevent a large number of existing users of the Common from using it in the way that they are used to. Alongside that, the fencing works would render that currently accessible part of the Common inaccessible for informal recreation.

*Archaeological remains and features of historic interest*

46. There is no evidence before me to indicate that the works would harm archaeological remains and features of historic interest.

*Nature conservation and conservation of the landscape*

47. Tooting Common is a Site of Metropolitan Importance (SMI) for biodiversity as determined by the Mayor for London and the local authority in the Local Plan. SMIs contain the best examples of the habitats that are of particular importance within London. The citation for Tooting Common states: *A large open space with three extensive areas of woodland (Bedford Hill, Streatham Hill and Tooting Graveney Woods) and relict acid grassland, serving a part of south London particularly lacking in good wildlife sites. The woodland is dominated by oak sp.), with a range of other trees including hornbeam (Carpinus betulus). The common supports an unusual variety of woodland birds for such an urban site. The common has several fine veteran oaks. An interesting invertebrate fauna includes a good population of stag beetles. The acid grasslands are dominated by 3 of 16 common bent (Agrostis capillaries) and red fescue (Festuca rubra), with pockets of gorse (Ulex europeaus) and bramble (Rubus fruticosus) scrub. There are also wetland areas and a lake.*
48. The Wandsworth Biodiversity Strategy sets out the Priority Species in Wandsworth. Namely, Bats (all species), Hedgehog, Black redstart, House Sparrow, Brown trout, Peregrine falcon, Starling, Swift, Stag beetles, Tawny owl, Pollinators including hoverflies, wild bees, soldierflies and wasps. Of particular importance on Tooting Commons as a whole are the Wandsworth Biodiversity Strategy priority habitats of acid grassland, secondary woodland, veteran trees, lakes and reedbeds.

49. I see no reason to disagree with the Council in that within the Triangle, Priority Species known to occur include House Sparrow, Starling, Swift, Stag beetle, a wide suite of pollinators and bats. A bat assessment was carried out as part of the planning application process along with a lighting assessment ecology report. Subsequent to that report, changes in the configuration of lighting columns were put in place.
50. Nevertheless, Objectors have raised concerns about the impact of new lighting upon biodiversity and the effect upon wildlife. I accept that it is inevitable that the lighting would be used far more than is experienced currently. In that case it would be likely to have more of an adverse effect upon wildlife. However, there is nothing to prevent the existing lighting being used for much longer periods if there was the demand.
51. Furthermore, I accept that the new floodlights would incorporate features which reduce their attractiveness to insects and thus the effect on some bat species. Moreover, I see no reason to disagree with the view that directional LED lighting is much more sensitive to nature conservation interests given it is recommended by conservation experts. The timing of the lighting would also be controlled by planning condition further reducing any harmful effect.
52. The development would see the removal of four trees and whilst I recognise Objectors wish to see all trees retained on the Common, the trees have been assessed using normal arboricultural survey methods. I could see nothing from my site visit to lead me to an alternative view. That is to say, the trees are of low quality and the proposed tree planting would more than compensate for the loss. Again, that planting would be secured through planning conditions.
53. Those conditions along with one for a Construction Environment Management Plan would allow the Council to understand any unforeseen adverse effects on habitats which could then be mitigated for appropriately. For these reasons the proposed works would not result in unacceptable harm to any priority species or nature conservation interests. I now turn to the effect on the local landscape.
54. I accept that the planning permission refers to the structure being in keeping with the local built environment, but my focus is whether or not it is in keeping with the landscape of the Common. The Triangle is bordered on two sides by elevated railway tracks served by tree lined embankments, the remaining side to the east is a woodland belt between the Common and residential properties. Some views are available to the built form beyond the tree-lined edges where Victorian rooftops can be seen between trees to the west of the proposed pitches.
55. The Triangle itself is a flat open area of grassland with formal paths to the edges and sporadic trees mainly found towards the belts of trees on the perimeter. Access to the Triangle is under bridges that serve the railway lines or via the residential area to the east. The development site is to the northern corner of the Triangle. The existing buildings appear somewhat worn and well-used. Surrounded by mature landscaping they do not come as a surprise in the context in which they sit. They are typical of the type of municipal purpose-built buildings one would expect to see in such a setting.
56. The Redgra pitch, as set out above, is well-worn with a high mesh fence to the west although, given my findings above, I have discounted the existing fence in

my deliberations. The pitch is served by eight sets of floodlights and a number of trees can be found on the northern and eastern edges. I accept that the Common can be described as 'compartmentalised' with suburban housing and railway lines defining its edges. I also accept that views through to housing may be more available during winter months when there are no leaves on trees.

57. However, I do not accept that views of residential rooflines to the north and west make it obvious that the city sits immediately beyond. Those views have to be actively sought. Generally, as set out above, the Triangle is free from development and is more akin to a village green than urban green space. Walking from the surrounding residential areas it is a surprise to come across it. As many of the representations set out it is a relatively tranquil green oasis in this busy part of the city.
58. I accept the modest extensions to the existing building would be minimal and new brickwork and cladding would be of benefit along with other improvements. There is also no dispute that see-through mesh around four sides of pitches can be entirely appropriate for the kind of outdoor facility proposed and the floodlighting would be reduced in height and operational hours controlled by way of planning condition.
59. However, there is no confirmed detail of the proposed fencing for me to consider. I heard it described by TFC Leisure at the Inquiry who assured me it would be open mesh and that any kickboards would also be mesh based. The planning application refers to coated wire fencing and the computer-generated images on the Design & Access Statement show a fence that blends in well with the digital background surfaces. However, the proposed pitch layouts, with elevation drawings of the fence, pose a different proposition with solid kickboard serving a much starker and less see-through fence.
60. In terms of my consideration of the effect of the introduction of new surfaces, fencing and lighting on the landscape of the Common I cannot be certain there would be no harm. Whilst I recognise it would be nowhere near the pictures painted and drawings submitted at the Inquiry by Objectors my experience of such fences is that they can appear as modern, harsh, rigid structures competing against the natural form. I was able to see the existing lighting in operation during my visit and that, when it is used, encroaches into the night-time landscape. However, the current usage, as I heard from several parties is infrequent, the new facility would encourage longer periods of sustained use with subsequent effect on the night-time landscape.
61. Therefore, it seems to me the introduction of these new elements would alter the landscape of this part of the Common in a permanent and lasting way. The combination of fencing, kickboards, and lighting, from the information I have before me, would not be consistent with the immediate more natural and open surrounding landscape. The development would be at odds to that, an alien feature in the landscape, well-lit at night, introducing a utilitarian feature that would look out of place.
62. For these reasons I find the works would not conserve the landscape.

**Other Matters**

63. Objectors have set out that the Redgra is a refuge in times of wet weather when the Common is saturated and I accept that to be the case. However, in times of flooding, given the photographs submitted and the Flood Risk Assessment it is evident that the Redgra is also flooded thus it is not always a place of refuge. In addition, drainage and maintenance works are proposed as part of the development to improve drainage and reduce flooding more generally. That would be of benefit to users of the Common and weighs in favour of the consent.
64. Alongside that would be the provision of new toilets, a new café, changing rooms, children's facility and enclosed garden. Although I temper the weight I give to these as they were previously provided and it is clear the proposed provision for childcare would not match the children's club that previously existed and operated for many years. There is nothing before me to corroborate the view that the new development would not be inclusive and would exclude minority groups. The prices charged would be comparable to charges for other pitches elsewhere although, I recognise currently, there is no charge for informal ad hoc play on the Redgra.
65. Petitions have been submitted objecting to the development and the claims that the planning process did not follow correct procedure. Taking the latter point first that is a matter for the Council, and I have been able to take into account all of the representations in any event. The petitions are lacking in detail and the basis of them is emotive and factually incorrect. The detail supplied on the petition does not give any potential signatory the ability to come to an informed decision on the facts of the application before me. Given that, there is some inevitability that I have given them no weight in this process.
66. Arguments that the notification carried out for this application was substandard again hold no weight. Whilst Objectors may have wanted more direct consultation and more obvious signage I am satisfied, from the information before me and the evidence heard at the Inquiry, that the requirements for notification for an application under Article 12 were fully discharged. Nevertheless, it is clear that public interest is high and the opportunity to comment upon the application has been taken advantage of. Many hundreds of submissions have been made both objecting to and supporting the proposal. All of these submissions have been taken into account.
67. I have also considered the application decision at Clapham Common (ref COM 773) for a similar development. However, given its location to the edge of Clapham Common, near to the town centre and main roads it is not comparable to the scheme before me.

**Conclusions**

68. The works would secure the future of the boxing club and associated facilities, constituting a public benefit. There would also be the provision of new toilets, café, sports provision and associated improvements all of which would be of further benefit to the public. However, I have found the development would be at odds with the local landscape of the Common and would not be of overall positive benefit to the neighbourhood. Whilst this is a finely balanced case policy objectives are clear, enabling, amongst other things, the safeguarding of

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commons, ensuring the special qualities of common land are protected and that any works do not have a significant or lasting impact.

69. For the reasons set out and having considered all matters raised I am not satisfied that the works would accord with these policy objectives. I recognise there would be a wider public benefit in providing a facility that would encourage other users to use the Common. Nevertheless, I consider, on balance that such benefits would not outweigh the harm that would result. Consent will therefore be refused for the works

### **Formal Decision**

70. Accordingly, having considered all matters raised, the application is refused.

*Richard Perrins*

Inspector

## APPEARANCES

### FOR THE LOCAL AUTHORITY:

Douglas Edward QC	Instructed by the Head of Legal Services
Who called	
Simon Cooper-Grundy	Senior Project Officer
Valerie Selby	Biodiversity and Parks Development Manager
Christopher Warren	Managing Director TFC Leisure Ltd
Michael Lowndes	Planning Consultant

### OBJECTORS:

Jeremy Clyne	Opens Spaces Society
Leonie Cooper	London Assembly Member
Birgit Waiswa	Local Resident
Dr Mike Squires	Local Resident
Matthew Bryant	Councillor
Fiona Warne	Local Resident
Ben Jackson	Balham, Streatham and Tooting Residents
Michael Walls	Local Resident
Shazia Wahab	Local Resident
Louise Albrecht	Local Resident
Mark Jordan	Local Resident
Leonie Noble	Local Resident
Duncan MacDonald	Local Resident
Simon King	Local Resident
Dan Boyde	Local Resident
Tania Pearson	Local Resident
Alice Roberts	CPRE London
Shirley Kermer	Friends of Clapham Common

### INTERESTED PERSONS:

Peter Rammell	Friends of Tooting Common
Oliver Griffiths	Tootings Common Management Advisory Committee

### Those who spoke at the HEARING SESSION:

Glyn Goodwin	Local Resident
Anna Waterman	Local Resident
Dr Laura Regan	Local Resident
Muminah Rusal	Local Resident
Christian Hesketh	Local Resident
Sam Horowitz	Local Resident
Sara Yates	Local Resident
Nicole Griffiths	Councillor
Michael Langdon	Friends of Tooting Common
Dr David Chapman	London Casuals Club
Sean Simmons	London Casuals Club
Margaret Lipsey	On behalf of Cath Pharoah



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Janet Ikpassse	Local Resident
David Thorne	Local Resident
Caroline Hartnell	On behalf of Marion Neffgen
Jonathan Lawrence	Local Resident
Red Finlay Jackson	Local Resident
Graham Johnston	Local Resident
Angie Sandhu	Local Resident
Stephen Lacey	Local Resident
Yann Guenancia	Local Resident
Ben Mango	Local Resident
Adam Kamenetzky	Local Resident
Donna Harris	Councillor
Pat Squires	Local Resident
Duncan MacDonald	Local Resident
Ann Schofield	Local Resident
Jolyon Roberts	Local Resident
Peter Hall	Local Resident
Melanie Heidler	Local Resident
Andrew Sharp	Local Resident
Lucy Thacker	Local Resident
Lucy Morton	Local Resident
David Thorne	Local Resident
Kate Hudson	Local Resident
Robert Curry	Local Resident
Norman Marshall	Councillor
Paul Soodeen	Local Resident
Victoria Murrey	Local Resident
Elinor Catlin	Local Resident
Richard Jones	Local Resident
Laurie Goering	Local Resident
Andrew Fuller	Local Resident
Megan Morgan	Local Resident
Steve Piggot	Local Resident
Mike Marley-Fletcher	Local Resident
Sheila Boswell	Councillor
Tessa Wordsworth	Local Resident
Matthew Hill	Local Resident
Ian Edwards	Local Resident
Hattie Price-Burrell	Local Resident
Paula Reynolds	Local Resident
Carol Hughes	Local Resident

## DOCUMENTS

- 1 Opening Statement of the Local Authority
- 2 Statutory consultation requirements for the application for consent
- 3 Photographs of car parking
- 4 Wandsworth Infrastructure Delivery Plan 2022
- 5 Extracts from the London Plan
- 6 Extracts from London Borough of Lambeth Outdoor Sports Facilities Strategy and Action Plan
- 7 Note to the Inquiry Concerning site notices erected
- 8 Flood Risk Assessment

