

PLANNING AND REGULATORY  
COMMITTEE  
DECEMBER 2024

LEACH GROVE WOODS TVG  
APPLICATION

ANNEX G 2019 SUPREME COURT  
ORDER



IN THE SUPREME COURT OF THE UNITED KINGDOM

11 December 2019

*Before:*

Lord Wilson  
Lord Carnwath  
Lady Black  
Lady Arden  
Lord Sales

**R (on the application of Lancashire County Council) (Appellant) v Secretary of State for the Environment, Food and Rural Affairs and another (Respondents)**

**R (on the application of NHS Property Services Ltd) (Appellant) v Surrey County Council and another (Respondents)**

AFTER HEARING Counsel for the Appellants and Counsel for the Respondents on 15 and 16 July 2019

THE COURT ORDERED that

*In R (on the application of Lancashire County Council) (Appellant) v Secretary of State for the Environment, Food and Rural Affairs and another (Respondents)*

- 1) The appeal be allowed and the orders made by the Court of Appeal on 12 April 2018 and by Mr Justice Ouseley in the Administrative Court (Planning Court) on 27 May 2016 and 14 June 2016 set aside
- 2) The First Respondent's decision of 22 September 2015 be quashed
- 3) The First Respondent pay the Appellant's costs in the Supreme Court, and 70% of the Appellant's costs in the Court of Appeal and the Administrative Court, the amount of those costs to be assessed on the standard basis if not agreed
- 4) The time for filing a bill of costs in relation to any of the costs referred to in paragraph 3 above be extended so as to run from 13 January 2020

*In R (on the application of NHS Property Services Ltd) (Appellant) v Surrey County Council and another (Respondents)*

- 5) The appeal be allowed
- 6) The order made by the Court of Appeal on 12 April 2018 be set aside
- 7) The order made by Mr Justice Gilbart in the Administrative Court on 13 July 2016 be restored, save that paragraphs 1 and 2 of that order be varied so as to read:
  - “(1) The registration of Leach Grove Wood by the Defendant Registration Authority as a town or village green on 6<sup>th</sup> October 2015 be quashed, and the Defendant’s decision of 23<sup>rd</sup> September 2015 to register that land as a town or village green be similarly quashed, and
  - (2) The application for registration shall be re-determined by the Defendant Registration Authority in accordance with the judgement of this Court.”
- 8) In relation to the costs in the Court of Appeal the Interested Party pay the Claimant the sum of £10,000 within 35 days of the date of this order.
- 9) There be no order for costs in the Supreme Court.

*Louise di Mearns.*



Registrar  
11 December 2019

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