

Freehold Community Association

Freehold Community Centre
9 Alexandra Road
Muswell Hill
London
N10 2EY
Telephone 07935-324-578
E.Mail : freehold2003@gmail.com

Mr Andrew Seaman
Planning Inspector
Haringey Core Strategy
639 High Road
Tottenham
London
N17 8BD

6th January 2012

RECORDED DELIVERY

Dear Mr Seaman,

re: Pinkham Way

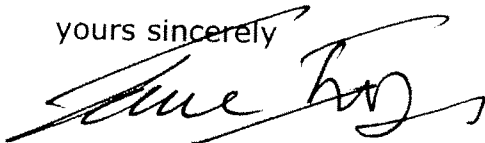
In our submission of evidence to your inspection in June we advised you that we believed that the Pinkham Way site was capable of registration under the Commons Act 2006.

We can now confirm that an application has been made to Haringey for registration on behalf of the Freehold and Redbrick communities.

With the full permission of the applicant we enclose copies of correspondence with Haringey relating to this matter.

We believe that you advised Haringey, as a result of your initial enquiry, that they should carry out a re-consultation on the Core Strategy proposals for the site. We can advise you that, yet again, we were not included in this consultation process.

yours sincerely



Jane Inzani (Mrs) - Secretary Freehold Community Association

**119b Sydney Road
Muswell Hill
London
N10 2ND**

London Borough Haringey
Planning Team
Level 6
River Park House
Wood Green
London
N22 8HQ

RECORDED DELIVERY

31st October 2011

**The Commons (Registration of Town or Village Greens) (Interim Arrangements)
(England) Regulations 2007**

Dear Sirs,

Re: Submission of application for registration of a Town Green - The Dump

I submitted an application to your Authority, as above, on Friday 14th October 2011.

To date I have not received the required receipt for this application as required under Section 4 of the above Regulations.

Your prompt attention to this matter would be appreciated.

Yours Sincerely

C.D. Faulkner

119b Sydney Road
Muswell Hill
London
N10 2ND

Mr Kevin Compton
Chief Executive
London Borough Haringey
Civic Centre
High Road
Wood Green
London
N22 8LE

RECORDED DELIVERY

11th November 2011

Commons Act 2006

The Commons (Registration of Town or Village Greens) (Interim Arrangements)
(England) Regulations 2007

Dear Mr Compton,

Re: Submission of application for registration of a Town Green

On Friday 14th October 2011 I submitted, by way of a statutory declaration, an application for registration of the site, currently known as Pinkham Way, to be registered as a Town Green under the above Act.

The submission was made, on advice from one of your officers, to your Planning Department.

Your authorities designation as a registration authority is prescribed in the above Act and the process for dealing with my submission is prescribed in the above Regulations.

Under Section 4 of the 2007 Regulations your authority **MUST** issue a written receipt with a unique reference number to me for my submission. To date I have not received this receipt.

Clearly your Planning Department are not the appropriate department to be dealing with this matter.

The process of Town Green Registration is a matter of legal fact and as your Planning Department are currently actively engaged in your 'Core Strategy as well as a planning application relating to this site I believe that there lack of appropriate action is an indication of bias which would be contrary to your legal obligations as a registration authority and my right to the fair and open treatment of my submission. I therefore seek your confirmation that:-

- a) In the interest of demonstrating the fair and transparent administration of my submission under the Commons Act 2006 and as required under The Commons (Registration of Town or Village Greens) (Interim Arrangements) (England) Regulations 2007 that my submission be dealt with by a department of your authority demonstrably independent of your Planning Department.
- b) That, as a matter of urgency, your authority now issues the required receipt.

Your prompt attention to this matter would be appreciated.

Yours Sincerely

C.D. Faulkner

recd 24-11-11

Planning, Regeneration and Economy
6th Floor, River Park House, 225 High Road, Wood Green, London N22 8HQ
Tel: 020 8489 1478
www.haringey.gov.uk



Assistant Director Planning, Regeneration and Economy Marc Dorfman

Haringey Council

Mr CD Faulkner,
119b Sydney Road,
Muswell Hill,
London,
W1T 4BQ

Date: 16th November 2011

Direct dial: 020 8489 5538

Email: pinkhamwayappteam
@haringey.gov.uk

Dear Mr Faulkner

RE: Submission of an Application for the Registration of a Town Green.

Thank you for your application for the registration of a Town Green – “The Dump” received on Friday 14th October 2011. We apologise for the delay in responding.

Please accept this letter as the formal response by Haringey Council, as the Local Authority, to your application as required under Section 4 of the Commons Act 2006; Commons (Registration of Town or Village Greens) Interim Arrangements) (England) regulations 2007.

Your application has been considered and I am afraid that we are not able to accept this application as in its current form the application is not valid and therefore the application is not duly made. As the application has not been duly made, the application has not yet been registered as received nor allotted a unique reference number.

We have found the application invalid for the following reasons, it is considered that the application form has not been filled in correctly.

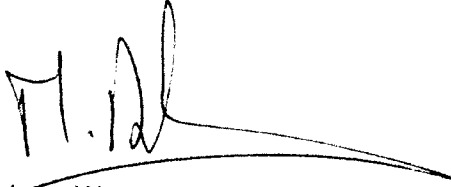
- i. Note 8 has not been properly completed in full as there are no references provided to the title numbers in the register of title held by the Land Registry. This information is needed as it is not the landowner applying to register the land as a green under section 15(8).
- ii. Note 9 has been left blank, this should state ‘none’ if none is required.
- iii. Note 11 has been left blank, this should be filled in and should provide details of any person(s) interested in the land is expected to challenge the application for registration.



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We therefore invite you to resubmit an amended application form, alternatively should you wish the application and exhibits to be returned to you please contact us and we will arrange this at your convenience. If we have not heard from you within 3 weeks we will assume you have withdrawn the application and we will return your documents.

Yours sincerely

A handwritten signature in black ink, appearing to read 'M. Dorfman', with a long horizontal flourish extending to the right.

~~Pinkham~~ Way App Team on behalf of

Marc Dorfman

Asst. Director Planning Regeneration and Economy



INVESTOR IN PEOPLE



1604 24-11-11

Mr C D Faulkner
119b Sydney Road
Muswell Hill
London
N10 2ND

Your ref:

Date: 17 November 2011

Our ref: CE/KC/JM/

Direct dial: 020 8489 2648

Email: Kevin.crompton@haringey.gov.uk

Dear Mr Faulkner

Re: Submission of an Application for the Registration of a Town Green

Thank you for your letter dated 14 November, which was received on 15th.

Your application was considered and I have been advised that officers were not able to accept the application as in its current form the application is not valid. Therefore the application was not duly made and you have been invited to resubmit an amended application form. As the application was not duly made, the application was not registered as received nor allotted a unique reference number.

Town Green applications are unusual, particularly for an urban local authority such as Haringey and we have had to read a new set of regulations and background legislation which contributed to the delay in officers sending the response to you on 16 November. They wished to deal with the application correctly, with fair and open treatment and the delay was not because of any bias as you have, without providing evidence in support, alleged.

Should an application be duly made, Haringey will apply the regulations in full, demonstrating fair and transparent administration. In the interest of administration of your submission, Haringey will then examine the evidence in support of the Town Green designation. This is an examination of fact. The Council will as part of this process, also carry out local public consultation.

I hope that this reassures you regarding your application.

Yours sincerely

Kevin Crompton
Chief Executive



**119b Sydney Road
Muswell Hill
London
N10 2ND**

Mr Kevin Crompton
Chief Executive
London Borough Haringey
Civic Centre
High Road
Wood Green
London
N22 8LE

RECORDED DELIVERY

Your Ref. CE/KC/JM/

2nd December 2011

Dear Mr Crompton,

Re: My Submission on 14th October 2011 of an Application for Registration of a Town Green

Thank you for your letter of 17th November, which I received by post on 24th November, on which date I also received a letter, dated 16th November 2011, from Marc Dorfman in Haringey's Planning, Regeneration and Economy Department. I enclose a copy of Mr Dorfman's letter for your reference.

I appreciate that Haringey Council has not previously had much experience of applications for registration of town or village greens, and in the circumstances I would suggest that my application should be handled by the Council's legal department, rather than the planning department. I am being advised by The Open Spaces Society in this matter and I understand from them that this is the usual course adopted by local authorities with little experience of such applications, or where there is no officer specifically appointed as Commons Registration Officer. The legal department will be better able to interpret the legislation and the many regulations and court decisions which govern applications made under the Commons Act 2006. For this reason I will not be responding direct to Mr Dorfman's letter of 16th November but will refer to his letter in my response to your letter, as set out below.

With reference to the second paragraph of Mr Dorfman's letter under reply, I would make the following points:-

A. According to the regulations appropriate to this case, I believe that Haringey Council, as the Registering Authority, should have registered receipt of my application and issued a unique reference number before considering whether or not the application is valid. I believe that whoever has been considering this question may have referred to guidance notes intended to relate to "pioneer" areas only, which differ from the general regulations in this regard and I refer you once again to Section 4 of the 2007 Regulations. I look forward to hearing from you accordingly with the unique reference number allotted to my application.

B. I do not accept the reasons given in Mr Dorfman's letter of 16th November for rejecting my application as invalid, and I therefore assert that my application is valid as it stands. My reasoning on each point is as follows:-

Section 8. I have supplied a properly marked up plan showing the land in respect of which the application is made and the names and addresses of those whom I believe to be the owners of the land, which is all that is required to enable the Council to serve the necessary notices. It is not mandatory for applicants to supply the relevant Title Numbers as registered at the Land Registry as they are not required to prove any title to the land.

Cont.....

Section 9. This was left blank because this is not a case where a landowner is applying for registration voluntarily. Leaving it blank does not invalidate my application, which has been made under Section 15(1) of the Commons Act 2006, i.e. not by a landowner.

Section 11. This was correctly left blank, because I know of no matter which "should be brought to the attention of the registration authority". In particular I have no evidence or knowledge that any person interested in the land will challenge the application for registration and I left this section blank in accordance with guidance received from The Open Spaces Society. It is the purpose of public consultation by the registration authority to establish whether there is any objection to the registration.

If, having considered the points I make at B. above, you still consider my application to be invalid in respect of any of the above matters, and in order to avoid any delay in the registration of my application, I would ask that you agree to an amendment to Section 8 of my application to add the title numbers of the land at the Land Registry, which are AGL228363 and AGL188459. I would draw your attention to Lord Hoffman's statement in the Trap Gounds Case (see extract on P75 of "Guidance to commons registration and PINS for the pioneer implementation enclosed herewith) in reference to the power of a registration authority to allow an amendment to an application without alteration to the application date.

I look forward to hearing from an appropriate officer by return with a unique reference number for my application and confirmation that my application is now accepted as valid, or alternatively, confirmation that the Council accepts my suggested amendment to Section 8, so that the post registration formalities can now proceed without delay.

yours sincerely

C.D. Faulkner

Guidance to commons registration authorities and PINS for the pioneer implementation

Carnwath LJ commented: "That approach, with respect, seems to me sensible, and unobjectionable as a matter of law, although the final decision remains a matter for the discretion of the registration authority."¹⁸⁰ In the House of Lords, Lord Hoffmann seems to endorse the approach of Carnwath LJ¹⁸¹. That approach was in relation to an application to register a new town or village green under Section 13 of the 1965 Act, supported by a statutory declaration, but the same approach is commended in relation to an application made under Part 1.

7.13.6 However, it may be reasonable to permit the withdrawal of applications, where this is considered to be the most reasonable course of action in the particular circumstances. There might be cases where an authority's persisting with an application in which all interest had fallen away, or perhaps been replaced by hostility to it, might be depicted as more unreasonable than allowing its withdrawal, but the exercise of such reasonableness is an extra-statutory concession. An authority might also permit a withdrawal where the application is of no interest or benefit to anyone but the applicant, and to proceed with the application in the face of the applicant's desire to withdraw would be perverse: such cases are far more likely to arise in relation to applications under Sections 6 to 13 than under Section 15. But equally, if someone else is eligible and willing to fill the original applicant's shoes but the authority refuses to (continue to) consider the application, that may be found to be unreasonable.

7.13.7 Where an application is required to be made by a particular person (such as the owner of land¹⁸², or the owner of a right of common held in gross), and that person seeks to withdraw the application, it will seldom be appropriate to proceed with the application, even if the registration authority would otherwise be prepared to grant the application. In the absence of continuing support from the person who was required to make the application, it may be unlawful for the registration authority to proceed to grant it.

7.14 Amendment of applications

7.14.1 Similar considerations to those set out above in chapter 7.13 (Withdrawal of applications), apply to a request to amend an application. There is no statutory right enabling an applicant to amend the application once it has been duly made.

7.14.2 A registration authority's power to allow an amendment to an application made under section 13 of the 1965 Act was considered by the House of Lords in the *Trap Grounds* case. Lord Hoffmann said:

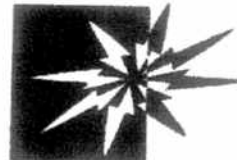
"...it seems to me that the registration authority should be guided by the general principle of being fair to the parties. It would be pointless to insist upon a fresh application (with a new application date) if no prejudice would be caused by an amendment, or if any prejudice could be prevented by an adjournment to allow the objectors to deal with points for which they had not prepared. I agree with the approach taken by Mr

¹⁸⁰ Paragraph 104.

¹⁸¹ See paragraph 61, where Lord Hoffmann agrees with the general remarks of Carnwath LJ at "73–75", which appears to be a mistaken reference, possibly for paragraphs 103–105.

¹⁸² E.g., an application to register a town or village green under Section 15(8) must be made by the owner of the land.

Chief Executive
5th Floor, River Park House, 225 High Road, Wood Green, London N22 8HQ
Tel: 020 8489 2648 Fax: 020 8489 2906
www.haringey.gov.uk



Chief Executive Kevin Crompton

Haringey Council

Mr C D Faulkner
119b Sydney Road
Muswell Hill
London
N10 2ND

Your ref:

Date: 7 December 2011

Our ref: CE/KC/JM

Direct dial: 020 8489 2648

Email: Kevin.crompton@haringey.gov.uk

Dear Mr Faulkner

Submission of an application for the Registration of a Town Green

Thank you for your letter of 2nd December the contents of which are noted.

In relation to the involvement of the Council's legal department it is confirmed that the application has been considered jointly by the Planning Department and the Legal Department. Legal advice has been given on the appropriate legislation, regulations and court decisions. Accordingly your application will continue to be dealt with by the Planning Department, with appropriate advice being given by the Legal Department.

In response to the points made:

A: The obligation to register your application and issue a unique reference number only arises in respect of applications made in accordance with Regulation 16 and Schedule 4 of the 2007 Regulations. For the reasons already set out the Council does not accept that the application has been made in accordance with the regulations and in particular that it has failed to provide the information required to be supplied on the application form.

Accordingly the invitation to re-submit the application with the appropriate required information previously requested is repeated.

It is noted that you are in possession of all of the information that the Council require to enable it to register your application and commence the registration process. No doubt you can provide this on the appropriate form to enable it to be registered and to enable those who wish to consider the application (including the landowners) to be able to properly consider what your application entails, rather than an application form altered by the Council.



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B. The Traps Grounds Case is noted but this only refers to the ability of the Council to consider, at its discretion, amendments to properly made applications. In this case the Council remains of the view that your application is not properly made and accordingly the issue of the exercise of the Council's discretion does not arise.

No doubt you will in due course be submitting the properly completed form with the appropriate supporting information as requested in our previous correspondence to enable the Council to properly register your application.

Yours sincerely

A handwritten signature in black ink, appearing to read 'K. Crompton'.

Kevin Crompton
Chief Executive

**119b Sydney Road
Muswell Hill
London
N10 2ND**

Mr Kevin Crompton
Chief Executive
London Borough Haringey
Civic Centre
High Road
Wood Green
London
N22 8LE

Your Ref. CE/KC/JM/

12th December 2011

Dear Mr Crompton,

Re: My Submission on 14th October 2011 of an Application for Registration of a Town Green

Thank you for your letter dated 7th December received today.

The paragraph, marked A in your letter states that your obligation to register my application arises in respect of applications made in accordance with "Regulation 16 and Schedule 4 of the 2007 Regulations".

As a matter of important clarification please advise me as to the full title of the 2007 Regulations you are citing and provide photocopies of Regulation 16 and Schedule 4.

As this document is clearly in your possession I trust you will be able to supply the requested information as a matter of urgency.

yours sincerely

C.D.Faulkner



recd 25-12-11

Mr C D Faulkner
119b Sydney Road
Muswell Hill
London N10 2ND

Your ref:

Date: 22 December 2011

Our ref: CE/KC/JM/

Direct dial: 020 8489 2648

Email: Kevin.crompton@haringey.gov.uk

Dear Mr Faulkner,

Your submission of an application for registration of a Town Green

Thank you for your letter dated 12th December 2011.

In relation to the Commons Registration of Town or Village Greens (Interim Arrangements) (England) the appropriate extracts are set out below:

Application to register land as a town or village green
3. —(1) An application for the registration of land as a town or village green must be made in accordance with these Regulations.

(2) An application must—

(a) be made in form 44;

5. —(1) Where an application is made under section 15(1) of the 2006 Act to register land as a town or village green, the registration authority must, subject to paragraph (4), on receipt of an application—

4) Where an application appears to the registration authority after preliminary consideration not to be duly made, the authority may reject it without complying with paragraph (1), but where it appears to the authority that any action by the applicant might put the application in order, the authority must not reject the application under this paragraph without first giving the applicant a reasonable opportunity of taking that action.

Information about disposal of applications, and procedure on rejection 9.

4) Where the registration authority has rejected an application, it must return the application form and all accompanying documents to the applicant.



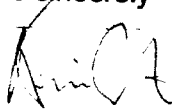
The Schedule is Form 44 (which you have already completed).

Please accept our apologies for the minor error in the previous letter. I hope that this has clarified the reference to registration of a village or town green.

I would also now ask that you send all future correspondence to Haringey's planning department. There is an email address that has been set up specifically, pinkhamwayappteam@haringey.gov.uk. Alternatively you can address letters to the Planning Service at:

Development Management North Team
6th Floor
River Park House
225 High Road
Wood Green N22 8HQ

Yours sincerely



Kevin Crompton
Chief Executive

**119b Sydney Road
Muswell Hill
London
N10 2ND**

Mr Kevin Crompton
Chief Executive
London Borough Haringey
Civic Centre
High Road
Wood Green
London
N22 8LE

RECORDED DELIVERY

6th January 2012

COMPLAINT

Commons Act 2006

The Commons (Registration of Town or Village Greens) (Interim Arrangements) (England) Regulations 2007

Dear Mr Crompton,

Under Section 4 of the above Regulations a Commons Registration Authority **must**, upon receipt of any or all applications made under the Commons Act 2006, issue to the applicant a duly completed form 6 as prescribed in the said Section 4.

To date you have failed to issue this form to me and as such are acting unlawfully.

Should I not receive the said form by Friday 14th January 2012 I shall make a complaint to the Local Government Ombudsman.

yours sincerely

C.D. Faulkner