

IN THE MATTER OF:

**AN APPLICATION TO REGISTER LAND KNOWN AS ERW GOCH FIELD
AS A TOWN OR VILLAGE GREEN**

**Response to the Applicant's Response Submissions
on Statutory Incompatibility**

Mindful of the suggested word count, these submissions respond by reference to para numbers in the Applicant's Response.

- 1.2 The Inspector is bound to apply the *majority* ruling in Lancashire to these facts.
- 1.3 There is no dispute of fact requiring oral evidence. Therefore, consideration on the papers is appropriate.
- 2.2 The parties agree that the land was originally acquired for educational purposes. Therefore, the only issue is whether it has subsequently been appropriated to another purpose.
- 2.7 If planning permission were granted for an incompatible purpose (e.g. residential), then the land would need to be appropriated to that purpose for the scheme to be delivered. This land will need to be appropriated to a planning / housing purpose in due course if the permitted scheme is to be delivered.
- 3.4 - 3.5 Reliance on dissenting judgments is misplaced.
- 3.6 It is irrelevant that educational functions could be fulfilled elsewhere. There is a clear incompatibility between TVG use and educational use of *this* land.
- Section 4 The Court of Appeal judgment is not relevant. Only the Supreme Court judgment is.
- 5.1 – 5.10 Allocation of land in the LDP and the grant of planning permission are entirely separate issues. Planning allocations / permissions do not override the way in which land is held. Appropriation will be required to deliver the consented scheme (see above).

**Annabel Graham Paul
24 March 2023**

