



**In the High Court of Justice
Queen's Bench Division
Planning Court**

CO/3199/2021

In the matter of an application for judicial review

THE QUEEN

on the application of

THE OPEN SPACES SOCIETY

Claimant

-and-

NORTH YORKSHIRE COUNTY COUNCIL

Defendant

RICHMOND BURGAGE PASTURES COMMITTEE

Interested Party

UPON the Claimant and the Defendant settling the claim on the terms set out in the draft Consent Order annexed hereto;

AND UPON the Interested Party notifying the Planning Court that it did not formally object to the terms of the draft Consent Order, by letter dated 6 December 2021, which is annexed hereto;

AND UPON consideration of the documents lodged by the parties;

Order by the Honourable Mrs Justice Lang DBE

1. The claim for judicial review is allowed.
2. The decision of the Defendant, as commons registration authority on an application under paragraph 6 of Schedule 2 to the Commons Act 2006, to deregister land at the site of the former Richmond Racecourse, Low Moor, Richmond (Defendant's ref: CA13022), be quashed.
3. The Defendant do pay the Claimant's costs of the proceedings in the agreed sum of £13,100 (including VAT) within 21 days of the date of this order.

Signed:

Dated: 12 January 2022.

The date of service of this order is calculated from the date in the

section below

For completion by the Administrative Court Office

Sent / Handed to

either the Claimant, and the Defendant [and the Interested Party]

or the Claimant's, and the Defendant's, [and the Interested Party's] solicitors

Date: 12/01/2022

Solicitors:

Ref No.

Annex

Claim No: CO/3199/2021

IN THE HIGH COURT OF JUSTICE
ADMINISTRATIVE COURT
PLANNING COURT
B E T W E E N

THE QUEEN
On the application of
THE OPEN SPACES SOCIETY

Claimant

-and-

NORTH YORKSHIRE COUNTY COUNCIL

Defendant

-and-

THE RICHMOND BURGAGE PASTURES COMMITTEE

Interested Party

Draft / ORDER

WHEREAS by an order dated 26 October 2021 Mrs Justice Lieven granted the Claimant permission to apply for judicial review;

AND WHEREAS the Defendant consents to judgment herein on the basis that it erred in law in that it failed:

- a. to recognise that a building need not have a curtilage;
- b. to address the fact that the claimed curtilage had no physical delineation or physical manifestation by which its boundaries were defined; and
- c. to adequately consider the fact that the buildings have not been in their historic use for over 100 years and, in the case of the Grandstand and Zetland Stand, were partly demolished many years ago.

BY CONSENT it is ordered that:

1. The claim be allowed;
2. The decision of the Defendant as commons registration authority on an application under paragraph 6 of Schedule 2 to the Commons Act 2006, to deregister land at the site of the former Richmond Racecourse, Low Moor, Richmond (Defendant's ref:CA13 022) be quashed; and
3. The Defendant do pay the Claimant's costs of the proceedings in the agreed sum of £13,100 (including VAT) within 21 days of the Court sealing the Consent Order.

Signed: 

Richard Buxton Solicitors

Solicitors for the Claimant, The Open Spaces Society

Date: 10/12/2021

Signed: 

Legal Manager Corporate Services

Solicitors for the Defendant, North Yorkshire County Council

Date: 3/12/2021

Richmond Burgage Pastures Committee

6th December 2021

Planning Court
Administrative Court Office
Royal Courts of Justice
Strand
London
WC2A2LL

Dear Sir/Madam,

Your Ref: CO/3199/2021

Our Ref: Interested Party – Richmond Burgage Pastures Committee in the case noted above between OPEN SPACES SOCIETY versus NORTH YORKSHIRE COUNTY COUNCIL

On Friday, 3rd we received a cover letter from Richard Buxton, Solicitors, informing us of a *Draft / Order* that has been prepared for the Court. A copy of the *Draft / Order* was also included.

The correspondence was dated 1 December 2021 and indicated that as an *interested party* we would have one week to raise an objection to this order, in other words by 8th December 2021, if we wished to do so.

We fully understand that the action that has been taken is between the two parties mentioned above (Our Ref) and concerns the three points annotated in the *draft Notice*.

Having been given this opportunity, we would like to express our disappointment that our original application has been deemed to be contentious.

Still, we don't wish to formally object to the content of the *Draft Order* and it is our intention to work with North Yorkshire County Council in the re-determination of our application.

Again, we would like to thank the Court for being permitted to lodge this response.

Kind regards,



Lisa Potts, Pasture Master
Richmond Burgage Pastures Committee

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