

Application by Mr Mayer to Register Stoke Lodge

As a Town or Village Green

RESPONSE TO REQUEST FOR A DEFERMENT FOR COTHAM SCHOOL

1 RESPONSE TO REQUEST FOR DEFERMENT

1.1 Cotham School are grateful to Mr Dunsdon acting for the Registration Authority for very properly circulating the request made by Mr Mayer for a further deferment of the decision made in this case and inviting responses.

1.2 Cotham School strongly resist this application for the following reasons.

1.3 Firstly, there is no vaguely compelling reason given for why the application should be deferred. Mr Mayer says that he is:

“preparing to make a legal challenge with regard to Winterburn and consequently request a deferment on this application being included in the PROW & GC scheduled for December 2016 for an initial period of three months to be reviewed at the end of that period, on the basis that any decision reached relying solely on Winterburn may be unsafe”

1.4 What Mr Mayer seems to be suggesting is that Mr Petchey and the PROW & GC should not apply the law as set out by the Court of Appeal because that for some undisclosed reason is unsafe. The submission is bad. The Committee should apply the law as set out in the Court of Appeal it cannot do otherwise.

1.5 Secondly, it is suggested that because the matter was deferred to await the outcome of the Newhaven case this should act as a precedent. However that was entirely different because there was a judgment that was awaited in the Supreme Court. Mr Bowes has sought clarification

of Counsel in the Winterburn case who has confirmed they are not seeking leave to appeal. The email chain is attached which confirms that the barristers for the losing appellants in Winterburn, J Gaunt QC and C Shea QC are not seeking permission to appeal. It is also now well after the 28 days allowed to make an application for permission to appeal to the Supreme Court.¹

- 1.6 Thirdly, Mr Petchey and the Committee will want to consider the considerable prejudice further delay will cause to the School who have taken the view that they cannot use their playing fields for the 1500 school students without being able to control who is permitted to enter while students, some with particular vulnerabilities are using the playing fields. The application was submitted on 7 March 2011 and so it is clearly time for the Committee to determine this application and not be further delayed by the Applicant with a damaging effect on the school being able to plan with certainty on the use of their playing fields.
- 1.7 For these reasons Cotham School would urge the Inspector and PROW and GC to refuse Mr Mayer's application to defer this application again.

RICHARD GROUND QC
ASHLEY BOWES

14 November 2016

Cornerstone Barristers
2-3 Gray's Inn Square
London WC1R 5JH.

¹ See Rule 11 of The Supreme Court Rules 2009