

Case Name: *R (Lancashire County Council) v Secretary of State for the Environment, Food and Rural Affairs, & R (NHS Property Services Ltd) v Surrey County Council & Anor* [2019] UKSC 58

Full case: [Click Here](#)

Commentary: The Supreme Court considered the circumstances in which the concept of “statutory incompatibility” will defeat an application to register land as a town or village green where the land is held by a public authority for statutory purposes.”

This was in relation to the land held by Lancashire County Council for educational purposes and in relation to the land owned by NHS Property Services in Surrey. The Court of Appeal had found in both cases that there were no “specific” statutory purposes or provisions attaching to the land with which its registration as a town or village green would be incompatible. This was overturned by the Supreme Court. The judgment stated that the “test as stated is not whether the land has been allocated by statute itself for particular statutory purposes, but whether it has been acquired for such purposes (compulsorily or by agreement) and is for the time-being so held.”

For further details and discussion see *Simonicity*

Case summary prepared by Susannah Herbert