



**First-tier Tribunal
(General Regulatory Chamber)
Charity**

**Appeal Reference: CA/2015/0011
CA/2017/0002**

**Decided without a hearing
On 24 October 2017**

Before

JUDGE J HOLBROOK

TRIBUNAL MEMBER H CARTER

TRIBUNAL MEMBER A KHAN

Between

PAULINE DENSHAM

Appellant

and

THE CHARITY COMMISSION FOR ENGLAND AND WALES

Respondent

DECISION AND REASONS

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DECISION

The Tribunal's decision dated 14 August 2017 will not be reviewed.

Permission to appeal is refused.

REASONS

1. By a decision dated 14 August 2017 ("the Decision"), the Tribunal dismissed two appeals made by Miss Pauline Densham against decisions of the Charity Commission.

2. On 22 September 2017, the Tribunal refused an application by Miss Densham for the Decision to be set aside. Having considered a number of additional matters raised by Miss Densham (which appeared to amount to a separate application for permission to appeal), the Tribunal also refused permission to appeal the Decision to the Upper Tribunal (Tax and Chancery Chamber). This "refusal" decision was sent to the parties on the day it was made.

3. On 19 October 2017, however, Miss Densham lodged an application for permission to appeal against the Decision on different grounds. She relied on rule 42(2)(c) of the Tribunal Procedure (First-tier Tribunal) (General Regulatory Chamber) Rules 2009 to extend the time limit which ordinarily applies to the making of such an application.

4. By virtue of section 11 of the Tribunals, Courts and Enforcement Act 2007, the Decision may be appealed on a point of law to the Upper Tribunal (Tax and Chancery Chamber), but such an appeal may only be made with permission given either by this Tribunal or by the Upper Tribunal.

5. Miss Densham argues that the Decision contains a number of errors of law. In essence, however, she considers that the Tribunal erred in concluding that awards made under the Inclosure Act 1845 created charitable trusts in relation to the Hughenden allotments. She also considers that the Tribunal was wrong to conclude that the Charity Commission had power to make "the Scheme" (as defined in paragraph 2 of the Decision). Miss Densham's reasons for these views are substantially the same as those which she has argued previously in these proceedings - and which the Tribunal has rejected. Having considered what Miss Densham now says, we remain unpersuaded that the Decision contains an error of law.

6. We have again considered (taking account of the overriding objective of dealing with cases fairly and justly) whether to review the Decision. However, the Tribunal may only undertake such a review if, on an application for permission to appeal, it is satisfied that there was an error of law in the Decision. We are not satisfied that this is the case and it therefore follows that the Decision cannot be reviewed.

7. In accordance with section 11 of the Courts, Tribunals and Enforcement Act 2007 and rule 21 of the Tribunal Procedure (Upper Tribunal) Rules 2008, the Appellant may make further application for permission to appeal to the Upper Tribunal (Tax and Chancery Chamber). Such application must be made in writing and received by the Upper Tribunal (Tax and Chancery Chamber) no later than a month after the date on which the First-tier Tribunal sent notice of this refusal to the party applying for permission to appeal.

Signed J W HOLBROOK

Judge of the First-tier Tribunal
Date: 24 October 2017