



SAVE WIMBLEDON PARK LTD

12 January 2026

The January 2026 Court Case about Wimbledon Park

AELTC v SWP starts in the Royal Courts of Justice in London on January 16. Recognising that the legal arguments are complicated, Save Wimbledon Park Ltd (SWP) have produced this highly simplified briefing note.

1. Summary

The attempt by the All England Lawn Tennis Club (AELTC) to treble the size of its estate by developing the former golf course land at Wimbledon Park returns to the High Court this week. The AELTC obtained planning permission in 2024 to build a new stadium and 38 other tennis courts but accepts that its scheme would be incompatible with public recreation rights. It now wants the Court to decide that the land in question is not subject to a 'statutory trust' for public recreation.

The AELTC's court application is opposed by SWP who believe the golf course land is protected as an open space for the benefit of the public. SWP is supported by every local and surrounding residents' association, and numerous London and national bodies. The legal issues raised are of national significance.

2. Background

For the past 150 years Parliament has provided special protection to this sort of land. The Public Health Act 1875 enabled local authorities to acquire and maintain land for public recreation, creating public rights under a statutory "public recreation trust".

In 1972 the Local Government Act permitted a local authority to dispose of public recreation trust land if it first undertook a statutory advertisement and consultation process. If land was disposed of without that process, the Act stipulated that the disposal would have the effect of transferring trustee ownership to the purchaser.

However, in 2023 the Supreme Court (in the case of Day v. Shropshire Council) clarified that land sold in breach of the advertisement and consultation requirement would still remain subject to the rights of the public under the statutory public recreation trust. In

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other words, the special protection afforded to the rights of the public would not be removed by local authority incompetence or ignorance.

3. What is being decided in court

This case turns upon complex issues of statutory interpretation, dating back to 1915 when the Wimbledon Park Estate was acquired by Wimbledon Corporation. SWP argue that the whole Estate (Park, lake and the golf course land) was subject to the statutory public recreation trust: only a small section allocated to new housing was excluded. AELTC contend that, because it was leased to a private golf club, the golf course land was never part of the public recreation trust land. As part of London's local authority reorganisation, the whole of the Estate (Park, lake and golf course land) was transferred to London Borough of Merton in 1965 and the public recreation trust repeated. The Court is being asked to decide whether the golf course land then remained or became public recreation land.

4. The part played by Merton Council

Merton sold the freehold of the golf course to AELTC in 1993, without going through the 1972 Act advertisement and consultation procedure. Even if SWP are right to assert that this was public recreation land up to this point, because the land was not actually in public use AELTC argue that on a proper interpretation of the 1972 Act the requirement to advertise and consult did not apply. SWP dispute this interpretation and rely on the Supreme Court decision in Day in support of their analysis.

5. Who knew what and when?

AELTC will argue that at the time they purchased the freehold they were unaware of the existence of a statutory trust, and so are not bound by it. The Club propose to call Chris Gorrige, who was the Club's Chief Executive at the time of the acquisition, to give evidence about what the Club did or didn't know. Again, this argument is refuted by SWP, based on documents available to AELTC at the time and now, the Supreme Court decision.

6. The Process

The Court hearing is scheduled to last up to 6 days at the High Court in London, commencing on 16 January 2026. A decision is expected within 2-3 months.

7. Further legal issues remain

Followers of this complex topic may be aware that a proposal was put to the House of Lords to amend the Planning and Infrastructure Bill in late 2025 to create retrospective legislation which would have had the effect of rendering this current court case unnecessary. The amendment was "not put", and the government promised to consult

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about the issues arising for the protection of public rights in open space such as Wimbledon Park. That consultation has yet to start, and is led by Baroness Taylor of Stevenage who responded to a question about it in the House of Lords on 23 December as follows:

“Open and green spaces are an essential part of local social infrastructure and must be protected for future generations”.

Meanwhile in separate Court proceedings SWP has been challenging the validity of the planning permission granted to the AELTC by the GLA in 2024. The Court of Appeal, stating that SWP has an arguable case with “real prospects of success”, has now granted SWP permission to appeal against the decision of the High Court last July about the planning permission. That appeal is likely to be heard in the autumn.

The AELTC promised in 1993 that they would not develop the golf course land but keep it open and would provide a walkway around the lake. They gave a binding covenant to Merton Council and the public to this effect. They have accepted that their proposed development would breach this covenant and that they would need to have the covenant removed by a further application to court. This will be firmly opposed by SWP.

8. For more information, please call your usual SWP contact

And also see the SWP website <https://www.savewimbledonpark.org/>

“The Open Spaces Society is committed to the protection of public rights over land. The society was delighted when the Supreme Court found in favour of Mr Day requiring that local authorities must be held to account when disposing of open space they hold on behalf of the public. The society stood up again when some peers sought to amend a Bill last year that would have removed this accountability. Such an amendment would have incentivised cash-strapped local authorities to feign ignorance when disposing of land they hold on trust for the benefit of the public. We commend Save Wimbledon Park for its ongoing efforts to uphold this important principle— public open space should not be allowed to be sold by public organisations on a whim.

Kate Ashbrook
General Secretary
Open Spaces Society

"The Wimbledon Society has consistently opposed the AELTC's deeply damaging plans, which would irreversibly harm one of London's most highly protected areas of open space. We have worked closely with the Save Wimbledon Park campaign for many years and now welcome the opportunity to test our long-held view that the land is safeguarded by a statutory recreation trust".

Kevin O'Neil
Chair
The Wimbledon Society
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