

THE LONDON BOROUGH OF HARINGEY (HIGH ROAD WEST PHASE A)
COMPULSORY PURCHASE ORDER 2023

TRYFONOS OBJECTORS' LIST OF APPEARANCES
AND OPENING STATEMENT

List of Appearances

Isabella Buono, of Counsel, instructed by Raj Gupta and Matt Speed of Town Legal LLP, will call:

Alecos Tryfonos

Opening Statement

1. Members of the Tryfonos family have lived and worked on this stretch of Tottenham High Road for more than four decades. Here, they've built community, formed emotional ties, built up businesses. Their business at 755 High Road, Chick King, has been described as *"the best chicken shop in London"* and *"a big part of Tottenham"*, with *"football fans from all over the country... [making] it part of their tradition to visit after the game."*¹ For the Tryfonos family, it's a *"clear symbol... of what [they] have achieved in [their] lives"* – it's their *"livelihood and legacy"*.²
2. The London Borough of Haringey (High Road West Phase A) Compulsory Purchase Order 2023 (**"the CPO"**) would, if confirmed, authorise the compulsory purchase of six properties and associated accessways³ (**"the**

¹ Appendices to Alecos Tryfonos PoE (CD9.18), p. 3.

² Alecos Tryfonos PoE (CD9.17), §§43 and 51.

³ The Schedule to the CPO identifies: (a) Alecos and Kate Tryfonos as owners and occupiers of private accessway situated to the rear of 745 and 747 High Street (Plot 72); (b) Tryfonas Tryfonos as owner and occupier of private accessway situated to the rear of 749 High Street (Plot 75); and (c) Alecos and

Tryfonos Properties”) in which, between them, five members of the Tryfonos family (Alecoss Tryfonos, his sister Kate Tryfonos, their brother Tryfonas Tryfonos, and their elderly parents Kyriacos and Maria Tryfonos) and Tryfonos Brothers Ltd (a business run by Alecoss and Tryfonas Tryfonos) (“**the Tryfonos Objectors**”) hold interests:

Plot	Address	Owner	Interest	Description
73	745 High Road	Kate Tryfonos	Freehold	Shop (K&M Store Household Goods) operated by Kate Tryfonos and flat let on assured shorthold tenancy
74	747 High Road	Alecoss Tryfonos	Freehold	Shop (Prince and Princess) and flat let on assured shorthold tenancy
76	749 High Road	Tryfonas Tryfonos	Freehold	Shop (currently vacant) and flat let on assured shorthold tenancy
82	755 High Road	Alecoss and Tryfonas Tryfonos	Freehold	Shop occupied by Tryfonos Bros Ltd operating as Chick King
82	755a High Road	Alecoss and Tryfonas Tryfonos	Freehold	Flat occupied by Kate Tryfonos under 999 year lease
		Kate Tryfonos	Leasehold	
83	757 High Road	Kyriacos and Maria Tryfonos	Freehold	Shop (The Nail Group Limited) and flat occupied by Kyriacos and Maria Tryfonos

3. The threat of expropriation which the Tryfonos Objectors now face is not a new one. It has hung over them for more than a decade, “*cast[ing] a dark shadow*” and bringing with it “*stress... anxiety... [and] sleepless nights*”.⁴

Tryfonas Tryfonos as owners and occupiers of private accessway situated to the rear of 755 High Street (Plot 81).

⁴ Alecoss Tryfonos PoE (CD9.17), §20.

4. From the time the Acquiring Authority first consulted on masterplan options for High Road West in 2013, it has proceeded on the basis that the Tryfonos Properties will be demolished. The Acquiring Authority has never consulted on an alternative in which the Tryfonos Properties would be retained. As the Acquiring Authority's own Scrutiny Committee observed in 2021, many of the businesses affected by the CPO have "*felt that they had been written off before any consultation took place*".⁵
5. Set on the demolition of the High Road properties, the Acquiring Authority has had ample time to produce an up-to-date strategy for the relocation of affected businesses, and to put in place an effective mechanism for securing compliance with it. Yet, ten years on, the Acquiring Authority continues to rely on its Draft Business Charter⁶ – a draft document which was produced as part of the consultation on the 2014 masterplan, before the conception of the now-consented scheme.
6. Absent an up-to-date relocation strategy, it is perhaps unsurprising that the Tryfonos Objectors do not feel that their relocation needs have been met. They do not consider that any reasonable offer has been made for the relocation of their businesses, Chick King and K&M Stores. They have not received one-to-one business support, notwithstanding the promises made in that regard in the Draft Business Charter. Until last month, the Tryfonos Objectors had received no offer in relation to the residential relocation needs of those who live within the Tryfonos Properties at all.
7. The Guidance makes clear that the exercise of compulsory purchase powers should be a "*last resort*", and that there are "*benefits of undertaking negotiations in parallel with preparing and making a compulsory purchase order*".⁷ At the time the CPO was made, only two formal offers had been made to acquire the Tryfonos Properties. As Mr Tryfonos will explain, negotiations only began in earnest *after* the CPO was made.

⁵ CD5.22, §9.47.

⁶ CD5.7.

⁷ CD5.1, §§2 and 17.

8. The Tryfonos Objectors do not take issue with the principle of the CPO or of regeneration of this area of Tottenham. They object only to the inclusion of the Tryfonos Properties within the CPO.
9. In order to justify the confirmation of the CPO with respect to the Tryfonos Properties, it is not enough for the Acquiring Authority to identify a compelling case for regeneration in Tottenham. Nor is it enough for the Acquiring Authority to show a compelling case for the delivery of the wider scheme. The Acquiring Authority needs to be able to justify the inclusion of the Tryfonos Properties with reference only to those public benefits which will be realised through their acquisition. It needs to show that any such benefits outweigh the interests of the Tryfonos Objectors – bearing in mind that those are interests to which the law attaches substantial force. As Laws J explained in *Chesterfield Properties plc v Secretary of State* (1998) 76 P&CR 117 at 130:

“To some ears it may sound a little eccentric to describe, for example, Kwik Save’s ownership of their shop in Stockton as a human right; but it is enough that ownership of land is recognised as a constitutional right, as Lord Denning said it was. The identification of any right as ‘constitutional’, however, means nothing in the absence of a written constitution unless it is defined by reference to some particular protection which the law affords it. The common law affords such protection by adopting, within *Wednesbury*, a variable standard of review. There is no question of the court exceeding the principle of reasonableness. It means only that reasonableness itself requires in such cases that in ordering the priorities which will drive his decision, **the decision-maker must give a high place to the right in question. He cannot treat it merely as something to be taken into account, akin to any other relevant consideration; he must recognise it as a value to be kept, unless in his judgment there is a greater value that justifies its loss.** In many arenas of public discretion, the force to be given to all and any factors which the decision-maker must confront is neutral in the eye of the law; he may make of each what he will, and the law will not interfere because the weight he attributes to any of them is for him and not the court. But **where a constitutional right is involved, the law presumes it to carry substantial force. Only another interest, a public interest, of greater force may override it.**”

10. The Acquiring Authority bears the burden of establishing public benefits of sufficient force to override the Tryfonos Objectors’ rights and interests. In order to discharge that burden, the Guidance makes clear that the Acquiring

Authority must “*demonstrate... that there are sufficiently compelling reasons for the powers to be sought at this time.*”⁸

11. The timescales for the delivery of the various sub-phases of the scheme have shifted as the CPO process has progressed. We are told that it is currently “*anticipated*” that the sub-phase which includes the Tryfonos Properties will commence in Q2 2028⁹ – two years after the “not before” dates the Tryfonos Objectors have been given for vacant possession, and six years on from the making of the CPO. The Acquiring Authority will need to demonstrate why the Tryfonos Properties need to be acquired at this and not some later time – on the basis of compelling reasons in the public interest and not merely by reference to the convenience or preferences of its development partner, Lendlease.
12. In its application of the overarching “compelling case” test, the Acquiring Authority has made much of the promise of a new public square (Moselle Square) and a new Library and Learning Centre (“LLC”) (the construction of which is “*anticipated*” only after the Coombes Croft Library which currently operates within the Order Lands has been demolished). There is, however, no freestanding obligation imposed on Lendlease to deliver either Moselle Square or the LLC. Nor are the Tryfonos Properties required for their delivery. If there are benefits to be realised by the acquisition of the Tryfonos Properties, the Tryfonos Objectors do not understand how they could possibly outweigh the interference with their rights and interests.
13. For those reasons, which we will develop in our evidence and in our closing statement, we will submit that the CPO should not be confirmed with respect to the Tryfonos Properties.

Isabella Buono
Landmark Chambers

7 November 2023

⁸ CD5.1, §13.

⁹ CD9.3, p. 38.