



Exploring Law's Manifestations in Private/Public Places

DICKINSON, Sarah Jill

Available from Sheffield Hallam University Research Archive (SHURA) at:

<http://shura.shu.ac.uk/27166/>

This document is the author deposited version. You are advised to consult the publisher's version if you wish to cite from it.

Published version

DICKINSON, Sarah Jill (2019). Exploring Law's Manifestations in Private/Public Places. Doctoral, Sheffield Hallam University.

Copyright and re-use policy

See <http://shura.shu.ac.uk/information.html>

Exploring Law's Manifestations in Private/Public Places

Sarah Jill Dickinson

*A thesis submitted in partial fulfilment of the requirements of
Sheffield Hallam University for the Degree of Doctor of
Philosophy on the basis of published works*

October 2019

Candidate Declaration

I hereby declare that:

1. I have not been enrolled for another award of the University, or other academic or professional organisation, whilst undertaking my research degree.
2. None of the material contained in the thesis has been used in any other submission for an academic award.
3. I am aware of and understand the University's policy on plagiarism and certify that this thesis is my own work. The use of all published or other sources of material consulted have been properly and fully acknowledged.
4. The work undertaken towards the thesis has been conducted in accordance with the SHU Principles of Integrity in Research and the SHU Research Ethics Policy.
5. The word count of the thesis is 8,034.

Name	Sarah Jill Dickinson
Award	<i>Degree of Doctor of Philosophy on the basis of published works</i>
Date of Submission	October 2019
College	Social Sciences and Arts
Director(s) of Studies	Dr James Marson

Abstract

The importance of 'place' for mental and physical wellbeing is well-documented. Yet profound social, economic, and technological changes increasingly challenge those who regulate, own, fund, develop, manage, operationalise, and/or use places. This generates tensions between competing stakeholder interests and potentially affects the continued existence of different places. I present my research against a backdrop of combined cross-disciplinary concepts that include: space and place, legal geography, temporality, legal pluralism and governance. I examine gaps in the literature around the interactions between regulatory forces and exhibited behaviours, and their potential influence on the future existence of particular places. The overarching aim of the research programme is to explore law's manifestations in private/public places. To achieve this, I developed a grounded theory research strategy. I also implemented multiple methods, including law in action, doctrinal and empirical approaches, to generate robust findings and minimise methods bias. My collection of seven publications demonstrates an overarching theme of place-sustainability. The research programme makes a four-fold contribution. First, it adopts a specific combination of perspectives and methods for investigating: perceived manifestations of law; the law's quest to achieve a balance of stakeholder interests; relationships between place-related regulatory forces and exhibited behaviours; inter-stakeholder tensions; and, their combined influence on the future existence of places. Second, it demonstrates how a multi-disciplinary approach can be used to generate new understandings of place-sustainability within the context of a particular range of private/public places. Third, it evidences the complex nature of place-sustainability, particularly around: the enduring prioritisation of property ownership and occupation, the tensions between competing stakeholder interests, and the general inefficacy of a black-letter approach. Fourth, it details recommendations for combining legislative development, collaborative working, and supporting structural and cultural change to ease inter-stakeholder tensions and support place-sustainability within the context of a dynamic environment.

Table of Contents

Candidate Declaration.....	2
Abstract.....	3
List of Abbreviations.....	5
Table of Cases.....	6
Table of Legislation.....	7
1. Table 1: Table of Publications.....	8
2. Acknowledgements.....	9
3. Ethics statement.....	10
4. Critical appraisal of publications.....	11
4.1 Introduction.....	10
4.2 Research aim and research questions.....	16
4.3 Research strategy.....	17
4.4 Analysis of the component parts of the thesis and synthesis as a coherent study.....	24
4.5 Recommendations.....	40
4.6 Concluding thoughts.....	42
Appendices.....	44
Appendix 1: Dickinson J, 'Open season for burglar battering: is it time to check in with the civil courts?' (2014) 2 JPILaw 63.....	45
Appendix 2: Bleasdale-Hill L and Dickinson J, 'Dangerous Dogs': Different Dog, Same Lamppost?' (2016) 80(1) JCL 64.....	46
Appendix 3: Dickinson J and Marson J, 'Greenspace Governance: Statutory Solutions from Scotland?' (2017) StatLR hmx031.....	47
Appendix 4: Heap V and Dickinson J, 'Public Spaces Protection Orders: a critical policy analysis' (2018) 17(3) Safer Communities 182.....	48
Appendix 5: Dickinson J, Bennett E and Marson J, 'Challenges facing green space: is statute the answer?' (2018) 12(1) JPMD 121.....	49
Appendix 6: Dickinson J and Wyton P, 'Urban greenspace quandaries: Can systems thinking offer any solutions?' (2019) 12(3) PPP 167.....	50
Appendix 7: Dickinson J, 'Quasi-Public Place-Governance: An Exploration of Shopping Centres' (2019) 40(4) BULA 161.....	51
Bibliography.....	52

List of Abbreviations

ASB	Anti-social behaviour
CAVs	Connected and autonomous vehicles
CRESR	The University's Centre for Regional, Economic and Social Research
DLC	The University's Department of Law and Criminology
MIB	Motor Insurers' Bureau
P	Paper to support PhD on the basis of published works
PSPO	Public Spaces Protection Orders
RQ	Research questions

Table of Cases

Coke E, (1604) Semayne's Case 77 Eng Rep 194; 5 Co Rep 91

Damijan Vnuk v Zavarovalnica Triglav (Case C-162/13) [2014] ECLI:EU:C:2014:2146

Fundo de Garantia Automovel v Alina Antonia Destapado Pao Mole Juliana and Cristiana Micaela Caetano Juliana (Case C-80/17) [2018] ECLI:EU:C:2018:661

Isabel Maria Pinheiro Vieira Rodrigues de Andrade, Fausto da Silva Rodrigues de Andrade v Jose Manuel Proenca Salvador, Credito Agricola Seguros — Companhia de Seguros de Ramos Reais SA, Jorge Oliveira Pinto (Case C-514/16) [2017] ECLI:EU:C:2017:908

Motor Insurers' Bureau v Michael Lewis [2019] EWCA Civ, [2019] 6 WLUK 26

R v Martin (Anthony Edward) [2001] EWCA Crim 2245; [2003] QB 1

Table of Legislation

Anti-social Behaviour, Crime and Policing Act 2014

Automated and Electric Vehicles Act 2018

Council Directive 2009/103/EC of 16 September 2009 relating to insurance against civil liability in respect of the use of motor vehicles, and the enforcement of the obligation to insure against such liability [2009] L 263/11

Countryside Rights of Way Act 2000

Criminal Justice and Immigration Act 2008

Law Reform (Scotland) Act 2003

Occupiers' Liability Act 1957

Occupiers' Liability Act 1984

Parking (Code of Practice) Act 2019

1. Table 1: Table of Publications

Throughout my thesis, references to the supporting publications will be abbreviated, for example so that Paper 1 is abbreviated to P1, and so on. Whilst I have co-authored some of the papers (as detailed below), I will use the first person singular pronoun throughout my thesis.

Paper	Details of publication	Role in publication preparation
P1	Dickinson J, 'Open season for burglar battering: is it time to check in with the civil courts?' (2014) 2 JPILaw 63.	Sole authored.
P2	Bleasdale-Hill L and Dickinson J, 'Dangerous Dogs': Different Dog, Same Lamppost?' (2016) 80(1) JCL 64.	Co-authored (50%). ¹
P3	Dickinson J and Marson J, 'Greenspace Governance: Statutory Solutions from Scotland?' (2017) StatLR hmx031.	Lead-authored (70%). ²
P4	Heap V and Dickinson J, 'Public Spaces Protection Orders: a critical policy analysis' (2018) 17(3) Safer Communities 182.	Co-authored (50%). ³
P5	Dickinson J, Bennett E and Marson J, 'Challenges facing green space: is statute the answer?' (2018) 12(1) JPMD 121.	Lead-authored (70%). ⁴
P6	Dickinson J and Wyton P, 'Urban greenspace quandaries: Can systems thinking offer any solutions?' (2019) 12(3) PPP 167.	Lead-authored (70%). ⁵
P7	Dickinson J, 'Quasi-Public Place-Governance: An Exploration of Shopping Centres' (2019) 40(4) BULA 161.	Sole-authored.

¹ Email from Lydia Bleasdale-Hill to author (28 February 2017).

² Email from James Marson to author (12 January 2018).

³ Email from Vicky Heap to author (10 April 2018).

⁴ Email from James Marson to author (20 September 2018); Email from Ellen Bennett to author (24 September 2018).

⁵ Email from Paul Wyton to author (15 March 2019).

2. Acknowledgements

Many thanks to everyone who has supported me with the production of this thesis over the past five years, in particular: my husband, family and friends for their unwavering encouragement; my Director of Studies and supervision team for both their belief in me and valuable guidance; the University's Department of Law and Criminology for primarily funding the programme of study, and everyone involved in the process for their helpful feedback and support.

3. Ethics statement

All of the research linked to this thesis has received full ethics approval from the Sheffield Hallam University Research Ethics Committee.

4. Critical appraisal of publications

4.1 Introduction

The importance of 'place' for mental and physical well-being is well-documented, for example through the development and application of theories around 'human-place bonding',⁶ including: 'place-attachment',⁷ 'sense of place',⁸ 'place dependence',⁹ 'place rootedness',¹⁰ 'topophilia'¹¹ and 'Third Places'.¹² The literature also demonstrates differing experiences of the same type of place. There is substantial research, for example, around the complexities associated with notions of the 'home'. Brickell charts a considerable variation in perceptions; from 'benign' beliefs that the home is a 'haven' to accusations that it causes: frustration, conflict, mistreatment, limitation, and opposition.¹³ The shopping centre has similarly generated considerable contestation; receiving criticism for not welcoming disadvantaged groups¹⁴ whilst being praised for enhancing quality of life¹⁵ and wellbeing.¹⁶ Moving from the private into the public realm, the benefits of greenspace are well-established¹⁷ to the extent

⁶ Gerard Kyle, Alan Graefe and Robert Manning, 'Testing the Dimensionality of Place Attachment in Recreational Settings' (2005) 37(2) EAB 153, 154.

⁷ Setha M Low and Irwin Altman, 'Place Attachment' in Irwin Altman and Setha M Low (eds), *Place Attachment. Human Behavior and Environment (Advances in Theory and Research)* (vol 12, Springer 1992); Daniel R Williams and others, 'Beyond the commodity metaphor: Examining emotional and symbolic attachment to place' (1992) 14(1) *Leis Sci* 29; Kyle, Graefe and Manning (n 6).

⁸ Bradley S Jorgensen and Richard C Stedman, 'Sense of Place as an Attitude: Lakeshore owners' attitudes toward their properties' (2001) 21(3) *J Environ Psychol* 233; Kyle J Beidler and Julia M Morrison, 'Sense of Place: Inquiry and application' (2016) 9 *J Urban: Int Res on Placemaking and Urban Sustainability* 205.

⁹ Daniel Stokols and Sally Ann Shumaker, 'The Psychological Context of Residential Mobility and Well-Being' (1981) 38(3) *J Soc Issues* 149, 157; Eric A Backlund and Daniel R Williams, 'A quantitative synthesis of place attachment research: Investigating past experience and place attachment' in James J Murdy (ed), *Northeastern Recreation Research Symposium* (U.S. Department of Agriculture, Forest Service 2003).

¹⁰ David M Hummon, 'Community Attachment' in Irwin Altman and Setha M Low (eds), *Place Attachment. Human Behavior and Environment (Advances in Theory and Research)* (vol 12, Springer 1992); Nor Zalina Harun, Mazlina Mandor and Ismail Said, 'Place Rootedness Suggesting the Loss and Survival of Historical Public Spaces' (2015) 28 *Procedia Environ Sci* 528, 528.

¹¹ Yi-Fu Tuan, *A Study of Environmental Perceptions, Attitudes and Values* (Columbia University Press 1990); Beatriz Munoz Gonzalez, 'Topophilia and Topophobia: The home as an evocative place of contradictory emotions' (2005) 8(2) *SAC* 193.

¹² Ramon Oldenburg and Dennis Brissett, 'The third place' (1982) 5(4) *Qual Sociol* 265; Paul Hickman, "'Third places" and social interaction in deprived neighbourhoods in Great Britain' (2013) 28(2) *J Hous Built Env* 221.

¹³ Katherine Brickell, "'Mapping" and "doing" critical geographies of home' (2012) 36(2) *Progress in Human Geography* 225, 225-226.

¹⁴ Mona Abaza, 'Shopping Malls, Consumer Culture and the Reshaping of Public Space in Egypt' (2001) 18(5) *Theory, Culture & Soc'y* 97.

¹⁵ Kamel El-Hedhli and others, 'Shopping Well-Being at the Mall: Construct, Antecedents, and Consequences' (2013) 66(7) *J Bus Res* 856, 856.

¹⁶ Isabella Maggioni and others, 'Shopping for well-being: The role of consumer decision-making styles' (2019) 105 *J Bus Res* 21.

¹⁷ see, for example, House of Commons, Communities and Local Government Committee, *Public Parks* (HC 2016-7, 45); World Health Organisation for Europe, *Urban green spaces and health: a review of evidence (2016)* (WHO Regional Office for Europe, 2016); Viniiece Jennings and Omoshalewa Bamkole, 'The Relationship between Social Cohesion and Urban Green Space: An Avenue for Health Promotion' (2019) 16(3) *Int J Environ Res Public Health* 452; Yang Zhang and others,

that its development has been described as 'a powerful cultural fix'.¹⁸ Yet, it too faces quandaries. The literature reveals widespread concerns about environmental justice resulting from inequitable greenspace availability.¹⁹ Finally, and considering public places more generally, there has been extensive disquiet about their 'erosion'²⁰ through privatisation²¹ to the extent that predictions have been made about the 'death' of public places.²²

Compounding these issues, many places have been affected by profound changes including: the global financial crisis of 2008-9,²³ neo-liberal approaches and marketisation,²⁴ and the advent of online shopping.²⁵ Different places may also face other challenges, for example from media coverage,²⁶ budget-cuts²⁷ and responsabilisation agendas.²⁸ In addition, black-letter law's²⁹ fitness for purpose in regulating places has been the subject of recent media attention,³⁰ along with Parliamentary petitions and inquiries.³¹

'Quality over Quantity: Contribution of Urban Green Space to Neighborhood Satisfaction' (2017) 14(5) *Int J Environ Res Public Health* 535.

¹⁸ Kevin Loughran, 'Urban parks and urban problems: An historical perspective on green space development as a cultural fix' (2018) *Urb Stud* 1.

¹⁹ see, for example, Caterina de Sousa Silva, 'Environmental Justice in Accessibility to Green Infrastructure in Two European Cities' (2018) 7(134) *Land* 1; Heyuan You, 'Characterizing the inequalities in urban public green space provision in Shenzhen, China' (2016) 56 *Habitat Int* 176.

²⁰ Setha M Low, 'The Erosion of Public Space and the Public Realm: paranoia, surveillance and privatization in New York City' 18(1) *City & Soc'y* (2008) 43.

²¹ see, for example, Margaret Kohn, *Brave New Neighbourhoods* (Routledge, 2004); Georg Glasze, 'Some Reflections on the Economic and Political Organisation of Private Neighbourhoods' in Rowland Atkinson and Sarah Blandy (eds), *Gated Communities: International Perspectives* (Routledge 2006).

²² Judit Bodnar, 'Reclaiming public space' (2015) 52(12) *Urb Stud* 2090, 2098.

²³ see, for example, Rebecca Tunstall, 'Communities in recession: the impact on deprived neighbourhoods' (Joseph Rowntree Foundation, October 2009) <www.jrf.org.uk/sites/default/files/jrf/migrated/files/communities-recession-impact-neighbourhoods.pdf> accessed 16 April 2019.

²⁴ Sarah Blandy, 'Gated communities revisited: defended homes nested in security enclaves' (2018) 11(3) *PPP* 136.

²⁵ Colin Jones and Nicola Livingstone, 'The 'online high street' or the high street online? The implications for the urban retail hierarchy' (2018) 28(1) *Int Rev Retail Distrib and Consum Res* 47.

²⁶ Catherine Happer and Greg Philo, 'The Role of the Media in the Construction of Public Belief and Social Change' (2013) 1(1) *JSP* 2195.

²⁷ see, for example, Mia Gray and Anna Barford, 'The depths of the cuts: the uneven geography of local government austerity' (2018) 11(3) *CPES* 541.

²⁸ see, for example, Michael Lister, 'Citizens, Doing It for Themselves? The Big Society and Government through Community' (2015) 68(2) *Parl Aff* 352.

²⁹ Mike McConville and Wing Hong Chui, 'Introduction and Overview' in Mike McConville and Wing Hong Chui (eds), *Research Methods for Law* (Edinburgh University Press 2007).

³⁰ see, for example, how P4 was cited in Saskia Murphy, 'Rough Estimates' *Big Issue North* (Manchester, 4 March 2019) <www.bigissuenorth.com/features/2019/03/rough-estimates/> accessed 16 April 2019.

³¹ House of Commons Housing, Communities and Local Government Committee, *High Streets and Town Centres in 2030* (HC 2017-19, 1010); House of Commons Environmental, Food and Rural Affairs Committee, *Controlling dangerous dogs* (HC 2017-19, 1040); UK Government and Parliament, *Closed Petition: Save our parks* (29 November 2018). P2 was submitted in response to this latter inquiry.

Within this multi-dimensional context, my research focuses on the law's role in the regulation, ownership, funding, development, management, operationalisation and/or use of places, and, most importantly, how it could potentially affect their future existence. In seeking to explore these issues, I identified a number of relevant concepts. These included overarching theories around space and place,³² legal geography,³³ temporality,³⁴ legal pluralism,³⁵ and governance,³⁶ alongside more context-specific notions including the 'home'.³⁷ I also noted the relevance of a place's situation within the private and/or public realm³⁸ and the potential for this positionality to fluctuate.³⁹ Whilst this tangled assembly of concepts illuminates the existence of contested definitions,⁴⁰ blurred boundaries,⁴¹ and calls for clarification,⁴² I identified its potential for developing a deeper understanding of past, current and future, place-based responses to human needs of shelter, adventure, stability and freedom.⁴³

³² see, for example, Doreen Massey, *Space Place and Gender* (Polity Press 1994); Franz von Benda-Beckmann and Keebet von Benda-Beckmann, 'Places That Come and Go: A Legal Anthropological Perspective on the Temporalities of Space in Plural Legal Orders' in Irus Braverman and others (eds), *The Expanding Spaces of Law: A Timely Legal Geography* (Stanford Law Books 2014) 33; Cresswell T, *Place: a short introduction* (Blackwell Publishing 2004).

³³ see, for example, Daniel Robinson and Nicole Graham, 'Legal pluralisms, justice and spatial conflicts: New directions in legal geography' (2017) 184(3) *Geogr J* 3; Irus Braverman and others, 'Introduction: Expanding the Spaces of Law' in Irus Braverman and others (eds), *The Expanding Spaces of Law: A Timely Legal Geography* (Stanford Law Books 2014) 1; Luke Bennett and Antonia Layard, 'Becoming Spatial Detectives' (2015) 9(7) *Geogr Compass* 406; Layard A, 'Reading Law Spatially' in Creutzfeldt N, Mason M and McConnachie K (eds), *Routledge Handbook of Socio-Legal Theory and Methods* (Taylor & Francis Group 2019).

³⁴ see, for example, Franz von Benda-Beckmann and Keebet von Benda-Beckmann, 'Places That Come and Go: A Legal Anthropological Perspective on the Temporalities of Space in Plural Legal Orders' in Irus Braverman and others (eds), *The Expanding Spaces of Law: A Timely Legal Geography* (Stanford Law Books 2014) 33; Mariana Valverde, 'Time Thickens, Takes on Flesh' in Irus Braverman and others (eds), *The Expanding Spaces of Law: a Timely Legal Geography* (Stanford Law Books 2014) 71.

³⁵ see, for example, Lauren Benton, 'Beyond legal pluralism: towards a new approach to law in the informal sector' (1994) 3 *S&LS* 223, 224; Margaret Davies, 'Legal Pluralism' in Peter Cane and Herbert M Kritzer, *The Oxford Handbook of Empirical Legal Research* (Oxford University Press 2010); Sally E Merry, 'Global legal pluralism and the temporality of soft law' (2014) 46(1) *J Legal Plur* 108.

³⁶ see, for example, Yu Keping, 'Governance and Good Governance: a new framework for political analysis' (2018) 11(1) *FJHSS* 1; Surabhi Pancholi, Tan Yigitcanlar and Mirko Guaralda, 'Governance that matters: Identifying place-making challenges of Melbourne's Monash Employment Cluster' (2017) 10(1) *JPMD* 73; Andrew MacKenzie, Leonie J Pearson and Craig J Pearson, 'A framework for governance of public green spaces in cities' (2019) 44(4) *Landsc Res* 444.

³⁷ see, for example, April Veness, 'Neither homed nor homeless: Contested definitions and the personal worlds of the poor' 12(4) *Political Geog* 319; Shelley Mallett, 'Understanding Home: A Critical Review of the Literature' 52(1) *The Sociological Review* 62.

³⁸ see, for example, Daithi Mac Sithigh, 'Virtual walls? The law of pseudo-public spaces' (2012) 8(3) *Int JLC* 394; Mark Button, 'Private security and the policing of quasi-public space' 31(3) *Int J Sociol* 227; Helen Coolen and Janine Meesters, 'Private and public green spaces: meaningful but different settings' 27(1) *J Hous Built Environ* 49.

³⁹ see, for example, Matthew Carmona and others, 'Public space in an age of austerity' 24(4) *Urban Des Int* 241; David Adams and others, 'Exploring guerilla gardening: gauging public views on the grassroots activity' (2014) 20(1) *Int J Justice and Sustainability* 1231.

⁴⁰ see, for example, Judith Westerink and others, 'Contested Spaces? The Use of Place Concepts to Communicate Visions for Peri-Urban Areas' (2013) 21(6) *Euro Plan Stud* 780.

⁴¹ see, for example, Phil Hubbard and Rob Kitchen, 'Introduction' in Phil Hubbard and Rob Kitchen (eds), *Key Thinkers on Space and Place* (Sage Publications 2011) 7.

⁴² see, for example, Hubbard and Kitchen (n 41).

⁴³ Yi-fi Tuan, *Space and Place: The Perspective of Experience* (University of Minnesota Press 1977).

In reviewing the literature, I identified specific gaps. I found that there is no particular term that encapsulates the interactions that exist between the regulatory forces that are imposed on places and the behaviours exhibited within them. Considering different types of place, I noted how the enduring focus on the criminal law phenomena of home defence and burglar battering presented a missed opportunity for a comparative investigation into whether the civil law framework similarly prioritises householders' interests. Likewise, I detected a need to look beyond a legislative overhaul for a new strategy to combat the problems associated with dangerous dogs. I also recognised how the benefits provided by greenspace, and the challenges facing its stakeholders, are well-documented. Yet, I found little recent research that adopts new methodological approaches for interrogating issues around greenspace and identifying potential solutions. I particularly noticed how the systemic notion of boundary critique⁴⁴ had not been applied as a methodology within this context. Within the realm of public places, I also observed how the introduction of Public Spaces Protection Orders (PSPOs) to regulate anti-social behaviour (ASB) had faced considerable media attention but little academic scrutiny. Finally, I detected an opportunity to develop the existing bodies of research on both legal pluralism⁴⁵ and legal geography.⁴⁶ Responding to calls for the creation of bridging links between these two concepts,⁴⁷ I used the vehicle of the shopping centre as a 'pseudo-public place'⁴⁸ to reveal a new insider management perspective.

To collectively address these gaps in the literature, I needed to examine: perceived manifestations of law; the law's quest to achieve a balance of stakeholder interests; relationships between regulatory forces and exhibited behaviours; inter-stakeholder tensions; and, most critically, the potential implications for the future existence of private/public places.

⁴⁴ Werner Ulrich, 'Critical Systems Thinking for Citizens' in Robert L Flood and Norma RA Romm (eds) *Critical Systems Thinking* (Springer 1996); Gerald Midgley and Luis A Pinzon, 'The implications of boundary critique for conflict prevention' (2011) 62(8) *J Operational Res* 1543.

⁴⁵ this description of law is discussed later in the thesis but see, for example, Margaret Davies, 'Legal Pluralism' in Peter Cane and Herbert M Kritzer, *The Oxford Handbook of Empirical Legal Research* (Oxford University Press 2010).

⁴⁶ this cross-discipline is discussed in detail later in the thesis but see, for example, Antonia Layard, 'Reading Law Spatially' in Naomi Creutzfeldt, Marc Mason and Kirsten McConnachie (eds), *Routledge Handbook of Socio-Legal Theory and Methods* (Taylor & Francis Group 2019).

⁴⁷ Robinson and Graham (n 33) 5; Braverman and others (n 33).

⁴⁸ Daithi Mac Sithigh, 'Virtual walls? The law of pseudo-public spaces' (2012) 8(3) *Int JLC* 394, 394.

Whilst the literature indicates emerging cross-disciplinary approaches for researching law and place, for example legal geography,⁴⁹ I identified scope for developing a new, multi-disciplinary perspective. This innovative viewpoint would draw on the fields of: civil and criminal law, criminology, geography and planning, and business and management. I used this combined lens to investigate these questions around places, their stakeholders, the law's role in balancing their competing stakeholder interests, and the potential implications for their future existence. To produce robust findings and reduce methods partiality,⁵⁰ I employed multiple methods, which involved law in action, empirical and doctrinal approaches. I have summarised, and justified the use of, these methods in Table 2.

My research findings demonstrate an overarching theme of place-sustainability which I define as *the continued existence of a place through the achievement of an appropriate balance of economic, social, environmental,⁵¹ legal, cultural, governance, and technological factors*. My collection of publications makes a four-fold contribution to knowledge by:

- a) adopting a specific combination of perspectives and methods for investigating: perceived manifestations of law; the law's quest to achieve a balance of stakeholder interests; relationships between place-related regulatory forces and exhibited behaviours; inter-stakeholder tensions; and, their combined influence on the future existence of places;
- b) demonstrating how a multi-disciplinary approach can be used to generate new understandings of place-sustainability within the context of a particular range of private/public places;
- c) evidencing the complex nature of place-sustainability, particularly around the: enduring prioritisation of property ownership and occupation, tensions between competing stakeholder interests, and the general inefficacy of a black-letter approach; and

⁴⁹ see, for example, Irus Braverman and others (eds), *The Expanding Spaces of Law: A Timely Legal Geography* (Stanford Law Books 2014).

⁵⁰ Donna F Davis, Susan L Golicic and Courtney N Boerstler 'Benefits and challenges of conducting multiple methods research in marketing' (2011) 39(3) *J Acad Mark Sci* 467.

⁵¹ This draws on the modern tri-partite model of sustainability. See, for example, William Mark Adams, *The future of sustainability: Re-thinking environment and development in the twenty-first century* (2006 The World Conservation Union).

- d) detailing recommendations for combining legislative development, collaborative working, and supporting structural and cultural change to ease inter-stakeholder tensions and support place-sustainability despite a dynamic social, economic, and technological landscape.

I have structured this critical appraisal to meet the requirements of the PhD by published works at Sheffield Hallam University. First, I have provided between 5,000 to 10,000 words. Second, I state my aims and provide a broad description of my research programme in sections 4.1, 4.2 and 4.3. Third, I analyse its component parts and synthesise the works as a coherent study in section 4.4. Fourth, I make recommendations for future research in section 4.5. Finally, I explain my significant and original independent contribution to knowledge throughout the thesis and summarise this in sections 4.4 and 4.6.

4.2 Research aim and research questions

Within the context presented above, the aim of my research is to explore law's manifestations in private/public places. To achieve this aim, my research addresses the following three research questions (RQ):

- RQ1. How can the development of a multi-disciplinary research approach illuminate the interactions between the regulatory forces that are imposed on places, the behaviours that are exhibited within them, and the potential for the continued existence of different places?
- RQ2. What do the mechanisms for managing regulatory forces and exhibited behaviours reveal about the potential for the continued existence of different places?
- RQ3. How do issues relating to property regulation, ownership, development, management, operationalisation and/or use play out in relation to the continued existence of different places?

4.3 Research strategy

Responding to calls for researchers to acknowledge their ontological and epistemological stances,⁵² I will now examine my qualitative research strategy. I adopt an overall grounded approach⁵³ to generate 'a depth of understanding through the thoughts, feelings, responses, attitudes, and emotions' of different stakeholders.⁵⁴ My research most closely aligns with 'constructivist grounded theory'.⁵⁵ I am interested in the social order that exists and fluctuates within different types of place.⁵⁶ I additionally seek to understand personal encounters⁵⁷ of participation in the social world⁵⁸ (rather than explain them or pinpoint any relevant causal links),⁵⁹ and also identify potentially concealed social factors.⁶⁰

My research approach is underpinned by the four core principles propounded by Timonen and others; namely '(1) taking the word “grounded” seriously, (2) capturing and explaining context-related social processes, (3) pursuing theory through engagement with data, and (4) pursuing theory through theoretical sampling'.⁶¹ I will discuss my application of each of these principles to the research design and process in turn. First, and following the approach recommended by Timonen and others, I primarily employ an inductive approach (in using the emerging findings to contribute new knowledge) but also combine processes of both 'deduction and abduction' as I endeavour to comprehend the associations between both the ideas that are rooted in the data, and the existing literature.⁶² Second, I implement a receptive, questioning, and adaptable approach in selecting different place-types, and draw on a variety of data sources (including photographs and interviews), to

⁵² Viren Singh and David R Walwyn, 'Influence of Personal Epistemology on Research Design: Implications for Research Education' (2017) 13(2) J Res Pract M2 2.2.

⁵³ Barney G Glaser and Anselm L Strauss, *Strategies for Qualitative Research* (Routledge 2017) (original work published 1967).

⁵⁴ David Rosenbaum and others, 'Applying Grounded Theory to Investigating Change Management in the Nonprofit Sector' (2016) October-December Sage Open 1.

⁵⁵ Virpi Timonen and others, 'Challenges When Using Grounded Theory: A Pragmatic Introduction to doing GT Research' (2018) 17 Int J Qual Methods 1, 3.

⁵⁶ Alan Bryman, *Social Research Methods* (Oxford University Press 2012).

⁵⁷ Stephen Kwadwo Antwi and Kasim Hamza, 'Qualitative and Quantitative Research Paradigms in Business Research: A Philosophical Reflection' (2015) 7(3) EJBM 217.

⁵⁸ Louis Cohen, Lawrence Manion and Keith Morrison, *Research Methods in Education* (6th edn, Routledge 2007) 19.

⁵⁹ Jonathan Grix, *The Foundations of Research* (Palgrave Macmillan 2004).

⁶⁰ James Scotland, 'Exploring the Philosophical Underpinnings of Research: Relating Ontology and Epistemology to the Methodology and Methods of the Scientific, Interpretive, and Critical Research Paradigms' (2012) 5(9) ELT 9.

⁶¹ Timonen and others (n 55), 1.

⁶² Timonen and others (n 55), 6. This is evident from P4 when I propose a new analytical framework for future research, and from P7 when I use the findings from stage 1 to focus on anti-social behaviour for stage 2.

illuminate the context of regulations and behaviours. Third, I engage in cycles of analyses to 'immerse' myself in the data⁶³ and make recurrent, context-based comparisons. Finally, I use both 'purposive sampling; for example, in selecting particular shopping centres for 'variation... data richness... and study scope',⁶⁴ and 'theoretical sampling',⁶⁵ for example, to develop Layard's Law of Place⁶⁶ by focusing on shopping centre 'insiders' rather than 'outsiders' for P7.

Recognising how the adoption of different research approaches can be 'crucially important for understanding the role of property in society',⁶⁷ and that different viewpoints may shed light on 'complex research questions',⁶⁸ I adopt a multi-disciplinary approach. Acknowledging the intricate web of mechanisms for regulating, owning, funding, developing, managing, operationalising and/or using different place-types, my body of work employs viewpoints from across the fields of: civil and criminal law, criminology, geography and planning, and business and management.

To generate strong findings, diminish method prejudice,⁶⁹ and respond to calls for 'captur[ing]... the wider frameworks in which... property relationships [are] embedded',⁷⁰ I employed multiple methods. Whilst recognising the 'fuzzy' overlap between them,⁷¹ I have summarised the methods that I used, and the justification for their selection, in Table 2. In terms of the empirical research for P6 and P7, I adopted the case study as an appropriate research tool for: understanding

⁶³ Carmel Maher and others, 'Ensuring Rigor in Qualitative Data Analysis: A design research approach to coding combining NVivo with Traditional Material Methods' (2018) 17 Int J Qual Methods 1, 12.

⁶⁴ Heather Ames and others, 'Purposive sampling in a qualitative evidence synthesis: a worked example from a synthesis on parental perceptions of vaccination communication' (2019) 19(26) BMC Medical Research Methodology 1, 304.

⁶⁵ Timonen and others (n 55), 8.

⁶⁶ Antonia Layard, 'Shopping in the public realm: a law of place' (2012) 37(3) BritJL& Soc'y 412.

⁶⁷ Susan Bright and Sarah Blandy (eds), *Researching Property Law* (Palgrave 2016) xviii.

⁶⁸ Haydee M Cuevas and others, 'Benefits and Challenges of Multidisciplinary Project Teams: "Lessons Learned" for Researchers and Practitioners' (2012) 33(1) ITEA J 58, 63.

⁶⁹ Davis, Golici and Boerstler (n 50).

⁷⁰ Sarah Blandy, Susan Bright and Sarah Nield, 'The Dynamics of Enduring Property Relationships in Land' (2018) 81(1) MLR 85, 113.

⁷¹ Susan Bright and Sarah Blandy (eds), *Researching Property Law* (Palgrave 2016) xvii.

Table 2: Summary of principal methods used and justification for their selection

Method	Description	Justification for selection	Primarily used in Papers:
'Law in action' ⁷²	'Evaluat[es] how the law actually operates within a culture'. ⁷³ Examined the outcomes of the 'application' of 'legal rules'. ⁷⁴	<ul style="list-style-type: none"> 'Establish[es] the part that law and the legal system and structure play in the creation, maintenance and/or change of social situations.'⁷⁵ 	P1; P2; P4; P5; P6; P7
Doctrinal	Critically and conceptually analyses 'relevant legislation and case law to reveal a statement of the law relevant to the matter under investigation'. ⁷⁶	<ul style="list-style-type: none"> Recognises law's 'normative complexity'⁷⁷ 'Help[s] define the problem for those who seek to develop the law in order to achieve policy goals'⁷⁸ 'Help[s]... persuade others, on the basis of empirical evidence, that the existing law is failing'⁷⁹ 	P1; P2; P3; P5
Empirical	Uses 'observable and verifiable data... to generate knowledge about law'. ⁸⁰	<ul style="list-style-type: none"> Produces a foundation for making recommendations for legislative change⁸¹ 'Generate[s] unique insights'⁸² 'Answer[s] questions that cannot be answered in any other way'⁸³ 	P6; P7

⁷² Roscoe Pound, 'Law in Books and Law in Action', (1910) 44 A L Rev 12.

⁷³ Edward J Eberle, 'The Method and Role of Comparative Law' (2009) 8(3) Wash U Global Stud L Rev 451.

⁷⁴ Ralf Michaels, 'The Functional Method of Comparative Law' in Mathias Reimann and Reinhard Zimmermann (eds), *The Oxford Handbook of Comparative Law* (Oxford University Press 2006) 364.

⁷⁵ David N. Schiff, 'Socio-Legal Theory: Social Structure and Law' (1976) 39(3) MLR 287, 289.

⁷⁶ Terry Hutchinson, 'Valé Bunny Watson? Law Librarians, Law Libraries and Legal Research in the Post-Internet Era' (2014) 106(4) Law Libr J 579, 584.

⁷⁷ Jan M Smits, 'What is Legal Doctrine? On the Aims and Methods of Legal-Dogmatic Research' in Rob van Gestel, Hans-W Micklitz and Edward L Rubin (eds), *Rethinking Legal Scholarship: A Transatlantic Dialogue* (Cambridge University Press 2017) 207.

⁷⁸ Martin Dixon, 'A Doctrinal Approach to Property Law Scholarship: Who cares and why?' in Susan Bright and Sarah Blandy (eds), *Researching Property Law* (Palgrave 2016) 8.

⁷⁹ *ibid.*

⁸⁰ Lisa Whitehouse and Susan Bright, 'The Empirical Approach to Research in Property Law' in Susan Bright and Sarah Blandy (eds), *Researching Property Law* (Palgrave 2016).

⁸¹ Felicity Bell, 'Empirical research in law' (2016) 25(2) GLR 262, 273.

⁸² Whitehouse and Bright (n 80) 43.

⁸³ Anthony Bradney, 'The Place of Empirical Legal Research in the Law School Curriculum' in Peter Cane and Herbert M Kritzer, *The Oxford Handbook of Empirical Legal Research* (Oxford University Press 2010) 1033.

intricacies,⁸⁴ investigating perceptions from a range of stakeholder groups, and identifying potential solutions.⁸⁵ Through generating 'thick descriptions', I seek to encourage others to judge the transferability of the findings within their own contexts.⁸⁶ In line with the second core principle of grounded theory; namely, 'capturing and explaining context-related social processes',⁸⁷ I collected various types of data during the research programme, including photographs⁸⁸ and 'rich pictures',⁸⁹ but mainly conducted interviews to access people's interpretations⁹⁰ of their organisational realities as 'knowledgeable agents'.⁹¹

Reflecting the third core principle of grounded theory which requires the researcher to immerse themselves in the data in their quest for theory,⁹² I subjected the data to iterative processes of analysis to help develop the research questions and data collection methods.⁹³ This approach highlighted, for example, the need to focus on exhibited behaviours in shopping centres for the second stage of the research for P7. Alongside processes of doctrinal analysis to interrogate the relevant legal frameworks,⁹⁴ I also adopted thematic analysis⁹⁵ to generate 'thick, in-depth descriptions' of law's manifestations within the 'real life contexts'⁹⁶ of occupiers' rights

⁸⁴ Tim May, *Social Research: Issues, Methods and Process* (4th edn, Oxford University Press 2011).

⁸⁵ Maggi Savin-Baden and Claire Howell-Major, *Qualitative Research: The essential guide to theory and practice* (Routledge 2013).

⁸⁶ Lorelli S Nowell and others, 'Thematic Analysis: Striving to Meet the Trustworthiness Criteria' (2017) 16 *Int J Qual Methods* 1, 3; Bent Flyvbjerg, *Making Social Science matter: why social inquiry fails and how it can succeed again* (Cambridge University Press 2001).

⁸⁷ Timonen and others (n 55), 1.

⁸⁸ These photographs were participant-generated for P6 and researcher-produced for P7.

⁸⁹ Peter Checkland, 'The Development of Systems Thinking by Systems Practice - a methodology from an action research program' (1975) 2 *Prog Cybern and Systems Res* 278, 281. Such pictures were produced by the participants during the research for P6.

⁹⁰ Geoff Walsham, 'Doing interpretive research' (2006) 15 *EJIS* 320.

⁹¹ Dennis A Gioia, Kevin G Corley and Aimee L Hamilton, 'Seeking Qualitative Rigor in Inductive Research: Notes on the Gioia Methodology' (2013) 16(1) *ORM* 15, 17.

⁹² Timonen and others (n 55), 1.

⁹³ David Silverman, *Doing Qualitative Research* (4th edn, SAGE Publications Ltd 2014).

⁹⁴ Terry Hutchinson and Nigel Duncan, 'Defining and Describing What We Do: Doctrinal Legal Research' (2012) 17(1) *Deakin LR* 83; Paul Chynoweth, 'Legal Research' in Andrew Knight and Les Ruddock (eds), *Advanced Research Methods in the Built Environment* (Wiley-Blackwell 2008).

⁹⁵ Virginia Braun and Victoria Clarke, 'Using thematic analysis in psychology' (2006) 3 *Qual Res in Psych* 77.

⁹⁶ Theophilus Azungah, 'Qualitative research: deductive and inductive approaches to data analysis' (2018) 18(4) *Qual Res J* 383, 384.

and liabilities,⁹⁷ dangerous dogs,⁹⁸ greenspace,⁹⁹ PSPOs,¹⁰⁰ and shopping centres.¹⁰¹

Finally, and in line with the constructivist grounded theory approach,¹⁰² I recognise the 'integral'¹⁰³ role that my 'personal stance'¹⁰⁴ plays in the development of both the findings and the theoretical concepts. As a property lawyer-turned-academic,¹⁰⁵ I brought over ten years' experience from private practice to my research programme. Despite my experience in dealing with complex legal language, I initially found some of the research terminology challenging, for example regarding philosophies and methodological approaches. Yet, I quickly realised that my experience as a solicitor, working in high-pressured environments to meet clients' increasing demands, meant that I had a range of transferable skills needed to complete the research. These included: project design and management from inception to completion; creative problem-solving; developing networks and building trust; conducting legal research; understanding complex issues; producing tailored communications for different audiences; dissemination; and, probably most of all, resilience.

My reflection on the comparisons between legal practice and academic research led me to conduct some separate research with other 'pracademics'¹⁰⁶ to explore their perceptions of their career changes from practice into academia. Participants used various analogies to describe their professional transitions, including 'falling off a cliff'.¹⁰⁷ The findings from this work led to me creating the Hallam Guild-funded, Hallam Pracademia Community of Practice to highlight the specific skills and experience that practitioners bring to an academic setting, and identify any particular training and development needs. My involvement in this group heightened my awareness of how my own experience might influence my approach to the doctoral

⁹⁷ see P1 and P2.

⁹⁸ see P1 and P2.

⁹⁹ see P3, P5 and P6.

¹⁰⁰ see P4.

¹⁰¹ see P7.

¹⁰² Kathy Charmaz, *Constructing grounded theory* (2nd edn, Sage 2014).

¹⁰³ Savin-Baden and Howell Major (n 85) 71.

¹⁰⁴ Savin-Baden and Howell Major (n 85) 68.

¹⁰⁵ I explore my pracademic experience in more depth in Jill Dickinson, Andrew Fowler and Teri-Lisa Griffiths, 'The Gordian Knot: Getting tangled up in reflexivity' (forthcoming).

¹⁰⁶ Paul L Posner, 'The Pracademic: An Agenda for Re-Engaging Practitioners and Academics' (2009) 29(1) Public Budg Finance 12, 16; Jill Dickinson, Andrew Fowler and Teri-Lisa Griffiths, 'Pracademics? Exploring Transitions and Professional Identities in Higher Education' (2020) *Studies in Higher Education* (In Press).

¹⁰⁷ Participant A, Focus Group 4 in Dickinson, Fowler and Griffiths (n 106).

research programme, and encouraged me to continually question my role as a researcher, for example, whether I was an 'Insider-Outsider'¹⁰⁸ and its potential influence. My previous involvement in managing shopping centre portfolios, for example, generally helped me to identify participants, encourage their engagement¹⁰⁹ and build trust.¹¹⁰ Yet, there were a few instances when the participants' knowledge of my former status as a lawyer also presented a number of challenges. In my first case study for example, one participant disclosed his concerns that I may be there to 'check up on him' to ensure that he was complying with the law. Whilst I sought to allay his concerns, it encouraged me think much more cautiously about the way in which I introduced myself and how I explained the purpose of the research to help avoid similar reactions from other participants. Depending on my understanding of the participants' own background, I began to tailor my approach; sometimes referring to my practitioner experience to demonstrate empathy and build rapport and, at other times, introducing myself solely as a lecturer and doctoral researcher. In both instances though, I was careful to make it clear that I was interested in hearing about the participants' perceptions rather than making any judgements about them.

Another positionality strand stems from my continued passion for the outdoors. I have always been a keen greenspace user; regularly visiting parks and nature reserves with friends and family for sport, recreation, and general wellbeing. From what I had learned about researcher positionality from the 'pracademia'¹¹¹ project, I was aware how much my investment in greenspace could affect the decisions that I made in researching such places. These could include, for example, the: identification of the site; collection of the data; analysis; and, writing up. I also observed how my interest in the outdoors and my enthusiasm for the greenspace research fuelled each other. My initial results from the research identified an acute disparity between the benefits afforded by quality greenspace and the funding needed to sustain them. Concerned by this incongruity, I founded the Public Urban Green Space Group which brings together key stakeholders, including academics,

¹⁰⁸ Sonya Corbin Dwyer and Jennifer L Buckle, 'The Space Between: On Being an Insider-Outsider in Qualitative Research' (2009) 8(1) *Int J Qual Methods* 54, 62.

¹⁰⁹ Sonya Corbin Dwyer and Jennifer L Buckle, 'The Space Between: On Being an Insider-Outsider in Qualitative Research' (2009) 8(1) *Int J Qual Methods* 54.

¹¹⁰ Kai S Kauffman, 'The insider/outsider dilemma: field experience of a white researcher "getting in" a poor black community' (1994) 43(3) *Nurs Res* 179.

¹¹¹ Paul L Posner, 'The Pracademic: An Agenda for Re-Engaging Practitioners and Academics' (2009) 29(1) *Public Budg Finance* 12, 16.

practitioners, policy-makers, and charitable organisations in ensuring access to quality green space for everyone.¹¹² Leading this Group necessarily meant that I moved further along the spectrum, away from the position of a "neutral" observer towards becoming a 'full action researcher'¹¹³ for P3, P5 and P6.

Against this backdrop, I acknowledge how engagement in processes of reflexivity generates benefits for both the research and the researcher, facilitating: answerability, credibility, depth of findings, lucidity, integrities, authenticity, and self-development.¹¹⁴ Acknowledging calls for reflexivity to be 'moved centre-stage... as a major focus of the research endeavour',¹¹⁵ I use section 4.4 to consider: the challenges that I faced during the research process; how I responded to them; and, in what ways this process has helped shape my development as an academic researcher. To help me do so, I draw on my research log.¹¹⁶ Embarking on the research, I quickly recognised the need to strike an appropriate balance¹¹⁷ between the impracticalities of religiously keeping a diurnal record¹¹⁸ and engaging in processes of meaningful reflexivity.¹¹⁹ My research log accordingly comprises a variety of formats, including: diary entries, records of supervision meetings, notes from discussions with colleagues, observations from conference presentations, and accounts of collaborative reflexivity discussions.¹²⁰

¹¹⁴ see, for example, Barbara Probst, 'The Eye Regards Itself: Benefits and challenges of reflexivity in qualitative social work research (2015) 39(1) Soc Work Res 37; Ilja Maso, 'Necessary subjectivity: exploiting researchers' motives, passions and prejudices in pursuit of answering 'true' questions' in Linda Finlay and Brendan Gough (eds), *Reflexivity: A Practical Guide for Researchers in Health and Social Sciences* (Blackwell Publishing 2003); Emily C Bishop and Marie Shepherd, 'Ethical Reflections: Examining Reflexivity Through the Narrative Paradigm' (2011) Qual Health Res XX(X) 1; Mariam Attia and Julian Edge, 'Be(com)ing a reflexive researcher: a developmental approach to research methodology' (2017) 4(1) Open Rev Educ Res 33.

¹¹⁵ Attia and Edge (n 114), 43.

¹¹⁶ Sarah Madin and Catherine Cassell, 'The use of a research diary as a tool for reflexive practice: Some reflections from management research' (2006) 3(3) QRAM 208.

¹¹⁷ Jon Dean, *Doing reflexivity* (Policy Press 2017).

¹¹⁸ Helen Kara, *Creative Research Methods in the Social Sciences: A Practical Guide* (Policy Press 2015).

¹¹⁹ Dean (n 117).

¹²⁰ Linda Finlay and Brendan Gough, 'Reflexivity Through Collaboration' in Linda Finlay and Brendan Gough (eds), *Reflexivity: A Practical Guide for Researchers in Health and Social Sciences* (Blackwell Publishing 2003).

4.4 Analysis of the component parts of the thesis and synthesis as a coherent study

In this section, I present a critical appraisal of how the research programme led to my series of publications within the contexts of: occupiers' rights and liabilities; dangerous dogs; greenspace; PSPOs; and, shopping centres. In doing so, I provide an analysis of the collection of papers; encapsulating their overall purpose, principal arguments, and original contributions to knowledge in relation to the findings' overarching theme of place-sustainability. I also include a reflexive account of my research journey.

Place-sustainability

In Table 3 below, I demonstrate how my understanding of the overarching theme of place-sustainability is situated within the existing literature on a selection of other place-based concepts. I also put forward my new definition of place-governance that I developed from P7 that led me to identify this overall theme of place-sustainability from my series of publications.

Table 3: Selected definitions of place-concepts

Place-concept	Definition
Place-shaping	the design, development, use and management of places. ¹²¹
Place-making	the transformation of 'the locations [that people] inhabit into the places where they live... [through] integrating... different functions.' ¹²²
Place-management	the achievement of place outcomes. ¹²³
Place-keeping	the 'long-term management [of a place]... once <i>place-making</i> has occurred.' ¹²⁴
Law of place	arises from the 'separation' out and 'enclosure' of former public space and becomes apparent when people 'step over a barely visible, but legally relevant line'. ¹²⁵
Place-governance	represents the range of interactions between the regulatory forces that are imposed on places and the behavioural norms within them.
Place-sustainability	the continued existence of a place through the achievement of an appropriate balance of economic, social, environmental, ¹²⁶ legal, cultural, governance, and technological factors.

¹²¹ Matthew Carmona, 'The Place-shaping Continuum: A Theory of Urban Design Process' (2014) 19(1) J Urb Des 2, 16.

¹²² Elizelle Juanee Cilliers and others, 'Green Place-making in Practice: From Temporary Spaces to Permanent Places' (2015) 3 J Urb Des 349, 351.

¹²³ John Mant, 'Place Management as a Core Role in Government' (2008) 1(1) JPMD 1.

¹²⁴ Nicola Dempsey and Melanie Burton, 'Defining place-keeping: The long-term management of public spaces' (2011) 11(1) Urban For Urban Green 11.

¹²⁵ Layard (n 66).

Occupiers' rights and liabilities

The high-profile case of Tony Martin¹²⁷ fuelled my interest in the balance of rights and liabilities between homeowners and trespassers. That case concerned a householder who was exasperated by a spate of burglaries at his property. He went to great lengths to burglar-proof his home by removing part of the staircase to create a booby-trap, and sleeping fully-clothed in anticipation of intruders. He shot at burglars who were fleeing from his property, killing one of them. Imprisoned for murder, Martin's conviction was later reduced to manslaughter after the court accepted evidence of diminished responsibility. The flurry of media, government and public debate¹²⁸ surrounding the case piqued my intrigue in understanding the rationale behind the decisions to prosecute and convict householders in home defence cases.

For my Masters in Law degree,¹²⁹ I explored the extent to which the law reflects the maxim that 'a person's home is their castle'.¹³⁰ My teaching of the civil law on occupiers' liabilities¹³¹ encouraged my focus on the civil law framework. I concluded that the law fails to provide either occupiers or trespassers with much certainty as to the extent of their privileges and obligations. Yet, there appears to be limited scope to make any meaningful legislative change given the diverse nature of potential occupiers, their interests, the possible entrants and their purposes for entering' premises. Through my research, I noted an enduring focus on the phenomena of 'defensible spaces',¹³² self-defence and burglar battering. I identified an opportunity to respond to a gap in the literature by examining the extent to which the less prominent civil law framework had kept pace with its criminal law counterpart in favouring householders over trespassers.

¹²⁶ This draws on the modern tri-partite model of sustainability. See, for example, William Mark Adams, *The future of sustainability: Re-thinking environment and development in the twenty-first century* (2006 The World Conservation Union).

¹²⁷ *R v Martin (Anthony Edward)* [2001] EWCA Crim 2245; [2003] QB 1.

¹²⁸ see, for example, Patrick Hennessy and Melissa Kite, 'Tories back new rights to help home owners protect themselves from burglars' *The Sunday Telegraph* (London, 19 December 2009) <www.telegraph.co.uk/news/uknews/law-and-order/6844682/Tories-backnew-rights-to-help-home-owners-protect-themselves-from-burglars.html> accessed 8 March 2020.

¹²⁹ Jill Dickinson, 'To What Extent is a Person's Home Really Their Castle? Does the law strike an effective balance between the rights of occupiers and the rights of those entering their premises?' (LLM thesis, University of Huddersfield 2012).

¹³⁰ Coke E, (1604) *Semayne's Case* 77 Eng Rep 194; 5 Co Rep 91.

¹³¹ The Occupiers' Liability Act 1957 and the Occupiers' Liability Act 1984.

¹³² Rowland Atkinson and Sarah Blandy, *Domestic Fortress: Fear and the New Home Front* (Manchester University Press 2017) 2.

In P1, I therefore focus on the 'First Place', the home.¹³³ Whilst there is long-running academic debate about what constitutes the 'home',¹³⁴ I base P1 on an everyday understanding of the word.¹³⁵ Within the research, I explore the potentially contested nature of dwellings¹³⁶ and uncover a variety of instances within England and Wales where householders have found themselves potentially criminally liable for protecting them and their property from intruders.¹³⁷ Broadening out the focus of the research, I note how other jurisdictional approaches have similarly faced criticism for failing to achieve clarity around both home defence and self-defence issues.¹³⁸ Drawing the various strands of the research together, I conclude that the civil law of England and Wales reflects its criminal law counterpart by similarly favouring householders over trespassers, albeit in a more understated way.

In P1, I also illuminate examples of legal pluralism; specifically the law's 'complex matrix... of structuring forces'.¹³⁹ In the case of *R v Martin (Anthony Edward)*,¹⁴⁰ the householder had become so disillusioned with the state law's ability to protect him that he proactively devised his own 'laws' or ways of working in response. This in turn prompted strong public support for home defence rights¹⁴¹ and led to the introduction of a new legal framework through the Criminal Justice and Immigration Act 2008 which enabled occupiers to use reasonable force against intruders.

In identifying P1's contribution to my thesis' overarching theme of place-sustainability, it is important to consider the wider context of the research. Whilst

¹³³ Oldenburg and Brissett (n 12); Hickman (n 12).

¹³⁴ see, for example, Veness (n 37); Vince Marotta, 'Home, Mobility and the Encounter with Otherness' in Michelle Lobo and Fethi Mansouri (eds), *Migration, Citizenship and Intercultural Relations: Looking through the Lens of Social Inclusion* (Routledge 2011).

¹³⁵ Frederic Schaffer, *Elucidating Social Science Concepts: An Interpretivist Guide* (Routledge 2015) 3.

¹³⁶ see, for example, Catherine Elliott, 'Interpreting the Contours of Self-Defence within the Boundaries of the Rule of Law, the Common Law and Human Rights' (2015) 79(5) JCL 330; Patrick Sawyer, Francesca Marshall and Steven Swinford, 'Pensioner, 78, arrested for murder after 'stabbing burglar to death in his home' *The Telegraph* (London, 4 April 2018) <www.telegraph.co.uk/news/2018/04/04/suspected-burglar-dies-tussle-pensioner-78/> accessed 18 June 2019.

¹³⁷ see, for example, James Sturke, 'Self-defence or malicious revenge? Jail for brothers who beat burglar with bat' *The Guardian* (London, 14 December 2009) <<https://www.theguardian.com/uk/2009/dec/14/jail-brothers-burglar-cricket-bat>> accessed 7 March 2020; Telegraph Reporters, 'Burglary shooting couple emigrate to Australia' *The Telegraph* (London, 26 September 2012) <<https://www.telegraph.co.uk/news/uknews/crime/9568506/Burglary-shooting-couple-emigrate-to-Australia.html>> accessed 8 March 2020.

¹³⁸ Richard Luscombe, 'George Zimmerman acquitted in Trayvon Martin case' *The Guardian* (London, 14 July 2013) <<https://www.theguardian.com/world/2013/jul/14/zimmerman-acquitted-killing-trayvon-martin>> accessed 7 March 2020.

¹³⁹ Benton (n35), 237.

¹⁴⁰ [2001] EWCA Crim 2245; [2003] QB 1.

¹⁴¹ see, for example, Hennessy and Kite (n 128).

households are now 'four times less likely to be a victim of burglary than in 1995',¹⁴² the public's high fear of crime remains well-documented.¹⁴³ The literature demonstrates the various ways within which individuals often develop strong bonds with their home¹⁴⁴ and how the relatively high prevalence of property crime may fuel householders' fears.¹⁴⁵ Yet, I demonstrate in P1 how householders' continued use of their homes can depend on the extent of their compliance with the civil and criminal law frameworks on occupiers' rights and liabilities. As I exemplify in P1, homeowners may find themselves vulnerable to civil law claims for damages and/or criminal law investigations. Either or both could prejudicially affect their abilities to continue to live in those particular properties as more recent cases have demonstrated.¹⁴⁶

Whilst the Masters research provided some foundations for P1, it felt quite a steep learning curve to develop the research and writing for a much wider academic and practitioner audience. Following recommendation, I successfully targeted the Journal of Personal Injury Law based on the number of citations from that journal that I made for my Masters.

Through P1, I set the context for the rest of the body of work. This considers: perceived manifestations of law; its quest to balance stakeholder interests; the interaction between place-related regulatory forces and exhibited behaviours; stakeholders' potentially competing interests; and how issues relating to property regulation, ownership, funding, development, management, operationalisation and/or use play could potentially affect their future existence.

Whilst developing my research programme, I gave a paper at the Society of Legal Scholars¹⁴⁷ Conference 2013. On the train journey to Edinburgh, I found myself sat

¹⁴² Office for National Statistics, 'Overview of burglary and other household theft: England and Wales' (2017) <<https://www.ons.gov.uk/peoplepopulationandcommunity/crimeandjustice/articles/overviewofburglaryandotherhouseholdtheft/englandandwales>> accessed 7 March 2020.

¹⁴³ see, for example, Don Soo Chon and Mary Wilson, 'Perceived Risk of Burglary and Fear of Crime: Individual and Country-Level Mixed Modeling' (2016) 60(3) *Int J of Offender Therapy and Comparative Criminology* 308.

¹⁴⁴ Leila Scannell and Robert Gifford, 'Defining place-attachment: A tripartite organizing framework' (2010) 30 *J of Env Psych* 1.

¹⁴⁵ Yung-Lien Lai and others, 'Specific fear-crime linkage: the effect of actual burglary incidents reported to the police on residents' fear of burglary' (2012) 35(1) *J of Crime and Justice* 13.

¹⁴⁶ Gareth Davies, 'Henry Vincent funeral: Tempers flare as man arrested and rocks are thrown after mourners swear out of windows' *The Telegraph* (London, 4 May 2018) <<https://www.telegraph.co.uk/news/2018/05/03/residents-block-hither-green-street-ahead-henry-vincents-funeral/>> accessed 7 March 2020.

¹⁴⁷ Society of Legal Scholars, 'Welcome to the Society of Legal Scholars' (2019) <<https://www.legalscholars.ac.uk/>> accessed 7 March 2020.

next to a fellow presenter who was similarly researching home defence. During our conversation, we found that we shared another interest; namely in keeping dogs. That led to a discussion about the potential for extending the scope of our respective research on home defence to explore the continued conundra around liability for dog attacks. Following further investigation, I found that the determination of liability for dog attacks within the curtilage of the dwelling presented comparable problematic spatial boundaries to those arising from home defence situations.

In P2, I explain how the Anti-social Behaviour, Crime and Policing Act 2014, s 106 extended the criminal law liability of dog owners from public to privately-owned places, except in cases involving trespassers within a dwelling. I go on to examine the law's failure to define what constitutes a dwelling within this context, and the blurred boundaries and uncertainties that creates. Given continuing concerns about dangerous dogs' law's fitness for purpose,¹⁴⁸ I build on previous calls for an overhaul of dangerous dogs' legislation by identifying associated needs for supporting structural and cultural change, and empirical research, to responsabilise dog owners.

In developing the research, I was invited to give a paper for the Northumbria Centre for Evidence & Criminal Justice Studies seminar series.¹⁴⁹ This was the first time that I had been invited to speak at another University in a non-conference setting. The audience comprised both academics and practitioners, including the police. It was set in their moot court room which helped to facilitate some interesting debate!

Another key challenge was collating information about dangerous dogs' law frameworks across a much broader range of jurisdictions than I had studied for the home defence research. I enlisted the help of the University's Library Services Team to focus the search and identify appropriate sources. After setting the scene for the research programme with P1, I was keen to develop the prospects for originality within P2 and also encourage engagement from a wider audience. One of the most

¹⁴⁸ see, for example, Press Association, 'Woman jailed after her dog attacked 12 children at playgroup in Blyth' *The Guardian* (London, 12 December 2017) <www.theguardian.com/uk-news/2017/dec/12/woman-jailed-dangerous-dog-attacked-12-children-playground-northumberland> accessed 16 April 2019; Frances Perraudin, 'Owner of bull terrier that killed neighbour jailed for 10 years' *The Guardian* (London, 13 February 2018) <www.theguardian.com/uk-news/2018/feb/13/owner-of-bull-terrier-that-killed-neighbour-jailed-for-10-years> accessed 16 April 2019; Latifa Yedroudj, 'Fatal Cornwall attack sparks call to reform dangerous dog laws' *The Guardian* (London, 14 April 2019) <www.theguardian.com/uk-news/2019/apr/14/fatal-cornwall-attack-sparks-call-to-reform-dangerous-dog-laws> accessed 16 April 2019.

¹⁴⁹ the Northumbria Centre for Evidence & Criminal Justice Studies, 'NCECJS - Update Issue 1(1) (October 2015)' <www.northumbria.ac.uk/media/7984329/e-ncecjs-newsletter-issue-1.pdf> accessed 6 May 2019.

demanding aspects of producing P2 was making original recommendations for future reform. Dangerous dogs' issues have taxed academics and practitioners for some time¹⁵⁰ and continue to cause widespread concern.¹⁵¹ Noting the inadequacy of the various incarnations of the legal framework, it was clear that continuing legislative development had not worked and that a different approach was needed. I considered the measures that had been taken to address other social challenges; for example, teenage pregnancies, not wearing car seatbelts, and drink-driving. I identified how a combination of mechanisms had been used to introduce underpinning legislation and then follow it up by facilitating, encouraging and ingraining long-lasting cultural change, for example through far-reaching advertisement campaigns and training programmes. Considering this within the context of dangerous dogs, I use P2 to make concurrent calls for: legislative development; empirical research to understand dog owners' motivations; and, large-scale supporting structural and cultural change to educate dog owners.

Following further instances of high-profile dog attacks,¹⁵² the findings from the research provided me with an opportunity to contribute to the latest Parliamentary Inquiry on the topic.¹⁵³ The Government response to that Inquiry reflects some of my recommendations from P2; including the commissioning of empirical research to investigate approaches to dog ownership.

Building on P1, I employ P2 to illustrate another example of how emotionally-charged places like the home and its curtilage can become 'contested'¹⁵⁴ as a result of stakeholder uncertainties as to the extent of their rights and responsibilities and conflicting behaviours. Without a combination of: legal clarification, empirical evidence, and provision of tailored educational and support programmes, the problematic spatial boundaries of the dangerous dogs' legal framework will continue

¹⁵⁰ Safia Gray Hussain, 'Attacking the Dog-Bite Epidemic: Why Breed-Specific Legislation Won't Solve the Dangerous-Dog Dilemma' (2006) 74 *Fordham L Rev* 2847; Robert Baldwin and others, 'Assessing the Dangerous Dogs Act: When does a regulatory law fail?' (2000) (Summer) *Public Law* 282.

¹⁵¹ see, for example, James Andrew Oxley and others, 'Contexts and consequences of dog bite incidents' (2018) 23 January-February *J Veterinary Behavior* 33; Finn Nilson and others, 'The effect of breed-specific legislation on hospital treated dog bites in Odense, Denmark - A time series intervention study' (2018) 13(12) *PLoS One* 1; Mitchun Rajshekar and others, 'The incidence of public sector hospitalisations due to dog bites in Australia 2001-2013' (2017) 41(4) *Australian and New Zealand Journal of Public Health* 377.

¹⁵² see, for example, The Guardian, 'Dangerous dogs' The Guardian (London, 2020) <<https://www.theguardian.com/uk/dangerous-dogs>> accessed 7 March 2020.

¹⁵³ Parliament, *Dangerous Dogs: Breed Specific Legislation inquiry launched* (11 May 2018).

¹⁵⁴ Rowena Capulong Reyes, 'Public Space as Contested Space: The Battle over the Use, Meaning and Function of Public Space' (2016) 6(3) *IJSSH* 201, 201.

to plague dog-owners in how they make use of their own premises and also the victims of attacks by their dogs.

Co-authoring P2 with a criminal law academic reflected the well-established benefits of collaborative, multi-disciplinary research, including: a timely achievement of goals,¹⁵⁵ an increased capacity for problem-solving;¹⁵⁶ and an enhanced potential for originality.¹⁵⁷ I found that the systems that we developed from the outset, particularly in terms of planning and communication,¹⁵⁸ worked really well to ensure that we made the most of the available opportunities for seeking feedback to further develop the research.¹⁵⁹ This experience encouraged me to identify similar instances for developing the research programme through partnership-working.

Greenspace

The strand of my research that centred on greenspace challenges and solutions developed from a Research Sandpit that was jointly hosted by the University's Centre for Regional and Economic Research (CRESR), the Department of Psychology, Sociology and Politics, and the Department of Natural and Built Environment. Following my successful bid for Sandpit funding, I led a team of colleagues from these other disciplines in conducting a series of interviews with greenspace stakeholders across Yorkshire, before focusing on one of the local authorities identified for a case study. The findings from this research proved pivotal in my decision to explore the emerging issues of environmental justice in more depth. This project also introduced me to more creative research methods, including photo-elicitation.¹⁶⁰ This illustrates a constructivist grounded theory approach as I focused

¹⁵⁵ Lindsay C Lustig and others, 'Guiding principles for a successful multidisciplinary research collaboration' (2015) 1(3) *Future Sci. OA* FS07.

¹⁵⁶ Amy Purvis Thurow and others, 'The Dynamics of Multidisciplinary Research Teams in Academia' (1999) 22(4) *Rev High Educ* 425.

¹⁵⁷ Philip C Hanawalt, 'Research Collaborations: Trial, Trust and Truth' (2006) *Cell* 8 September 823.

¹⁵⁸ Lustig and others (n 155); Quentin Vicens and Philip E Bourne, 'Ten Simple Rules for a Successful Collaboration' (2007) *PLoS Comput Biol* 3(3): e44.

¹⁵⁹ including, for example, Lydia Bleasdale-Hill and Jill Dickinson, 'Dangerous Dogs: different dog, same lamppost?' (Northumbria Centre for Evidence and Criminal Justice Studies Research Seminar, Newcastle, 2015); Lydia Bleasdale-Hill and Jill Dickinson, 'Dangerous Dogs in Criminal Law: Protecting the public and responsabilising dog owners or barking up the wrong tree?' (Sheffield Hallam University Department of Law and Criminology Research Seminar, Sheffield, 2014); Lydia Bleasdale-Hill and Jill Dickinson, 'Dangerous Dogs Laws: barking up the wrong tree?' (The Society of Legal Scholars Annual Conference, Edinburgh, 2013).

¹⁶⁰ see, for example, Douglas Harper, 'Talking about pictures: a case for photo elicitation' (2002) 17(1) *Visual Studies* 13.

on the co-creation of knowledge between the participants and myself.¹⁶¹ As a former solicitor, I was used to conducting interviews with clients, including keeping contemporaneous notes and demonstrating client empathy. Conducting these research interviews more creatively meant stepping out of my comfort zone. I felt simultaneously daunted and enthusiastic about the prospect. Reflecting others' experiences, I was pleased to find that my use of more imaginative methods enabled me to identify areas for future inquiry, and develop a richer understanding of the participants' particular views of greenspace.¹⁶²

Armed with this research experience, and knowledge about potential lines of inquiry and possible methods, I found that budget cuts have forced local authorities' prioritisation of statutory services.¹⁶³ I identified the existence of an amenities hierarchy whereby already challenged greenspace, which tends to be located in economically-deprived areas, faces 'vicious circle[s] of decline'.¹⁶⁴ I noted how residents in these communities are being disadvantaged by issues of 'health equity'¹⁶⁵ and 'environmental inequality'¹⁶⁶ arising from biased greenspace 'distribution'¹⁶⁷ and 'austerity localism'.¹⁶⁸

My experiences as a solicitor and law academic made me intrigued to explore the role that such regulatory forces may play in shaping such issues. Drawing again on legal pluralism scholarship, which suggests that multiple normative orders or 'laws' may exist in a particular place and at a specific moment in time,¹⁶⁹ I collectively employ P3, P5 and P6 to propose a new greenspace model for facilitating more equitable access to quality greenspace. In P5, I conclude that the introduction of

¹⁶¹ Brenda Agyeiwaa Poku and others, 'The Opportunities and Challenges of Using Photo-Elicitation in Child-Centred Constructivist Grounded Theory Research' (2019) 18 Int J Qual Methods 1.

¹⁶² Analia Ines Meo, 'Picturing Students' Habitus: The advantages and limitations of photo-elicitation interviewing in a qualitative study in the city of Buenos Aires' (2010) 9(2) Int J Qual Methods 149.

¹⁶³ Parliament, *Public Parks, 4 How can we secure a sustainable future for parks?* (7 February 2017).

¹⁶⁴ House of Commons Communities and Local Government Committee (n 17) 31.

¹⁶⁵ Viniene Jennings and others, 'Urban Green Space and the Pursuit of Health Equity in Parts of the United States' (2017) 14(11) Int J Environ Res Public Health 1.

¹⁶⁶ Nik Heynen, Harold A Perkins and Parama Roy, 'The Political Ecology of Uneven Urban Green Space: The Impact of Political Economy on Race and Ethnicity in Producing Environmental Inequality in Milwaukee' (2006) 42(1) Urban Aff 3.

¹⁶⁷ Marion Le Texier, Kerry Schiel and Geoffrey Caruso, 'The provision of urban green space and its accessibility: Spatial data effects in Brussels' (2018) 13(1) PLoS ONE 1 e0204684, 1. See also Public Health England, *Local action on health inequalities: improving access to green spaces* (Health equity briefing 8, September 2014).

¹⁶⁸ Lindsay Findlay-King and others, 'Localism and the Big Society: the asset transfer of leisure centres and libraries - fighting closures or empowering communities?' (2017) 37(2) Leisure Stud 158, 158.

¹⁶⁹ Margaret Davies, 'Legal Pluralism' in Peter Cane and Herbert M Kritzer, *The Oxford Handbook of Empirical Legal Research* (Oxford University Press 2010).

legislation to specifically enable the imposition of greenspace user-charging schemes should be discounted for two reasons: first, the potential for generating uncertainties around both local authorities' and users' rights and responsibilities; and second, the likely political sensitivities around users' abilities to pay. In conjunction with P3, I draw on P5 to advocate instead for the introduction of aspects of the Scottish greenspace model within England and Wales. Founded on the development of a social contract between greenspace users and managers, this would include: the imposition of a local authority statutory duty to provide greenspace, the creation of a flexible, non-statutory Code, and the establishment of local community groups. In P6, I recommend an additional element of partnership working for developing more effective and collaborative communication, resource-identification and community-responsibilisation.

I produced these three greenspace publications through leading a series of collaborations with colleagues from across the Department of Law and Criminology (DLC), the Business School, and CRESR. This necessarily involved mutual recognition of different styles of working and a flexible approach. Mirroring my co-authorship experience from P2, I found the experience invaluable to my development as a researcher.¹⁷⁰ By way of illustration, I became familiar with different terminology; I was introduced to diverse approaches to research and writing; and, I identified opportunities to publish in a broader range of disciplines than I had anticipated which meant that I could disseminate the findings to a wider audience.

Public spaces protection orders

One of the recurring issues arising from the greenspace research concerned perceptions of ASB and apprehensions about safety. Some of the early shopping centre research for P7 similarly highlighted centre management's unease about the perceived prevalence of ASB potentially threatening shopping centres' sustainability. Following conversations with a colleague from DLC who specialises in ASB research, we identified high levels of media and public interest in the potential impact of PSPOs, yet a scarcity of academic scrutiny of these powers.

¹⁷⁰ Teresa L Young and Debra Nelson-Gardell, 'A Grounded Theory Study of Collaboration in Multidisciplinary Teams' (2018) 12(5) *J Public Child Welf* 576.

Revisiting the Anti-Social Behaviour, Crime and Policing Act 2014 that formed part of my analysis of dangerous dogs' laws for P2, I began to consider the potential social justice implications arising from its introduction of PSPOs. Underpinned by tenets of 'equality and fairness',¹⁷¹ social justice seeks to 'meet... basic needs; maximiz[e]... inequalities in wealth, income and life chances; and [ensure] the participation of all, including the most disadvantaged.'¹⁷² In P4, I use the concept of civility as an analytical framework to highlight how unelected council officers can devise and implement PSPOs to displace and marginalise vulnerable groups, such as street-sleeping homeless people, without facing any government scrutiny. From this research, I identify how this relatively new mechanism for ASB-regulation threatens the future use of public places by defenceless individuals and groups. I highlight anti-PSPO campaigns, for example involving Liberty¹⁷³ and the Manifesto Club.¹⁷⁴ In doing so, I note another instance of multi-directional legal development in that the criticism from such groups has led to some councils either amending their PSPO plans or abandoning them all together.¹⁷⁵ In P4, I make calls for: empirical research into: PSPO-implementation; its impact on ASB and perpetrators; its geographical take-up; and, the effects of differing policy responses on public perceptions of contested public places.

One of the challenges of producing this paper was its potential remit. Having identified a clear gap in the literature, it was tempting to establish its contribution through proposing a conceptual framework for future empirical research, and develop a case study from the shopping centre research for P7 to illustrate some of the issues in practice. Feedback from colleagues who had informally reviewed the paper encouraged me to narrow the paper's scope to sharpen its focus and clarify its originality, and it was accepted for publication.

¹⁷¹ Michael O'Brien, 'Equality and fairness: Linking social justice and social work practice' (2011) 11(2) Soc Work 145.

¹⁷² Gary Craig, 'Poverty, social work and social justice' (2002) 32(2) BJSW 669, 672.

¹⁷³ Liberty, 'Stand Against Councils Punishing Poverty' <www.libertyhumanrights.org.uk/campaigning/stand-against-councils-punishing-poverty> accessed 17 April 2019.

¹⁷⁴ Manifesto Club, 'Briefing on Public Spaces Protection Orders' (September 2014) <<http://manifestoclub.info/wp-content/uploads/Manifesto%20Club%20briefing%20on%20Public%20Spaces%20Protection%20Order%20powers.pdf>> accessed 17 April 2019.

¹⁷⁵ Kevin J Brown, 'The hyper-regulation of public space: the use and abuse of Public Spaces Protection Orders in England and Wales' (2017) 37(3) LS 543.

Shopping centres

I began my research on shopping centres very early on in the PhD research process. As a solicitor in practice, I specialised in the management of clients' shopping centre portfolios. During my site visits, it was eye-opening to witness the array of non-customer facing activities that facilitated the shopping experience. These included the complex security networks that permeated the centre and carefully planned logistical programmes for inbound and outbound deliveries. One particular shopping centre that I visited had been built over former public highway and I remember being fascinated to find some of the old street signage that had governed the place's former incarnation still intact.

Following my move into academia, it seemed an ideal opportunity to pursue this interest further and explore law's manifestations in shopping centres through a pracademic¹⁷⁶ lens. I also hoped that I could use my familiarity with the workings of shopping centres to help springboard the research. This was particularly important given that I was studying part-time for the PhD alongside a full teaching load and had heard disconcerting anecdotes about part-time PhD students' progressions. Linked to this, I was primarily looking to conduct an ethnographic study as I was keen to ensure the requisite depth of data that I thought would be needed to support the achievement of a PhD. Upon embarking on this 'resource-intensive' approach,¹⁷⁷ I quickly found that it could potentially result in a never-ending and probably impossible task for a PhD by Published Works and alongside a full-time teaching role. My review of the literature also demonstrated how the adoption of a case study approach would be appropriate given its potential for developing theory¹⁷⁸ and its suitability for studying potentially multifaceted phenomena¹⁷⁹ within an everyday context.¹⁸⁰

Whilst I had an established contact network that I could draw on, I initially thought that it would be better to contact shopping centre management teams with whom I had not had any previous dealings. As a relatively new academic researcher, I was

¹⁷⁶ Paul L Posner, 'The Pracademic: An Agenda for Re-Engaging Practitioners and Academics' (2009) 29(1) Public Budget Finance 12, 16.

¹⁷⁷ Scott Reeves and others, 'Ethnography in qualitative educational research: AMEE Guide No. 80' (2013) 35(8) Medical Teacher e1365, e1366.

¹⁷⁸ Shiva Ebneyamini and Mohammad Reza Sadeghi Moghadam, 'Toward Developing a Framework for Conducting Case Study Research' (2018) 17 Int J Qual Methods 1.

¹⁷⁹ Robert E Stake, *The Art of Case Study Research* (Sage 1995).

¹⁸⁰ Robert K Yin, *Case study research: Design and methods* (Sage 2003).

concerned about researcher bias and did not appreciate how qualitative research would inherently involve subjectivity¹⁸¹ and how the adoption of a reflexive approach to recognise this specific element could both enhance the findings and develop my approach as an academic researcher.¹⁸² Unfortunately my initial search, using a combination of speculative introductory emails and telephone calls, proved unsuccessful. Not to be deterred and keen to start the empirical element, I used the social media site LinkedIn¹⁸³ to contact a surveyor with whom I used to work in practice. He immediately put me in contact with one of his clients, and they quickly gave approval for me to start the research on one of their centres. Later in the research programme, and in a similar vein, one of my participants introduced me to the gate-keeper for another shopping centre. Using my contact network in this way, in conjunction with both purposive¹⁸⁴ and theoretical sampling,¹⁸⁵ really helped to ensure effective and efficient progression with the research.

For P7, I utilised a sample of seven shopping centres to empirically examine the frictions that can exist in these 'pseudo-public places',¹⁸⁶ which are privately-owned and managed, but publicly-accessible.¹⁸⁷ Within P7, I combine and develop elements of both legal geography and legal pluralism to propose a new tri-partite lens for observing place-governance which comprises black-letter, policy and cultural elements. I also apply this lens to investigate law's manifestations within shopping centres, which include: legislative developments,¹⁸⁸ planning policies,¹⁸⁹ centre-specific codes of conduct,¹⁹⁰ and social desire paths.¹⁹¹ Presenting a new combination of insider perspectives on this topic (from centre management, centre operatives and

¹⁸¹ Beloo Mehra, 'Bias in Qualitative Research: Voices from an Online Classroom' (2002) 7(1) *The Qualitative Report* Article 2.

¹⁸² see, for example, Barbara Probst (n 114); Ilja Maso, 'Necessary subjectivity: exploiting researchers' motives, passions and prejudices in pursuit of answering 'true' questions' in Linda Finlay and Brendan Gough (eds), *Reflexivity: A Practical Guide for Researchers in Health and Social Sciences* (Blackwell Publishing 2003); Bishop and Shepherd (n 114); Mariam Attia and Julian Edge, 'Be(com)ing a reflexive researcher: a developmental approach to research methodology' (2017) 4(1) *Open Rev Educ Res* 33.

¹⁸³ LinkedIn, 'Welcome to your professional community' (2020) <<https://uk.linkedin.com/>> accessed 7 March 2020.

¹⁸⁴ Heather Ames and others, 'Purposive sampling in a qualitative evidence synthesis: a worked example from a synthesis on parental perceptions of vaccination communication' (2019) 19(26) *BMC Medical Research Methodology* 1, 304.

¹⁸⁵ Timonen and others (n 55), 8.

¹⁸⁶ Mac Sithigh (n 38) 394.

¹⁸⁷ Andy Pratt, 'The rise of the quasi-public space and its consequences for cities and culture' (2017) 3(36) *Palgrave Commun* 1.
¹⁸⁸ see, for example, PSPOs which were introduced by the Anti-social Behaviour, Crime and Policing Act 2014 and are critiqued in P2.

¹⁸⁹ see, for example, the Town Centre First planning policy (Gov.UK, 'Ensuring the Vitality of Town Centres' (3 March 2014) <www.gov.uk/guidance/ensuring-the-vitality-of-town-centres> accessed 17 April 2019.

¹⁹⁰ see, for example, Royals Shopping, 'Code of Conduct' <www.royalsshoppingcentre.co.uk/code-of-conduct> accessed 14 June 2019; London & Cambridge Properties, 'Code of Conduct' <<http://www.theconcourseshoppingcentre.co.uk/img/code-of-conduct.pdf>> accessed 3 July 2019.

¹⁹¹ Laura Nichols, 'Social desire paths: A new theoretical concept to increase the usability of social science research in society' (2014) 43(6) *Theory Soc* 647.

tenants), I explore shopping centres' contested nature (particularly at certain times of the day and during different seasons). I identify the challenges faced by management in their quests to impose and enforce regulations whilst maintaining the public appeal of their centres and adapting to the wider 'rapidly evolving' retail climate.¹⁹²

I recognise how new retail developments have faced considerable criticisms for pricing former inhabitants out of these areas¹⁹³ and promoting a 'consumer culture'.¹⁹⁴ I note that shopping centres have been categorised as non-places for 'circulation, communication and consumption, where solitudes coexist without creating any social bond or even a social emotion'.¹⁹⁵ Yet, my research reflects the important contributions made by this Third Place¹⁹⁶ type to local employment,¹⁹⁷ people's quality of life,¹⁹⁸ and civic engagement.¹⁹⁹ The research reveals how some shopping centres actively tailored their offer to accommodate vulnerable groups. Flint's study of surveillance and exclusion practices, for example, reports on shopping centre management making their empty shop units freely available for community activities.²⁰⁰ In a similar vein, I highlight the example of Nottingham's Broadmarsh Centre installing the world's first free vending machine for homeless people.²⁰¹ The machine has since been removed following criticism that it encouraged homelessness.²⁰² Yet, these examples together illustrate how shopping centres could innovatively work with their communities for potential mutual benefit in fostering

¹⁹² Dhruv Grewal, Anee L Roggeveen and Jens Nordfalt, 'The Future of Retailing' (2017) 93(1) J Retail 1.

¹⁹³ Jamie Doward and Amy Walker, 'Why are so many people sleeping rough on Britain's streets?' *The Guardian* (London, 27 October 2018) <www.theguardian.com/society/2018/oct/27/sleeping-rough-britain-streets-homelessness> accessed 14 June 2019.

¹⁹⁴ Oliver Smith and Thomas Raymen, 'Shopping with violence: Black Friday sales in the British context' (2017) 17(3) J Consum 677, 677.

¹⁹⁵ Marc Auge, 'Paris and the ethnography of the contemporary world' in Michael Sheringham (ed), *Parisian Fields* (Reaktion Books 1996), 178.

¹⁹⁶ Jon Goss, 'The "magic of the mall": an analysis of form, function, and meaning in the contemporary retail built environment' (1993) 83(1) A Assoc Am Geog 18.

¹⁹⁷ Thomas A Musil, 'Evaluating development and community benefits of shopping malls: A case study using input/output analysis' (2011) 16(2) JFMPC 111.

¹⁹⁸ Kamel El Hedhli, J-C Chebat and M Joseph Sirgy, 'Shopping well-being at the mall: construct, antecedents and consequences' (2013) 66(7) JBR 856.

¹⁹⁹ John Flint, 'Surveillance and exclusion practices in the governance of access to shopping centres on periphery estates in the UK' (2006) 4(1/2) Surveillance and Society 52.

²⁰⁰ Flint (n 199).

²⁰¹ see, for example, Helen Pidd, 'First vending machine for homeless people launches in UK' *The Guardian* (London, 19 December 2017) <www.theguardian.com/society/2017/dec/19/first-vending-machine-homeless-people-launches-uk-nottingham> accessed 17 April 2019.

²⁰² Katie Morley, 'Homeless vending machine removed from Nottingham shopping centre' *The Telegraph* (London, 4 April 2018) <<https://www.telegraph.co.uk/news/2018/04/04/homeless-vending-machine-removed-nottingham-shopping-centre/>> accessed 14 June 2019.

place-sustainability, particularly given the challenges presented by a dynamic landscape characterised by substantial social, economic, and technological change.

In producing P7, I am conscious that it was one of my first studies for the PhD but the last work to be published. After initially feeling disheartened by some early rejections of P7, I found that the reviewers' feedback really spurred me on to further develop the paper. Armed with the reviewers' comments, I went back to the literature and developed the empirical element to strengthen the paper's original contribution to knowledge. I also separated out the research into various stages to enable me to develop an understanding of the broad context of law's manifestations within shopping centres before honing in on instances of ASB in more depth. In terms of the interviews, a number of specific learning points arose. I was particularly glad to have followed recommendations to develop an interview protocol²⁰³ as I found that it really helped me to encourage participants to remain on-topic. It was also helpful to learn that it was acceptable to make modifications to the interview guide to help ensure subsequent participants' understanding and draw out key points.²⁰⁴

Exploring law's manifestations in private and public places has enabled me to uncover: how composite forces are multi-directionally developed and inextricably woven into the fabric of different places; a variety of responses to mechanisms for regulating behaviours; and, creative approaches to solving complex, stakeholder-related condundra. Through my collection of publications, I have made recommendations for: legislative clarification; increased awareness of rights and responsibilities; scrutiny of devolved powers-implementation; and, stakeholder collaboration, to tackle instances of injustice and ensure the sustainability of different places for everyone.

Originality, significance and contribution

The body of work presented in this thesis demonstrates an original and significant contribution to knowledge. Taking the publications together, they make an overall, four-fold contribution to knowledge. First, they adopt a specific combination of

²⁰³ see, for example, Cormac McGrath and others, 'Twelve tips for conducting qualitative research interviews' 41(9) *Med Teach* 1002.

²⁰⁴ see, for example, May Luu Yeong and others, 'Interview Protocol Refinement: Fine-Tuning Qualitative Research Interview Questions for Multi-Racial Populations in Malasia' 23(11) *The Qualitative Report* 2700.

perspectives and methods for investigating: perceived manifestations of law; the law's quest to achieve a balance of stakeholder interests; relationships between place-related regulatory forces and exhibited behaviours; inter-stakeholder tensions; and, their combined influence on the future existence of places.²⁰⁵ Second, they demonstrate how a multi-disciplinary approach can be used to generate new understandings of place-sustainability within the context of a particular range of private/public places.²⁰⁶ Third, they evidence the complex nature of place-sustainability, particularly around the: enduring prioritisation of property ownership and occupation, tensions between competing stakeholder interests, and the general inefficacy of a black-letter approach.²⁰⁷ Fourth, they detail recommendations for combining legislative development, collaborative working, and supporting structural and cultural change to ease inter-stakeholder tensions and support place-sustainability despite a dynamic social, economic, and technological landscape.²⁰⁸

The papers have been well-received by journal reviewers and the University's mini-REF process. Feedback includes: 'a thorough and useful contribution to the debate';²⁰⁹ '[the paper] is very well written and brings together national and international debates on a pressing issue'.²¹⁰ Another reviewer suggested that the:

work is important for... future place management and place development... and supports the ongoing debate on value and importance of these places... I really

²⁰⁵ The literature review, for example, suggests that this is the first time that this particular combination of perspectives from across the fields of: civil and criminal law, criminology; geography and planning; and business and management; has been combined with multiple methods (including law in action, empirical and doctrinal approaches) to investigate this discrete topic. My research also directly responds to calls for links to be made between the existing bodies of literature around legal pluralism and legal geography (see, for example, Daniel Robinson and Nicole Graham, 'Legal pluralisms, justice and spatial conflicts: New directions in legal geography' (2017) 184(3) *Geogr J* 3; Irus Braverman and others, 'Introduction: Expanding the Spaces of Law' in Irus Braverman and others (eds), *The Expanding Spaces of Law: A Timely Legal Geography* (Stanford Law Books 2014) 1). The research is also original in that the systemic notion of boundary critique has not been previously employed as a methodology for interrogating greenspace challenges and presenting solutions.

²⁰⁶ My research expressly addresses the lack of a term that captures the interplay between place-based regulatory forces and exhibited behaviours by proposing a new definition of place-governance. It builds on this definition to develop new understandings of place-sustainability; encapsulating it as the continued existence of a place through the achievement of an appropriate balance of economic, social, environmental, legal, cultural, governance, and technological factors. It illustrates evidence of these in practice within a range of private/public places including the home, shopping centres, greenspaces and public places.

²⁰⁷ My review of the literature revealed opportunities for exploring, for example whether: the civil law framework reflects the criminal law's tendency to rank householders' interests above trespassers; whether a combination of statutory and non-legislative solutions could combat the issues presented by dangerous dogs; and, the potential impact of new, statute-based powers for local authorities to create PSPOs to tackle instances of ASB.

²⁰⁸ The literature indicated the extent of the problems facing the range of stakeholder groups who use private/public places yet presented few solutions. It highlighted the need for further research to discover a more holistic approach that could support these places and those who use them in the long-term. It also suggested an opportunity for presenting the perceptions of a other stakeholder groups, for example shopping centre 'insiders', to help develop a more complete understanding.

²⁰⁹ in relation to P2, reviewers anonymised, 'Mini-REF 2015 - Completed review & feedback' (2015).

²¹⁰ in relation to P4, anonymised reviewer comments in email from James Banks to author (1 May 2019)

look forward to seeing this... contributing to the all-important discourse on... survival of our green space' heritage.²¹¹

In accordance with the University's Code of Practice for the Preparation of the Research Excellence Framework 2021 Submission,²¹² I have 'been identified as a member of staff who meets the definition of having significant responsibility for research'²¹³ and my work is going to be returned in the Research Excellence Framework.²¹⁴

In terms of disseminating the important messages generated by the research programme, I have: devised and led Economic and Social Research Council-funded events,²¹⁵ accepted invitations to give an external research seminar for the Northumbria University²¹⁶ and also chair a panel for the Public Law Project's Annual Conference;²¹⁷ given conference presentations;²¹⁸ produced a series of blogs;²¹⁹ successfully applied for funding to supervise a Doctoral Training Alliance PhD Studentship;²²⁰ been cited in the Big Issue,²²¹ contributed to the Government's Inquiry

²¹¹ in relation to P5, anonymised reviewer comments in email from Dominic Medway to author (12 August 2018).

²¹² Sheffield Hallam University, 'Creating Knowledge: Code Of Practice' <<https://blogs.shu.ac.uk/creating/ref/preparations/code-of-practice/>> accessed 23 September 2019.

²¹³ Email from ! REF Support to author (5 September 2019).

²¹⁴ Research England, 'Research Excellence Framework (REF)' <<https://re.ukri.org/research/research-excellence-framework-ref/>> accessed 29 September 2019.

²¹⁵ Economic and Social Research Council, 'The Future of Greenspace' (Festival of Social Science, Sheffield, November 2017); Economic and Social Research Council, 'It's Great Outdoors: The Debate' <<http://festivalofsocialscience.group.shef.ac.uk/its-great-outdoors-the-debate/>> accessed 6 May 2019; Economic and Social Research Council, 'It's Great Outdoors: Celebrating Sheffield's Greenspaces', <<http://festivalofsocialscience.group.shef.ac.uk/its-great-outdoors-celebrating-sheffields-green-spaces/>> accessed 6 May 2019; Economic and Social Research Council, 'Whose place is it anyway?' (Festival of Social Science, Sheffield, November 2018); Economic and Social Research Council, 'The Future of Greenspace: Schools' Poster Competition' (Festival of Social Science, Sheffield).

²¹⁶ in relation to P2, the Northumbria Centre for Evidence & Criminal Justice Studies, 'NCECJS - Update Issue 1(1) (October 2015)' <www.northumbria.ac.uk/media/7984329/e-ncecjs-newsletter-issue-1.pdf> accessed 6 May 2019.

²¹⁷ in relation to P4, for the Public Law Project, 'Public Law and Judicial Review North' (Public Law Project, 2019) <<https://publiclawproject.org.uk/events/public-law-and-judicial-review-north/>> accessed 14 June 2019.

²¹⁸ see, for example, Jill Dickinson and Vicky Heap, 'Place-making and shopping spaces: reconciling market demands and managing anti-social behaviour' (Cities, Crime & Disorder Symposium, Sheffield, September 2016); Jill Dickinson, 'Qualitative Research: design, destiny and determination!' (METHOD, Sheffield, March 2016); Jill Dickinson, 'Exploring law's manifestations within shopping centre operations' (Institute of Place Management, Manchester, May 2016); Jill Dickinson and Vicky Heap, 'Place-making and shopping centres: exploring the tensions between stakeholders and the law', (Socio-Legal Studies Association Annual Conference, Lancaster, April 2016).

²¹⁹ see, for example, in relation to P4, Vicky Heap and Jill Dickinson, 'Public Spaces Protection Orders: a new, unregulated frontier in criminalisation' (Sheffield Institute for Policy Studies, 17 June 2018) <<https://sheffieldinstituteforpolicystudies.com/2018/06/27/public-spaces-protectionorders-a-new-unregulated-frontier-in-criminalisation/>> accessed 6 May 2019; Vicky Heap and Jill Dickinson, 'Public Spaces Protection Orders: a boost to council finances' (Sheffield Institute for Policy Studies, 27 June 2018) <<https://sheffieldinstituteforpolicystudies.com/2018/06/27/public-spaces-protection-orders-a-sective-way-of-generating-income-for-local-councils/>> accessed 6 May 2019; in relation to P3, Jill Dickinson and James Marson, 'Greenspace Governance: Statutory solutions from Scotland?' (Sheffield Institute for Policy Studies, 30 October 2018) <<https://sheffieldinstituteforpolicystudies.com/2018/10/30/greenspace-governance-statutory-solutions-from-scotland/>> accessed 6 May 2019.

²²⁰ on the subject of PSPOs.

²²¹ Murphy (n 30).

on Dangerous Dogs;²²² and founded the Public Urban Green Space Group.²²³ Reflecting on both the programme and this dissemination of its findings, I will now identify a number of recommendations for the future direction of the research.

4.5 Recommendations

My research demonstrates a central theme of place-sustainability within the following five contexts: occupiers' rights and liabilities,²²⁴ dangerous dogs,²²⁵ shopping centres,²²⁶ greenspace²²⁷ and public spaces protection orders.²²⁸ The collection of papers identifies potential opportunities for future research within each of these contexts; including the need for empirical research to inform the detail of any legislative change. The body of research also presents prospects for the adoption of a critical legal theory approach to critically examine the subjective nature of the law²²⁹ and how the law functions in practice.²³⁰ Such research could specifically explore the interplay between the variety of social issues that affect private/public places and the legal reasoning that underpins the law's response to them.

The programme also paves the way for future inquiries on the law's manifestations within other private/public places. These could, for example, focus on car parks, particularly given: their varying ownership and management structures,²³¹ health and safety issues around ageing car parks,²³² and criminological considerations in relation

²²² Parliament, *Dangerous Dogs: Breed Specific Legislation inquiry launched* (11 May 2018).

²²³ in relation to P3, P5 and P6, Economic and Social Research Council, 'It's Great Outdoors: The Debate' <<http://festivalofsocalscience.group.shef.ac.uk/its-great-outdoors-the-debate/>> accessed 1 July 2019; Economic and Social Research Council, 'It's Great Outdoors: Celebrating Sheffield's Greenspaces' <<http://festivalofsocalscience.group.shef.ac.uk/its-great-outdoors-celebrating-sheffields-green-spaces/>> accessed 1 July 2019.

²²⁴ see P1 and P2.

²²⁵ see P2.

²²⁶ see P7.

²²⁷ see P3, P5 and P6.

²²⁸ see P4.

²²⁹ James Boyle, 'The Politics of Reason: Critical Legal Theory and Local Social Thought' (1985) 133(4) *The University of Pennsylvania Law Review* 685.

²³⁰ Kathryn K Russell, 'A Critical View From the Inside: An application of critical legal studies to criminal law' (1994) 85(1) *J Crim L & Criminology* 222.

²³¹ British Parking Association, 'Report into Structural Safety and Maintenance of Car Parks in the UK' (July 2012) <www.britishparking.co.uk/write/Documents/BPA_Report_into_Structural_Safety_and_Maintenance_of_Car_Parks_in_the_UK_060712.pdf> accessed 17 April 2019.

²³² British Parking Association (n 231).

to instances of 'parking rage'.²³³ Stakeholders of car parks also face potentially interesting issues arising from technological advancements;²³⁴ contract law;²³⁵ and legislation to support the introduction of a new code of conduct.²³⁶

My research also presents opportunities for exploring the law's materialisations in particular uses of places. Particularly topical examples include the extension of insurance liability for motor vehicles on private land following the Court of Appeal's recent decision in *MIB v Lewis*,²³⁷ and the development of legislative responsibilities for connected and autonomous vehicles ('CAVs').²³⁸ To help pave the way for future research in this area, I have successfully secured funding to work with colleagues at the Centre for Technology Infusion at La Trobe University to undertake a comparative study between Australia and the UK of the legislative frameworks that should be enacted to facilitate the introduction of CAVs. This is the first academic study of its type. Academics and practitioners have focused on the technological development of CAVs and associated issues around privacy and ethics rather than the legislative infrastructure needed to underpin their introduction. This project forms the basis of a larger programme which is anticipated to culminate in outputs including an international research cluster, further bids for funding, and an established programme of doctoral student research. I have similarly been involved in a successful bid for funding from the Royal Institution of Chartered Surveyors Research Trust²³⁹ to conduct a multiple case study. The aim is to generate new insights into the preparedness of local authority planners, policy-makers and practitioners for the introduction of CAVs to the UK's road transport network. Linked

²³³ Richard Downie, 'Parking rage woman banned for 12 months' *The Telegraph* (London, 11 August 2001) <<https://www.telegraph.co.uk/news/uknews/1337064/Parking-rage-woman-banned-for-12-months.html>> accessed 17 April 2018; Richard Kerley, 'Controlling urban car parking – an exemplar for public management?' (2007) 20(6) *IJPSPM* 519.

²³⁴ John Patrick Fabros and others, 'Automated Car Park Management System' 79(1) (1st International Conference in Applied Physics and Materials Science, Philippines, October 2013).

²³⁵ Alex Nicholson, 'Too entrenched to be challenged? A commentary on the rule against contractual penalties post *Cavendish v Makdessi* and *ParkingEye v Beavis*' (2016) 22(3) *EJOC* <<http://webjcli.org/article/view/498/670>> accessed 22 May 2019.

²³⁶ The Parking (Code of Practice) Act 2019.

²³⁷ [2019] EWCA Civ 909, [2019] 6 WLUK 26; and related EU cases: Case C-162/13 *Damijan Vnuk v Zavarovalnica Triglav* ECLI:EU:C:2014:2146; Case C-80/17 *Fundo de Garantia Automovel v Alina Antonia Destapado Pao Mole Juliana and Cristiana Micaela Caetano Juliana* ECLI:EU:C:2018:661; and Case C-514/16 *Isabel Maria Pinheiro Vieira Rodrigues de Andrade, Fausto da Silva Rodrigues de Andrade v Jose Manuel Proença Salvador, Credito Agricola Seguros — Companhia de Seguros de Ramos Reais SA, Jorge Oliveira Pinto* ECLI:EU:C:2017:908.

²³⁸ Automated and Electric Vehicles Act 2018; see, for example, James Marson, Katy Ferris and Jill Dickinson, 'The Automated and Electric Vehicles Act 2018 Part 1 and Beyond: A Critical Review' (2019) *Statute Law Rev* hmz021 <<https://doi.org/10.1093/slr/hmz021>> accessed 7 March 2020.

²³⁹ Royal Institution of Chartered Surveyors Research Trust, 'RICS Research Trust' (2019) <<https://www.rics.org/uk/news-insight/research/research-trust/>> accessed 7 March 2020.

to this, I have been invited to work with colleagues from CRESR on a Policy Expo that is being funded by the Regional Studies Association to 'connect [research] and wider communities to societal questions and policy needs'.²⁴⁰

Finally, my work has also highlighted opportunities for research into how emergences of law within places can affect particular stakeholder groups; for example, how the law may contribute to perceptions of the home and the treatment of 'people out-of-place', including street sleeping homeless people and refugees.²⁴¹ In particular, following the publication of P4, I have been approached by an international philanthropic organisation to submit a bid for funding to support a national programme of research into perceptions of PSPOs. It is anticipated that the findings from this research will support a future campaign for the development of more fair and effective mechanisms to address instances of ASB. Future research could also explore 'legal geographies of exclusion'²⁴² and, for example, specifically respond to calls for addressing the lack of available evidence to support the future development of homelessness interventions.²⁴³

4.6 Concluding thoughts

My research has led to me making an overall, four-fold original contribution to knowledge on the principal emergent theme of place-sustainability. Whilst existing theoretical frameworks indicate the important relationships between people and place, my multi-disciplinary research contributes new insights around: perceived expressions of law; the law's role in addressing competing stakeholder interests; associations between place-related regulatory forces and exhibited behaviours; inter-stakeholder tensions; and, their combined influence on the future existence of places. My research demonstrates how an adoption of multiple methods can generate new understandings of place-sustainability within the context of a particular range of private/public places. It evidences the complex nature of place-sustainability

²⁴⁰ Regional Studies Association, 'Policy Expo Grant Scheme' (2020) <<https://www.regionalstudies.org/funding/policy-expo-grant-scheme/>> accessed 7 March 2020.

²⁴¹ Cresswell (n 32) 113.

²⁴² Pauline Mailet, Alison Mountz and Kira Williams, 'Exclusion Through Imperio: Entanglements of Law and Geography in the Waiting Zone, Excised Territory and Search and Rescue Region' (2018) 27(2) *Social & LS* 142, 144.

²⁴³ Peter Mackie, Sarah Johnsen and Jenny Wood, 'Ending Street Homelessness: What Works and Why We Don't Do It' (2019) 13(1) *Eur J Homelessness* 85.

and makes recommendations for combining legislative development, collaborative working, and supporting structural and cultural change to ease inter-stakeholder tensions and support the future existence of places for everyone's benefit within a dynamic social, economic, and technological landscape.

Alongside the substantive findings from the research, I have also developed my approach as a researcher. This has led to involvement in successful research bids, invites to join supervision teams and act as an internal and external examiner for other post-graduate students. One of my colleagues has also approached me to become her Director of Studies for her Article-based PhD. I have additionally been asked to speak at DLC's new Post-Graduate Research Support Group about my experiences.

My research programme has already created impact through: income-generation through external funding; dissemination at academic and practitioner events; media coverage; development of opportunities for early careers researchers; contribution to national inquiries and campaigns; and, the creation of a new, externally-facing research and practice group. My research has also built a strong theoretical, methodological and empirical foundation for future research opportunities around law's manifestations in private/public places and place-sustainability. Its evidence of how changing social, economic, environmental, legal, cultural and technological conditions can exacerbate tensions within different places indicates an important need for continued research in this area, particularly to maximise the law's potential for striking an appropriate balance between competing stakeholder interests within different private/public places.

Appendices

Appendix 1:

Dickinson J, 'Open season for burglar battering: is it time to check in with the civil courts?' (2014) 2 JPILaw 63.

Appendix 2:

Bleasdale-Hill L and Dickinson J, 'Dangerous Dogs': Different Dog, Same Lamppost?' (2016) 80(1) JCL 64.

Appendix 3:

Dickinson J and Marson J, 'Greenspace Governance: Statutory Solutions from Scotland?' (2017) StatLR hmx031.

Appendix 4:

Heap V and Dickinson J, 'Public Spaces Protection Orders: a critical policy analysis' (2018) 17(3) Safer Communities 182.

Appendix 5:

Dickinson J, Bennett E and Marson J, 'Challenges facing green space: is statute the answer?' (2018) 12(1) JPMD 121.

Appendix 6:

Dickinson J and Wyton P, 'Urban greenspace quandaries: Can systems thinking offer any solutions?' (2019) 12(3) PPP 167.

Appendix 7:

Dickinson J, 'Quasi-Public Place-Governance: An Exploration of Shopping Centres' (2019) 40(4) BULA 161.

Bibliography

Books

Adams WM, *The future of sustainability: Re-thinking environment and development in the twenty-first century* (2006 The World Conservation Union)

Anthony T and Cunneen C, *The Critical Criminology Companion* (Hawkins Press 2008)

Atkinson R and Blandy S, *Domestic Fortress: Fear and the New Home Front* (Manchester University Press 2017)

Auge M, *Non-places: an Introduction to an Anthropology of Supermodernity* (Verso 1995)

— — 'Paris and the Ethnography of the Contemporary World' in Sheringham M (ed), *Parisian Fields* (Reaktion Books 1996)

Banakar R and Travers M, *Law and Social Theory* (9th edn, Hart Publishing 2013)

Benda-Beckmann F von and Benda-Beckmann K von, 'Places That Come and Go: A Legal Anthropological Perspective on the Temporalities of Space in Plural Legal Orders' in Braverman I and others (eds), *The Expanding Spaces of Law: A Timely Legal Geography* (Stanford Law Books 2014)

Bradney A, 'The Place of Empirical Legal Research in the Law School Curriculum' in Cane P and Kritzer HM, *The Oxford Handbook of Empirical Legal Research* (Oxford University Press 2010)

Blandy S, 'Socio-legal Approaches to Property Law Research' in Susan Bright and Sarah Blandy (eds), *Researching Property Law* (Palgrave 2016)

Braverman I and others, 'Introduction: Expanding the Spaces of Law' in Braverman I and others (eds), *The Expanding Spaces of Law: A Timely Legal Geography* (Stanford Law Books 2014)

Braverman I and others (eds), *The Expanding Spaces of Law: A Timely Legal Geography* (Stanford Law Books 2014)

Bright S and Blandy S (eds), *Researching Property Law* (Palgrave 2016)

Bryman A, *Social Research Methods* (Oxford University Press 2012)

Chynoweth P, 'Legal Research' in Knight A and Ruddock L (eds), *Advanced Research Methods in the Built Environment* (Wiley-Blackwell 2008)

Cohen L, Manion L and Morrison K, *Research Methods in Education* (6th edn, Routledge 2007)

Creswell JW, *Research Design: Qualitative, Quantitative, and Mixed Methods Approaches* (Sage 2018)

Cresswell T, *Place: a short introduction* (Blackwell Publishing 2004)

Davies M, 'Legal Pluralism' in Cane P and Kritzer HM (eds), *The Oxford Handbook of Empirical Legal Research* (Oxford University Press 2010)

Dean J, *Doing reflexivity* (Policy Press 2017)

Dean M, *Governmentality: Power and rule in modern society* (Sage 1999)

Dixon M, 'A Doctrinal Approach to Property Law Scholarship: Who cares and why?' in Susan Bright and Sarah Blandy (eds), *Researching Property Law* (Palgrave 2016)

Ewick P and Silbey S, *The Common Place of Law: Stories from Everyday Life* (University of Chicago Press 1998)

Finlay L and Gough B, 'Reflexivity Through Collaboration' in Finlay L and Gough B (eds), *Reflexivity: A Practical Guide for Researchers in Health and Social Sciences* (Blackwell Publishing 2003)

Flint J, *Housing, Urban Governance and Anti-social behaviour: Perspectives, policy and practice* (Policy Press 2006)

Flyvbjerg B, *Making Social Science matter: why social inquiry fails and how it can succeed again* (Cambridge University Press 2001)

Foucault M, 'Governmentality' in G Burchell, C Gordon and P Miller (eds), *The Foucault Effect: Studies in Governmentality* (University of Chicago Press 1991)

Fougère M, 'Governmentality' in Mills AJ, Durepos G and Wiebe E (eds), *Encyclopaedia of Case Study Research* (SAGE Publications Inc 2012)

Glaser BG and Strauss AL, *Strategies for Qualitative Research* (Routledge 2017) (Original work published 1967)

Glasze G, 'Some Reflections on the Economic and Political Organisation of Private Neighbourhoods' in Rowland Atkinson and Sarah Blandy (eds), *Gated Communities: International Perspectives* (Routledge 2006)

Grix J, *The Foundations of Research* (Palgrave Macmillan 2004)

Hubbard P and Kitchen R, 'Introduction' in Hubbard P and Kitchen R (eds), *Key Thinkers on Space and Place* (Sage Publications 2011)

Hummon DM, 'Community Attachment' in Altman I and Low SM (eds), *Place Attachment. Human Behavior and Environment (Advances in Theory and Research)* (vol 12, Springer 1992)

Kara H, *Creative Research Methods in the Social Sciences: A Practical Guide* (Policy Press 2015)

Kohn M, *Brave New Neighbourhoods* (Routledge 2004)

Layard A, 'Reading Law Spatially' in Creutzfeldt N, Mason M and McConnachie K (eds), *Routledge Handbook of Socio-Legal Theory and Methods* (Taylor & Francis Group 2019)

— — and Milling J, 'Creative place-making: Where legal geography meets legal consciousness' in Warren S and Jones P (eds), *Creative Economies, Creative Communities: Rethinking Place, Policy and Practice* (Ashgate Publishing Ltd 2015)

Long M, 'Critical Criminology' in Jennings WG, Higgins GE, Maldonado-Molina MM and Khey DN, *The Encyclopedia of Crime and Punishment* (Wiley Blackwell 2015)

Low SM and Altman I, 'Place Attachment' in Altman I and Low SM (eds), *Place Attachment. Human Behavior and Environment (Advances in Theory and Research)* (vol 12, Springer 1992)

McConville M and Chui WH, 'Introduction and Overview' in McConville M and Chui WH (eds), *Research Methods for Law* (Edinburgh University Press 2007)

Marotta V, 'Home, Mobility and the Encounter with Otherness' in Lobo M and Mansouri F (eds), *Migration, Citizenship and Intercultural Relations: Looking through the Lens of Social Inclusion* (Routledge 2011)

Maso I, 'Necessary subjectivity: exploiting researchers' motives, passions and prejudices in pursuit of answering 'true' questions' in Finlay L and Gough B (eds), *Reflexivity: A Practical Guide for Researchers in Health and Social Sciences* (Blackwell Publishing 2003)

Massey D, *Space Place and Gender* (Polity Press 1994)

May T, *Social Research: Issues, Methods and Process* (4th edn, Oxford University Press 2011)

Michaels R, 'The Functional Method of Comparative Law' in Reimann M and Zimmermann R (eds), *The Oxford Handbook of Comparative Law* (Oxford University Press 2006)

Savin-Baden M and Howell-Major C, *Qualitative Research: The essential guide to theory and practice* (Routledge 2013)

Schaffer F, *Elucidating Social Science Concepts: An Interpretivist Guide* (Routledge 2015)

Silverman D, *Doing Qualitative Research* (4th edn, SAGE Publications Ltd 2014)

Smits J, 'What is Legal Doctrine? On the Aims and Methods of Legal-Dogmatic Research' in Gestel R van, Micklitz H-W and Rubin EL (eds), *Rethinking Legal Scholarship: A Transatlantic Dialogue* (Cambridge University Press 2017)

Stake RE, *The Art of Case Study Research* (Sage 1995)

Tuan Y, *Space and Place: The Perspective of Experience* (University of Minnesota Press 1977)

— — *Topophilia: A Study of Environmental Perceptions, Attitudes and Values* (Columbia University Press 1990)

Ulrich W, 'Critical Systems Thinking for Citizens' in Flood RL and Romm NRA (eds) *Critical Systems Thinking* (Springer 1996)

Valverde M, 'Time Thickens, Takes on Flesh' in Braverman I and others (eds), *The Expanding Spaces of Law: a Timely Legal Geography* (Stanford Law Books 2014)

Whitehouse L and Bright S, 'The Empirical Approach to Research in Property Law' in Bright S and Blandy S (eds), *Researching Property Law* (Palgrave 2016)

Yin RK, *Case study research: Design and methods* (Sage 2003)

— — *Case Study Research and Applications: Design and Methods* (6th edn, Sage Publications Inc 2018)

Articles

Abaza M, 'Shopping Malls, Consumer Culture and the Reshaping of Public Space in Egypt' (2001) 18(5) *Theory, Culture & Soc'y* 97

Adams D and others, 'Exploring guerilla gardening: gauging public views on the grassroots activity' (2014) 20(1) *Int J of Justice and Sustainability* 1231

Ames H and others, 'Purposive sampling in a qualitative evidence synthesis: a worked example from a synthesis on parental perceptions of vaccination communication' (2019) 19(26) *BMC Medical Research Methodology* 1 304

Anton CE and Lawrence C, 'Home is where the heart is: The effect of place of residence on place attachment and community participation' (2014) 40 *J Env Psych* 451

Antwi SK and Hamza K, 'Qualitative and Quantitative Research Paradigms in Business Research: A Philosophical Reflection' (2015) 7(3) *EJBM* 217

Atkinson R and Blandy S, 'Domestic Fortress: Fear and the New Home Front Response' (2018) 55(2) *Urb Stud* 483

Attia M and Edge J, 'Be(com)ing a reflexive researcher: a developmental approach to research methodology' (2017) 4(1) *Open Rev Educ Res* 33

Azungah T, 'Qualitative research: deductive and inductive approaches to data analysis' (2018) 18(4) *Qual Res J* 383

Baldwin R and others, 'Assessing the Dangerous Dogs Act: When does a regulatory law fail?' (2000) (Summer) *Public Law* 282

Bannister J and O'Sullivan A, 'Civility, Community Cohesion and Antisocial Behaviour: Policy and Social Harmony' (2013) 42(1) *J Soc Policy* 91

Bartel R, 'Place-speaking: Attending to the relational, material and governance messages of Silent Spring' (2018) 184(1) *Geogr J* 64

— — and others, 'Legal Geography: An Australian Perspective' (2013) 51(4) *Geogr Res* 339

Baxter P and Jack S, 'Qualitative Case Study Methodology: Study Design and Implementation for Novice Researchers' (2008) 13(4) *Qual Rep* 544

Beidler KJ and Morrison JM, 'Sense of Place: Inquiry and application' (2016) 9 *J Urban: Int Res on Placemaking and Urban Sustainability* 205

Bell F, 'Empirical research in law' (2016) 25(2) *GLR* 262

Bennett L and Layard A, 'Becoming Spatial Detectives' (2015) 9(7) *Geogr Compass* 406

Benton L, 'Beyond legal pluralism: towards a new approach to law in the informal sector' (1994) 3 S& LS 223

Bishop E C and Shepherd M, 'Ethical Reflections: Examining Reflexivity Through the Narrative Paradigm' (2011) Qual Health Res XX(X) 1

Blandy S, 'Gated communities in England as a response to crime and disorder: context, effectiveness and implications' (2007) 1/2 PPP 47

— 'Gated communities revisited: defended homes nested in security enclaves' (2018) 11(3) PPP 136

— Bright S and Nield S, 'The Dynamics of Enduring Property Relationships in Land' (2018) 81(1) MLR 85

— and Sibley D, 'Law, Boundaries and the Production of Space' (2010) 19(3) S& LS 275

Bodnar J, 'Reclaiming public space' (2015) 52(12) Urban Stud 2090

Boyle J, 'The Politics of Reason: Critical Legal Theory and Local Social Thought' (1985) 133(4) The University of Pennsylvania Law Review 685

Braun V and Clarke V, 'Using thematic analysis in psychology' (2006) 3 Qual Res in Psych 77

Brickell K, "'Mapping" and "doing" critical geographies of home' (2012) 36(2) Progress in Human Geography 225

Brown KJ, 'The hyper-regulation of public space: the use and abuse of Public Spaces Protection Orders in England and Wales' (2017) 37(3) LS 543

— — 'The Banishment of the Poor From Public Space: Promoting and Contesting Neo-liberalisation at the Municipal Level' (2019) XX(X) S&LS 1

Button M, 'Private security and the policing of quasi-public space' 31(3) Int J Sociol Law 227

Campbell CJ, 'Space, Place and Scale: Human Geography and Spatial History in Past and Present' (2018) 239(1) P & P e23

Carmona M, 'The Place-shaping Continuum: A Theory of Urban Design Process' (2014) 19(1) J Urb Des 2

— — and others, 'Public space in an age of austerity' (2019) 24(4) Urban Des Int 241

Checkland P, 'The development of systems thinking by systems practice - a methodology from an action research programme' (1975) 2 Prog Cybern and Systems Res 278

- Chon DS and Wilson W, 'Perceived Risk of Burglary and Fear of Crime: Individual and Country-Level Mixed Modeling' (2016) 60(3) *Int J Offender Ther Comp Criminol* 308
- Cilliers EJ and others, 'Green Place-making in Practice: From Temporary Spaces to Permanent Places' (2015) 3 *J Urb Des* 349
- Coolen H and Meesters J, 'Private and public green spaces: meaningful but different settings' 27(1) *J Hous Built Environ* 49
- Craig G, 'Poverty, social work and social justice' (2002) 32(2) *BJSW* 669
- Croce M, 'All law is plural: legal pluralism and the distinctiveness of law' (2012) 44(65) *J Legal Plur* 1
- Cuevas HM and others, 'Benefits and Challenges of Multidisciplinary Project Teams: "Lessons Learned" for Researchers and Practitioners' (2012) 33(1) *ITEA J* 58.
- Davis DF, Golicic SL and Boerstler CN, 'Benefits and challenges of conducting multiple methods research in marketing' (2011) 39(3) *J Acad Mark Sci* 467
- Delaney D, 'Legal geography I: Constitutivities, complexities, and contingencies' (2015) 39(1) *Prog Hum Geog* 96
- Dempsey N and Burton M, 'Defining place-keeping: The long-term management of public spaces' (2011) 11(1) *Urban For Urban Green* 11
- Dickinson J, Fowler A and Griffiths T, 'Pracademics? Exploring Transitions and Professional Identities in Higher Education' (2020) *Studies in Higher Education* (In Press)
- — Fowler A and Griffiths T, 'The Gordian Knot: Getting tangled up in reflexivity' (forthcoming)
- Douglas MJ and others, 'Are cars the new tobacco?' (2011) 33(2) *J Public Health* 160
- Dwyer SC and Buckle JL, 'The Space Between: On Being an Insider-Outsider in Qualitative Research' (2009) 8(1) *Int J Qual Methods* 54
- Eberle EJ, 'The Method and Role of Comparative Law' (2009) 8(3) *Wash U Global Stud L Rev* 451
- Ebneyamini S and Moghadam MRS, 'Toward Developing a Framework for Conducting Case Study Research' (2018) 17 *Int J Qual Methods* 1
- Edyvane D, 'The Passion for Civility' (2017) 15(3) *PSR* 344

- El Hedhli K and others, 'Shopping well-being at the mall: construct, antecedents, and consequences' (2013) 66(7) JBR 856
- Elliott C, 'Interpreting the Contours of Self-Defence within the Boundaries of the Rule of Law, the Common Law and Human Rights' (2015) 79(5) JCL 330
- Findlay-King L and others, 'Localism and the Big Society: the asset transfer of leisure centres and libraries - fighting closures or empowering communities?' (2017) 37(2) Leisure Stud 158
- Flint J, 'Surveillance and exclusion practices in the governance of access to shopping centres on periphery estates in the UK' (2006) 4(1/2) Surveil Soc 52.
- Galley JS and Martey R, 'Visual spaces, norm governed places: the influence of spatial context online' (2009) 11(6) New Media & Soc 1041
- Garland G, 'The Limits of the Sovereign State' (1996) 36(4) BJC 445
- Gieryn TF, 'A Space for Place in Sociology' (2000) 26 Ann Rev Sociol 463
- Gioia DA, Corley KG and Hamilton AL, 'Seeking Qualitative Rigor in Inductive Research: Notes on the Gioia Methodology' (2013) 16(1) ORM 15
- Gonzalez BM, 'Topophilia and Topophobia: The home as an evocative place of contradictory emotions' (2005) 8(2) SAC 193
- Goss J, 'The "magic of the mall": an analysis of form, function, and meaning in the contemporary retail built environment' (1993) 83(1) A Assoc Am Geog 18
- Gray M and Barford A, 'The depths of the cuts: the uneven geography of local government austerity' (2018) 11(3) CPES 541
- Grewal D, Roggeveen AL and Nordfalt J, 'The Future of Retailing' (2017) 93(1) J Retail 1
- — Motyka S and Levy M, 'The Evolution and Future of Retailing and Retailing Education' (2018) 40(1) JME 85
- Halperin J-L, 'Law in Books and Law in Action: The Problem of Legal Change' (2011) 64 Me L Rev 45
- Han S-H, Brazeal LM and Pennington N, 'Is Civility Contagious? Examining the Impact of Modeling in Online Political Discussions' (2018) July-September SM+S 1
- Hanawalt PC, 'Research Collaborations: Trial, Trust and Truth' (2006) Cell 8 September 823
- Happer C and Philo G, 'The Role of the Media in the Construction of Public Belief and Social Change' (2013) 1(1) JSPP 2195

Harper D, 'Talking about pictures: a case for photo-elicitation' (2002) 17(1) *Visual Studies* 13

Harun NZ, Mandsor M and Said I, 'Place Rootedness Suggesting the Loss and Survival of Historical Public Spaces' (2015) 28 *Procedia Environ Sci* 528

Heap V and Dickinson J 'Public Spaces Protection Orders: a critical policy analysis' (2018) 17(3) *Safer Communities* 182

Heynen N, Perkins HA and Roy P, 'The Political Ecology of Uneven Urban Green Space: The Impact of Political Economy on Race and Ethnicity in Producing Environmental Inequality in Milwaukee' (2006) 42(1) *Urban Aff* 3

Hickman P, "'Third places" and social interaction in deprived neighbourhoods in Great Britain' (2013) 28(2) *J Hous Built Env* 221

— — 'A flawed construct? Understanding and unpicking the concept of resilience in the context of economic hardship' (2018) 17(3) *SPS* 409

Hubbard P and Prior J, 'Law, pliability and the multicultural city: Documenting planning law in action' (2017) 184 *Geogr J* 53

Hussain SG, 'Attacking the Dog-Bite Epidemic: Why Breed-Specific Legislation Won't Solve the Dangerous-Dog Dilemma' (2006) 74 *Fordham L Rev* 2847

Hutchinson T, 'Valé Bunny Watson? Law Librarians, Law Libraries and Legal Research in the Post-Internet Era' (2014) 106(4) *Law Libr J* 579

— — and Duncan N, 'Defining and Describing What We Do: Doctrinal Legal Research' (2012) 17(1) *Deakin LR* 83

Jennings V and Bamkole O, 'The Relationship between Social Cohesion and Urban Green Space: An Avenue for Health Promotion' (2019) 16(3) *Int J Environ Res Public Health* 452

Jennings V and others, 'Urban Green Space and the Pursuit of Health Equity in Parts of the United States' (2017) 14(11) *Int J Environ Res Public Health* 1

Jones C and Livingstone N, 'The 'online high street' or the high street online? The implications for the urban retail hierarchy' (2018) 28(1) *Int Rev Retail Distrib and Consum Res* 47

Jorgensen BS and Stedman RC, 'Sense of Place as an Attitude: Lakeshore owners' attitudes toward their properties' (2001) 21(3) *J Environ Psychol* 233

Kauffman K, 'The insider/outsider dilemma: field experience of a white researcher "getting in" a poor black community' (1994) 43(3) *Nurs Res* 179

Keping Y, 'Governance and Good Governance: a new framework for political analysis' (2018) 11(1) *FJHSS* 1

Kerley R, 'Controlling urban car parking – an exemplar for public management?' (2007) 20(6) IJPSPM 519

Kyle G, Graefe A and Manning R, 'Testing the Dimensionality of Place Attachment in Recreational Settings' (2005) 37(2) EAB 153

Lai Y-L and others, 'Specific fear-crime linkage: the effect of actual burglary incidents reported to the police on residents' fear of burglary' (2012) 35(1) J of Crime and Justice 13

Layard A, 'Shopping in the public realm: a law of place' (2012) 37(3) BritJL& Soc'y 412

— — 'Public Space: Property, Lines, Interruptions' (2016) 2(1) JL Prop& Soc'y 1

Le Texier M, Schiel K and Caruso G, 'The provision of urban green space and its accessibility: Spatial data effects in Brussels' (2018) 13(10) PLoS ONE 1 e0204684

Li T, 'Governmentality' (2007) 49(2) Anthropologica 275

Lister M, 'Citizens, Doing It for Themselves? The Big Society and Government through Community' (2015) 68(2) Parl Aff 352

Llewellyn K, 'A Realistic Jurisprudence - The Next Step' (1930) 30(4) Colum L Rev 431

Lorenzini D, 'Governmentality, subjectivity, and the neoliberal form of life' (2018) 22(2) J Cult Res 154

Loughran, K 'Urban parks and urban problems: An historical perspective on green space development as a cultural fix' (2018) 00(0) Urb Stud 1

Low SM, 'The Erosion of Public Space and the Public Realm: paranoia, surveillance and privatization in New York City' 18(1) City & Soc'y (2008) 43

Loza J, 'Business–Community Partnerships: The Case for Community Organization Capacity Building' (2004) 53(3) JBE 297

Lustig LC and others, 'Guiding principles for a successful multidisciplinary research collaboration' (2015) 1(3) Future Sci OA FS07

MacKenzie A, Pearson LJ and Pearson C, 'A framework for governance of public green spaces in cities' (2019) 44(4) Lands Res 444

Mackie P, Johnsen S and Wood J, 'Ending Street Homelessness: What Works and Why We Don't Do It' (2019) 13(1) Eur J Homelessness 85

Mac Sithigh D, 'Virtual walls? The law of pseudo-public spaces' (2012) 8(3) Int JLC 394

Madin S and Cassell C, 'The use of a research diary as a tool for reflexive practice: Some reflections from management research' (2006) 3(3) QRAM 208

Maggioni I and others, ' Shopping for well-being: The role of consumer decision-making styles' (2019) 105 J Bus Res 21

Maher C and others, 'Ensuring Rigor in Qualitative Data Analysis: A design research approach to coding combining NVivo with Traditional Material Methods' (2018) 17 Int J Qual Methods 1

Maillet P, Mountz A and Williams K, 'Exclusion Through Imperio: Entanglements of Law and Geography in the Waiting Zone, Excised Territory and Search and Rescue Region' (2018) 27(2) Social & LS 142

Mallett S, 'Understanding Home: A Critical Review of the Literature' (2004) 52(1) The Sociological Review 62

Mant J, 'Place Management as a Core Role in Government' (2008) 1(1) JPMD 1

Marson J, Ferris K and Dickinson J, 'The Automated and Electric Vehicles Act 2018 Part 1 and Beyond: A Critical Review' (2019) Statute Law Rev hmz021 <<https://doi.org/10.1093/slr/hmz021>>

McGrath C and others, 'Twelve tips for conducting qualitative research interviews' (2019) 41(9) Med Teach 1002

Mehra B, 'Bias in Qualitative Research: Voices from an Online Classroom' (2002) 7(1) The Qualitative Report Article 2

Meo AI, 'Picturing Students' Habitus: The advantages and limitations of photo-elicitation interviewing in a qualitative study in the city of Buenos Aires' (2010) 9(2) Int J Qual Methods 149

Merry SE, 'Global legal pluralism and the temporality of soft law' (2014) 46(1) J Legal Plur 108

Midgley G, Munlo I and Brown M, 'The theory and practice of boundary critique: developing housing services for older people' (1998) 49(5) J Operational Res 467

Midgley G and Pinzon LA, 'The implications of boundary critique for conflict prevention' (2011) 62(8) J Operational Res 1543

Musil TA, 'Evaluating development and community benefits of shopping malls: A case study using input/output analysis' (2011) 16(2) JFMPC 111

Nichols L, 'Social desire paths: A new theoretical concept to increase the usability of social science research in society' (2014) 43(6) Theory Soc 647

Nicholson A, 'Too entrenched to be challenged? A commentary on the rule against contractual penalties post *Cavendish v Makdessi* and *ParkingEye v Beavis*' (2016) 22(3) EJoCLI <<http://webjcli.org/article/view/498/670>>

Nilson F and others, 'The effect of breed-specific legislation on hospital treated dog bites in Odense, Denmark - A time series intervention study' (2018) 13(12) PLoS One 1

Nobles R and Schiff D, 'Using systems theory to study legal pluralism: what could be gained?' (2012) 46(2) L& Soc'y Rev 265

Nowell LS and others, 'Thematic Analysis: Striving to Meet the Trustworthiness Criteria' (2017) 16 Int J Qual Methods 1

O'Brien M, 'Equality and fairness: Linking social justice and social work practice' (2011) 11(2) Soc Work 145

Oldenburg R and Brissett D, 'The third place' (1982) 5(4) Qual Sociol 265

Oxley JA and others, 'Contexts and consequences of dog bite incidents' (2018) 23 January-February J Veterinary Behavior 33

Pancholi S, Yigitcanlar T and Guaralda M, 'Governance that matters: Identifying place-making challenges of Melbourne's Monash Employment Cluster' (2017) 10(1) JPMD 73

Probst B, 'The Eye Regards Itself: Benefits and challenges of reflexivity in qualitative social work research' Soc Work Res (2015) 39(1) 37

Pirie G, 'On Spatial Justice' (1983) 15 Environ and Plann A 465

Poku BA and others, 'The Opportunities and Challenges of Using Photo-Elicitation in Child-Centred Constructivist Grounded Theory Research' (2019) 18 Int J Qual Methods 1

Posner PL, 'The Pracademic: An Agenda for Re-Engaging Practitioners and Academics' (2009) 29(1) Public Budg Finance 12

Pound R, 'Law in Books and Law in Action', (1910) 44 A L Rev 12

Pratt A, 'The rise of the quasi-public space and its consequences for cities and culture' (2017) 3(36) Palgrave Commun 1

Priban J, 'A Sociology of Legal Distinctions: Introducing Contemporary Interpretations of Classic Socio-legal Concepts' (2017) 44 Brit J L & Soc'y S1

Purnell D, 'Expanding Oldenburg: homes as third places' (2015) 8(1) JPMD 51

Pyysiäinen J, Halpin D and Guilfoyle A, 'Neoliberal governance and 'responsibilization' of agents: reassessing the mechanisms of responsibility-shift in neoliberal discursive environments' (2017) 18(2) *Distinktion: J Social Theory* 215

Rajshekar M and others, 'The incidence of public sector hospitalisations due to dog bites in Australia 2001-2013' (2017) 41(4) *Aust NZ J Pub Heal* 377

Reeves S and others, 'Ethnography in qualitative educational research: AMEE Guide No. 80' (2013) 35(8) *Med Teach* e1365

Reyes RC, 'Public Space as Contested Space: The Battle over the Use, Meaning and Function of Public Space' (2016) 6(3) *IJSSH* 201

Roberts P, 'Shaping, making and managing places: Creating and maintaining sustainable communities through the delivery of enhanced skills and knowledge' (2009) 80(4-5) *TPR* 437

Robinson D and Graham N, 'Legal pluralisms, justice and spatial conflicts: New directions in legal geography' (2017) 184(3) *Geog J* 3

Rosenbaum D and others, 'Applying Grounded Theory to Investigating Change Management in the Nonprofit Sector' (2016) October-December *Sage Open* 1

Russell KR, 'A Critical View From the Inside: An application of critical legal studies to criminal law' (1994) 85(1) *J Crim L & Criminology* 222

Santos BDS, 'Law: A Map of Misreading. Toward a Postmodern Conception of Law' (1987) 14(3) *BritJL& Soc'y* 279

Scannell L and Gifford R, 'Defining place-attachment: A tripartite organizing framework' (2010) 30 *J of Env Psych* 1

Schiff DN, 'Socio-Legal Theory: Social Structure and Law' (1976) 39(3) *MLR* 287

Scotland J, 'Exploring the Philosophical Underpinnings of Research: Relating Ontology and Epistemology to the Methodology and Methods of the Scientific, Interpretive, and Critical Research Paradigms' (2012) 5(9) *ELT* 9

Selznick P, "'Law in Context" Revisited' (2003) 30(2) *Brit J L & Soc'y* 177

Singh V and Walwyn DR, 'Influence of Personal Epistemology on Research Design: Implications for Research Education' (2017) 13(2) *J Res Pract M2* 2.2

Smith O and Raymen T, 'Shopping with violence: Black Friday sales in the British context' (2017) 17(3) *J Consum* 677

Stokols D and Shumaker SA, 'The Psychological Context of Residential Mobility and Well-Being' (1981) 38(3) *J Soc Issues* 149

- Stromer Galley J and Martey R, 'Visual spaces, norm governed places: the influence of spatial context online' (2009) 11(6) *New Media & Soc* 1041
- Thiranagama S and others, 'Introduction: Whose civility?' (2018) 18(2-3) *Anthropol Theory* 153
- Thurow AP and others, 'The Dynamics of Multidisciplinary Research Teams in Academia' (1999) 22(4) *Rev High Educ* 425
- Timonen V and others, 'Challenges When Using Grounded Theory: A Pragmatic Introduction to Doing GT Research' (2018) 17 *Int J Qual Methods* 1
- Veness AR, 'Neither homed nor homeless: Contested definitions and the personal worlds of the poor' (1993) 12(4) *Political Geog* 319
- Vicens Q and Bourne PE, 'Ten Simple Rules for a Successful Collaboration' (2007) *PLoS Comput Biol* e44
- Walsham G, 'Doing interpretive research' (2006) 15 *EJIS* 320
- Westerink J and others, 'Contested Spaces? The Use of Place Concepts to Communicate Visions for Peri-Urban Areas' (2013) 21(6) *Euro Plan Stud* 780
- Williams DR and others, 'Beyond the commodity metaphor: Examining emotional and symbolic attachment to place' (1992) 14(1) *Leis Sci* 29
- Wolch J, Byrne J and Newell J, 'Urban green space, public health and environmental justice: The challenge of making cities just green enough' (2014) 125 (May) *Landscape Urban Plan* 234
- Yeong ML and others, 'Interview Protocol Refinement: Fine-Tuning Qualitative Research Interview Questions for Multi-Racial Populations in Malasia' 23(11) *The Qualitative Report* 2700
- You H, 'Characterizing the inequalities in urban public green space provision in Shenzhen, China' (2016) 56 *Habitat Int* 176
- Young TL and Nelson-Gardell D, 'A Grounded Theory Study of Collaboration in Multidisciplinary Teams' (2018) 12(5) *J Public Child Welf* 576
- Zhang Y and others, 'Quality over Quantity: Contribution of Urban Green Space to Neighborhood Satisfaction' (2017) 14(5) *Int J Environ Res Public Health* 535

Conference Papers

Backlund EA and Williams DR, 'A quantitative synthesis of place attachment research: Investigating past experience and place attachment' in Murdy JJ (ed), *Northeastern Recreation Research Symposium* (U.S. Department of Agriculture, Forest Service 2003)

Dickinson J, 'Qualitative Research: design, destiny and determination!' (METHOD, Sheffield, March 2016)

— 'Exploring law's manifestations within shopping centre operations' (Institute of Place Management, Manchester, May 2016)

— — and Heap V, 'Place-making and shopping centres: exploring the tensions between stakeholders and the law', (Socio-Legal Studies Association Annual Conference, Lancaster, April 2016)

— — and Heap V, 'Place-making and shopping spaces: reconciling market demands and managing anti-social behaviour' (Cities, Crime & Disorder Symposium, Sheffield, September 2016)

Economic and Social Research, 'The Future of Greenspace' (Festival of Social Science, Sheffield, November 2017)

Fabros JP and others, 'Automated Car Park Management System' (1st International Conference in Applied Physics and Materials Science, Philippines, October 2013)

Official Materials

Home Office, *Anti-Social Behaviour, Crime and Policing Act 2014: Anti-social behaviour powers. Statutory guidance for frontline professionals* (2017)

House of Commons Communities and Local Government Committee, *Public Parks* (HC 2016-7, 45)

House of Commons Environmental, Food and Rural Affairs Committee, *Controlling dangerous dogs* (HC 2017-19, 1040)

House of Commons Housing, Communities and Local Government Committee, *High Streets and Town Centres in 2030* (HC 2017-19, 1010)

Houses of Parliament Parliamentary Office of Science and Technology, *Green space and health* (POSTNote 538, October 2016)

Parliament, *Dangerous Dogs: Breed Specific Legislation inquiry launched* (11 May 2018)

— — *Public Parks, 4 How can we secure a sustainable future for parks?* (7 February 2017)

Public Health England, *Local action on health inequalities: improving access to green spaces* (September 2014, Health equity briefing 8)

UK Government and Parliament, *Closed Petition: Save our parks* (29 November 2018)

World Health Organisation for Europe, *Urban green spaces and health: a review of evidence* (2016) (WHO Regional Office for Europe, 2016)

Online/electronic sources

British Parking Association, 'Report into Structural Safety and Maintenance of Car Parks in the UK' (July 2012)

<www.britishparking.co.uk/write/Documents/BPA_Report_into_Structural_Safety_and_Maintenance_of_Car_Parks_in_the_UK-_060712.pdf>

Buscombe C and Wallop H, 'More people camping than staying in B&Bs' *The Telegraph* (London, 31 July 2010)

<www.telegraph.co.uk/travel/travelnews/7918737/More-people-camping-than-staying-in-BandBs.html>

Davies G, 'Henry Vincent funeral: Tempers flare as man arrested and rocks are thrown after mourners swear out of windows' *The Telegraph* (London, 4 May 2018)

<<https://www.telegraph.co.uk/news/2018/05/03/residents-block-hither-green-street-ahead-henry-vincent-funeral/>>

Dickinson J and Marson J, 'Greenspace Governance: Statutory solutions from Scotland?' (Sheffield Institute for Policy Studies, 30 October 2018)

<<https://sheffieldinstituteforpolicystudies.com/2018/10/30/greenspace-governance-statutory-solutions-from-scotland/>>

Doward J and Walker A, 'Why are so many people sleeping rough on Britain's streets?' *The Guardian* (London, 27 October 2018)

<www.theguardian.com/society/2018/oct/27/sleeping-rough-britain-streets-homelessness>

Downie R, 'Parking rage woman banned for 12 months' *The Telegraph* (London, 11 August 2001)

<www.telegraph.co.uk/news/uknews/1337064/Parking-rage-woman-banned-for-12-months.html>

Economic and Social Research Council, 'It's Great Outdoors: Celebrating Sheffield's Greenspaces' <<http://festivalofsocialscience.group.shef.ac.uk/its-great-outdoors-celebrating-sheffields-green-spaces/>>

— — 'It's Great Outdoors: The Debate' <<http://festivalofsocialscience.group.shef.ac.uk/its-great-outdoors-the-debate/>>

Gov.UK 'Ensuring the Vitality of Town Centres' (3 March 2014)

<www.gov.uk/guidance/ensuring-the-vitality-of-town-centres>

The Guardian, 'Dangerous dogs' *The Guardian* (London, 2020)

<<https://www.theguardian.com/uk/dangerous-dogs>>

Heap V and Dickinson J, 'Public Spaces Protection Orders: a boost to council finances' (Sheffield Institute for Policy Studies, 27 June 2018)

<<https://sheffieldinstituteforpolicystudies.com/2018/06/27/public-spaces-protection-orders-a-secretive-way-of-generating-income-for-local-councils/>>

— — and Dickinson J 'Public Spaces Protection Orders: a new, unregulated frontier in criminalisation' (Sheffield Institute for Policy Studies, 27 June 2018) <<https://sheffieldinstituteforpolicystudies.com/2018/06/27/public-spaces-protection-orders-a-new-unregulated-frontier-in-criminalisation/>>

Hennessy P and Kite M, 'Tories back new rights to help home owners protect themselves from burglars' *The Sunday Telegraph* (London, 19 December 2009) <www.telegraph.co.uk/news/uknews/law-and-order/6844682/Tories-back-new-rights-to-help-home-owners-protect-themselves-from-burglars.html>

Heritage Lottery Fund, *State of UK Public Parks 2016* (Heritage Lottery Fund, 2016) <https://www.heritagefund.org.uk/sites/default/files/media/attachments/state_of_uk_public_parks_2016_final_for_web%281%29.pdf>

Liberty, 'Stand Against Councils Punishing Poverty' <www.libertyhumanrights.org.uk/campaigning/stand-against-councils-punishing-poverty>

LinkedIn, 'Welcome to your professional community' (2020) <<https://uk.linkedin.com/>>

London & Cambridge Properties, 'Code of Conduct' <www.theconcourseshoppingcentre.co.uk/img/code-of-conduct.pdf>

Luscombe R, 'George Zimmerman acquitted in Trayvon Martin case' *The Guardian* (London, 14 July 2013) <<https://www.theguardian.com/world/2013/jul/14/zimmerman-acquitted-killing-trayvon-martin>>

Manifesto Club, 'Briefing on Public Spaces Protection Orders' (September 2014) <<http://manifestoclub.info/wp-content/uploads/Manifesto%20Club%20briefing%20on%20Public%20Spaces%20Protection%20Order%20powers.pdf>>

Morley K, 'Homeless vending machine removed from Nottingham shopping centre' *The Telegraph* (London, 4 April 2018) <<https://www.telegraph.co.uk/news/2018/04/04/homeless-vending-machine-removed-nottingham-shopping-centre/>>

Murphy S, 'Rough Estimates' *Big Issue North* (Manchester, 4 March 2019) <www.bigissuenorth.com/features/2019/03/rough-estimates/>

Northumbria Centre for Evidence & Criminal Justice Studies, 'NCECJS - Update Issue 1(1)' (October 2015) <www.northumbria.ac.uk/media/7984329/e-ncecjs-newsletter-issue-1.pdf>

Office for National Statistics, 'Overview of burglary and other household theft: England and Wales' (2017) <<https://www.ons.gov.uk/peoplepopulationandcommunity/crimeandjustice/articles/overviewofburglaryandotherhouseholdtheft/englandandwales>>

Perraudin F, 'Owner of bull terrier that killed neighbour jailed for 10 years' *The Guardian* (London, 13 February 2018) <www.theguardian.com/uk-news/2018/feb/13/owner-of-bull-terrier-that-killed-neighbour-jailed-for-10-years>

Pidd H, 'First vending machine for homeless people launches in UK' *The Guardian* (London, 19 December 2017) <www.theguardian.com/society/2017/dec/19/first-vending-machine-homeless-people-launches-uk-nottingham>

Press Association, 'Woman jailed after her dog attacked 12 children at playgroup in Blyth' *The Guardian* (London, 12 December 2017) <www.theguardian.com/uk-news/2017/dec/12/woman-jailed-dangerous-dog-attacked-12-children-playground-northumberland>

Public Law Project, 'Public Law and Judicial Review North' (2019) <<https://publiclawproject.org.uk/events/public-law-and-judicial-review-north/>>

Regional Studies Association, 'Policy Expo Grant Scheme' (2020) <<https://www.regionalstudies.org/funding/policy-expo-grant-scheme/#>>

Research England, 'Research Excellence Framework (REF)' <<https://re.ukri.org/research/research-excellence-framework-ref/>>

Royal Institution of Chartered Surveyors Research Trust, 'RICS Research Trust' (2019) <<https://www.rics.org/uk/news-insight/research/research-trust/>>

Royals Shopping, 'Code of Conduct' <<https://www.royalsshoppingcentre.co.uk/code-of-conduct>>

Sawer P, Marshall F and Swinford S, 'Pensioner, 78, arrested for murder after 'stabbing burglar to death in his home' *The Telegraph* (London, 4 April 2018) <www.telegraph.co.uk/news/2018/04/04/suspected-burglar-dies-tussle-pensioner-78/>

Sheffield Hallam University, 'Creating Knowledge: Code Of Practice' <<https://blogs.shu.ac.uk/creating/ref/preparations/code-of-practice/>>

Society of Legal Scholars, 'Welcome to the Society of Legal Scholars' (2019) <<https://www.legalscholars.ac.uk/>>

Sturke J, 'Self-defence or malicious revenge? Jail for brothers who beat burglar with bat' *The Guardian* (London, 14 December 2009) <<https://www.theguardian.com/uk/2009/dec/14/jail-brothers-burglar-cricket-bat>>

Telegraph Reporters, 'Burglary shooting couple emigrate to Australia' *The Telegraph* (London, 26 September 2012) <<https://www.telegraph.co.uk/news/uknews/crime/9568506/Burglary-shooting-couple-emigrate-to-Australia.html>>

Tunstall R, 'Communities in recession: the impact on deprived neighbourhoods' (Joseph Rowntree Foundation, October 2009)

<www.jrf.org.uk/sites/default/files/jrf/migrated/files/communities-recession-impact-neighbourhoods.pdf>

Vidal J, 'UK road traffic rises 25% in 15 years' *The Guardian* (London, 18 March 2009) <www.theguardian.com/environment/2009/mar/18/road-emissions-traffic>

Yedroudj L, 'Fatal Cornwall attack sparks call to reform dangerous dog laws' *The Guardian* (London, 14 April 2019) <<https://www.theguardian.com/uk-news/2019/apr/14/fatal-cornwall-attack-sparks-call-to-reform-dangerous-dog-laws>>

Personal Communications

Email from Banks J to author (1 May 2019)

Email from Bennett E to author (24 September 2018)

Email from Bleasdale-Hill L to author (28 February 2017)

Email from Heap V to author (10 April 2018)

Email from Marson J to author (12 January 2018)

Email from Marson J to author (20 September 2018)

Email from Medway D to author (12 August 2018)

Email from ! REF Support to author (5 September 2019)

Email from Robinson D to author (10 November 2015)

Email from Wyton P to author (15 March 2019)

Other materials

Dickinson J, 'To What Extent is a Person's Home Really Their Castle? Does the law strike an effective balance between the rights of occupiers and the rights of those entering their premises?' (LLM Thesis, University of Huddersfield 2012)

Economic and Social Research Council, 'The Future of Greenspace' (Festival of Social Science, Sheffield, November 2017)

— — 'The Future of Greenspace: Schools' Poster Competition' (Festival of Social Science, Sheffield, November 2019)

— — 'Whose place is it anyway?' (Festival of Social Science, Sheffield, November 2018)

Reviewers anonymised, 'Mini-REF 2015 - Completed review and feedback' (2015)