

IN THE PLANNING COURT

CO/2474/18

BETWEEN

R (on behalf of JAMES KENYON)

Claimant

and

WAKEFIELD COUNCIL

Defendant

SAUL CONSTRUCTION LTD

Interested Party



CONSENT ORDER

UPON the Claimant having applied for judicial review of the Defendant's decision to grant planning permission no. 08/00006/OUT dated 31 March 2016

BY CONSENT IT IS ORDERED THAT:

1. the Claimant be permitted to introduce a new ground 5 (as summarised in the statement of reasons);
2. the Claimant's claim is allowed;
3. the Council's decision of 31 March 2016 to grant planning permission for application no. 08/00006/OUT is quashed; and
4. the Defendant shall pay the Claimant's reasonable costs subject to detailed assessment on the standard basis if not agreed.

Signed by

Richard Buxton

Richard Buxton Environmental and Public Law, Solicitors for the Claimant

Signed by

[Signature]

Wakefield Council City Solicitor

Signed by

P. Cross

Saul Construction Ltd - STRATEGIC COORDINATOR.

By the Court

[Signature]

Andrew Gifford
1 July 2016

Statement of Reasons

1. On 31 March 2016, the Defendant granted planning permission no. 08/00006/OUT.
2. The Claimant challenged the Defendant's decision by way of application for judicial review of 12 May 2016.
3. The claim was brought on four grounds as set out in the Claimant's Statement of Facts and Grounds of 12 May 2016.
4. The Defendant's summary grounds of defence proposed an additional ground of claim, namely that the Defendant erred in failing to grant planning permission in accordance with the conditions proposed and reported to the Defendant's Planning Services Committee on 5 September 2013. In the circumstances, the permission has not been made subject to various conditions recommended to Committee made subject to others which were neither recommended nor considered by the Defendant's Committee and it has therefore been issued outwith the authority of the resolution of the Planning Services Committee.
5. Having considered the point raised by the Defendant; the parties agree that the Claimant should be permitted to introduce a new ground of review (ground 5) that: the Defendant has erred by failing to take into account material considerations and/or taken into account irrelevant considerations, namely certain conditions forming part of the grant of permission.
6. Further, and without prejudice to the parties' positions in all other respects, the parties agree that decision no. 08/00008/OUT of 31 March 2016 should be quashed on the basis of new ground 5.

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