

IN THE HIGH COURT OF JUSTICE
QUEEN'S BENCH DIVISION
PLANNING COURT



CO1136/2018

BETWEEN:

JOHN LANDON

Claimant

and

EAST CAMBRIDGESHIRE DISTRICT COUNCIL

Defendant

and

MS S BORLEY

Interested Party

CONSENT ORDER

UPON READING the Claim Form filed on behalf of the above-named Claimant

AND UPON READING the attached Statement of Matters for the making of this Order and the Consent Order

AND UPON the Claimant, Defendant and Interested Party indicating their consent to the making of this order.

BY CONSENT

IT IS ORDERED that:

1. The application for permission to apply for judicial review be granted;
2. The claim for judicial review be allowed;
3. The decision of the Defendant East Cambridgeshire District Council to grant planning permission for a single storey front extension and two storey rear extension at Little Tunbridge 28 Lode Road, Bottisham, Cambridge, CB25 9DJ under reference 17/02082/FUL and dated 23 January 2018 be quashed; and
4. The Defendant pay the Claimant's costs of the proceedings in the agreed sum of £4255.24 (including VAT) and within 14 days of the Court sealing the Consent Order.
5. There be no order of costs in respect of the Interested Party.

By the Court

Approved

Rhys Peches

Signed Richard Buxton Dated 5.3.2018
Environmental & Public Law
~~John Landon~~
c/o Richard Buxton Environmental & Public Law
19B Victoria Street
Cambridge CB1 1JP

Signed [Signature] Dated 5/3/2018
East Cambridgeshire District Council
The Grange
Nutholt Lane
Ely
Cambridgeshire CB7 4EE

Signed [Signature] Dated 2/3/18
Ms S Borley **BORLEY**
28 Lode Road
Bottisham
Cambridge CB25 9DJ

By the Court

STATEMENT OF REASONS FOR THE MAKING OF THE CONSENT ORDER

1. This statement sets out the agreed matters justifying the making of a Consent Order for the application for judicial review, the quashing of the Defendant's decision and the payment of the Claimant's costs by the Defendant (contingent upon the quashing of the planning permission and in the agreed sum).
2. On 23 January 2018 the Defendant Council granted planning permission for a single storey front extension and two storey rear extension at Little Tunbridge 28 Lode Road, Bottisham, Cambridge, CB25 9DJ under reference 17/02082/FUL.
3. The Claimant challenged the Defendant's decision by way of a pre-action protocol letter dated 21 February 2018 which set out five grounds of claim.
4. The Defendant accepts that:
 - (1) It made errors of fact in finding that the windows of the proposed scheme (a) would not create overlooking due their nature, and (b) were covered by permitted development rights, leading to a failure to take into account material considerations and the Claimant's representations and putting it in breach of policy ENV2 of the East Cambridgeshire District Local Plan 2015;
 - (2) It failed to give adequate reasons for granting permission for the proposed scheme (specifically in relation to windows) in light of objections raised by the Claimant (Ground 2);
 - (3) It acted irrationally in concluding that the views created by the windows of the scheme would not be harmful to neighbours' amenity (Ground 3).
5. For the above reasons, and without prejudice to the parties' positions in all other respects, the Defendant consents to the planning permission reference 17/02082/FUL being quashed.
6. In the light of the above, and to avoid the need and cost of further litigation, it is requested that the Court makes the Consent Order sought without the need for attendance by the Parties.

RECEIVED

28 JUN 2018

BY: _____