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

Claim No. CO/1751/2019

BETWEEN:

THE QUEEEN (on the application of)
FRANK BURY

Claimant

-and-

SHROPSHIRE COUNCIL

Defendant

-and-

G & M POVALL & SON

Interested Parties

CONSENT ORDER

UPON the Defendant considering the decision of the Court to grant permission for judicial review dated 16 October 2019
AND UPON the Defendant deciding not to further defend the claim
AND UPON the Interested party agreeing to this course of action

BY CONSENT IT IS ORDERED THAT:-

1. The decision notice dated 18 March 2019 issued by the Defendant granting planning permission on the application reference 17/05026/EIA for erection of two poultry sheds with office/wash facilities; 4 feed silos; creation of vehicular access with visibility splays, estate road and yard; formation of screening bunds at Land to the north east of Aston Munslow, near Craven Arms is quashed for the reasons set out in the Schedule to this Order and will be remitted to the Council for redetermination unless withdrawn.

2. The Defendant is to pay the Claimant's costs in bringing the claim in the sum of £15,000 (including VAT).

Signed: .....

Claire Porter
Director of Legal & Democratic Services

Date: 27 January 2020

for the Defendant
Solicitor for SHROPSHIRE COUNCIL

Shirehall
Abbey Foregate
Shrewsbury
Shropshire SY2 6ND

Signed: Richard Buxton Solicitors (SGK)

Date: 22 January 2020

For the Claimant
Solicitor for the Claimant Mr FRANK BURY

Richard Buxton Solicitors
19B Victoria Street
Cambridge CB1 1JP

Signed: Birketts LLP. (DJS)

Date: 22nd January 2020.

For the Interested Party
Solicitor for the Interested Party G & M POVALL & SON

Birketts LLP
Providence House
141-145 Princes Street
Ipswich
Suffolk IP1 1QJ

ADMINISTRATIVE COURT OFFICE
BY CONSENT ORDER AS ASKED

29 JAN 2020

Mark MAGGS SILVA
Planning Court Lawyer in the exercise of powers delegated by the Master of the QBD – CPR 52.1A

SCHEDULE

1. These proceedings concern an application for judicial review by the Claimant against the decision of the Defendant under reference 17/05026/EIA.

2. By Order dated 16 October 2019 permission to apply for judicial review was granted on Grounds 1 and 3 of the claim and the reasons challenge in ground 4 but only in so far as it relates to the issues in grounds 1 and 3.

3. The Defendant has carefully considered the said decision in light of the Claimant's Statement of Facts and Grounds attached to its Judicial Review Claim Form sealed on 30 April 2019 and the evidence served in support of that claim together with the Renewal Application Summary Grounds and submissions made at the renewal hearing on 16 October 2019.

4. With reference to Ground 1 of the Statement of Fact and Grounds, the Defendant concedes that it erred in taking its decision in that the officer report's conclusions regarding visual harm to the setting of heritage assets were not justified sufficiently in the case of some heritage assets.

5. The Defendant therefore considers that it is appropriate for the Court to make an Order quashing the decision.

By the Court