

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

Claim No. CO/2959/2021

IN THE MATTER OF A CLAIM FOR JUDICIAL REVIEW

BETWEEN:

THE QUEEN (on the application of RICHARD CLARIDGE)

Claimant

-and-

GLOUCESTERSHIRE COUNTY COUNCIL

Defendant

-and-

TIME RIGHT LIMITED

Interested Party



CONSENT ORDER

TAKE NOTICE that we, the solicitors for the Claimant, the Defendant and the Interested Party, **HEREBY CONSENT** to an Order in the following terms.

BY CONSENT IT IS ORDERED THAT:

1. The decision of the Defendant ("the Council") to grant planning permission on 14 July 2021 application reference 20/0056/STMAJW ("the Permission") to the Interested Party ("IP") for development at the IP's pet crematorium at Limekiln Farm, Middle Lypiatt, Stroud, Gloucestershire ("the Site") be quashed for the reasons set out in the Schedule to this Order.
2. The Defendant shall pay the costs of the Claimant, to be subject to detailed assessment if not agreed.

Dated: 11.01.2022

We the parties consent to an order in the above terms:

Signed:

A handwritten signature in black ink, appearing to be 'Andrew Taylor'.

Position:

Solicitor

Date: 10 January 2022

For and on behalf of the Claimant

Signed: *Cherrell*

Position: *Principal Lawyer*

Date: *6 January 2022*

For and on behalf of the Defendant

Signed: *Hugh James*

Position:

Date: 6 January 2022

For and on behalf of the Interested Party

Order approved as agreed by the parties

Charlotte Murphy, Planning Court Lawyer

11.01.2022

Schedule

1. This is a claim for judicial review of the decision of the Defendant (“**the Council**”) to grant planning permission on 14 July 2021 (“**the Permission**”) to the Interested Party (“**IP**”) for development at the IP’s pet crematorium at Limekiln Farm, Middle Lypiatt, Stroud, Gloucestershire (“**the Site**”).
2. Ground (1) of the claim for judicial review alleges a failure in the officer’s report to the Council planning committee meeting on 8 July 2021 (“**the OR**”) to give “great weight” to conserving and enhancing the landscape and scenic beauty of the Cotwolds Area of Outstanding Natural Beauty (“**AONB**”) as required by paragraph 172 of the National Planning Policy Framework 2019 (“**NPPF**”).
3. It is accepted that the OR did not with sufficient clarity advise whether the development at the Site would, in the officer’s opinion, conserve the landscape and scenic beauty of the AONB, and if not, to what extent there would be conflict with that objective / harm to the AONB. It is accordingly not sufficiently clear whether, if conflict / harm was found, the OR correctly advised that “great weight” be given in the planning balance to conserving and enhancing the landscape and scenic beauty of the AONB. This error was liable to materially mislead the Council’s planning committee in respect of the approach required by paragraph 172 of the NPPF.
4. It is therefore agreed that the decision to grant the Permission be quashed on ground (1).
5. The Defendant and the Interested Party make no admissions as to grounds (2) and (3).