

Approved on 2 October 2023 by: *Mrs Justice Lang*



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

Claim No CO/113/2023

AC-2023-LON-000285

B E T W E E N:

DR CAROLINE RYE

Claimant

and

SECRETARY OF STATE FOR LEVELLING UP, HOUSING & COMMUNITIES

1st Defendant

and

DEREK WARWICK DEVELOPMENTS LTD

2nd Defendant

and

SOUTH DOWNS NATIONAL PARK AUTHORITY

3rd Defendant

~~[Draft]~~ **CONSENT ORDER MADE BETWEEN CLAIMANT AND 1st DEFENDANT**

UPON the court having made an order dated 21 June 2023 granting the Claimant permission (the “**Permission Order**”) to bring a statutory challenge pursuant to the Permission Order under section 288 Town and Country Planning Act 1990 against the 1st Defendant’s appeal decision of the Planning Inspector dated 6 December 2022 reference APP/Y9507/W/21/3289423 (the “**Decision**”) under Claim No CO/113/2023 (the “**Claim**”)

AND UPON the 1st Defendant agreeing that the Decision was rendered unlawful by a material error of fact that was relied on by the Planning Inspector as making the development acceptable in landscape, character, and Conservation Area terms (“**Ground 1 of the Claim**”) and that the Decision would not have been the same had it not been rendered unlawful.

AND UPON the 1st Defendant agreeing to consent to a quashing order under Ground 1 of the Claim.

AND UPON the Claimant seeking the 2nd Defendant’s agreement to consent to a quashing order and by email dated 12 July 2023 from the 2nd Defendant’s representative stating the 2nd Defendant “will continue to defend the claim to substantive hearing, notwithstanding the first defendant’s position”.

AND UPON the Claimant and 1st Defendant having reached an agreement as to the payment of the Claimant's costs on the terms set out below and agreeing to submit to a final order made on those terms if the Decision is quashed

IT IS ORDERED THAT:

1. The 1st Defendant shall pay the Claimant's costs up to the date of the Permission Order in the sum of £10,000 (inclusive of VAT). Such costs will only be payable in the event that the Decision is quashed. In the event the Decision is quashed, such costs will be paid within 21 days of the final order being sealed by the Court.

We hereby consent to an order in the above terms.



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Richard Buxton Solicitors
Solicitors to the Claimants



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Government Legal Department
For the 1st Defendant

BY THE COURT