

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



BETWEEN:

AC-2024-CDF-000040

OLIVER PERRIN

Claimant

and

NORTH DEVON DISTRICT COUNCIL

Defendant

and

NICHOLAS KENT-SMITH AND JEMMA GRIGG

Interested Parties

CONSENT ORDER

UPON READING the Claim Form filed on behalf of the above-named Claimant and the Defendant and Interested Parties' responses to the Claimant's pre-action protocol letter

AND UPON READING the attached Statement of Reasons for the making of this Order

AND UPON the Claimant, Defendant and Interested Parties agreeing to the making of this order.

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 North Devon Council (ref: 76857) dated 30 January 2024 to grant permission for "Erection of open market dwelling (amended size, scale, siting and design) - amended description & plans" at Land at Ley Lane Patchole Barnstaple Kentisbury, be quashed
4. The Defendant pay the Claimant's costs of the proceedings in the agreed sum of £9,461.20 and within 14 days of the Court sealing the Consent Order; and
5. There be no order of costs in respect of the Interested Parties.

By the Court

L Foster

.....
Lisa Foster, Partner
Richard Buxton Solicitors
Dale's Brewery
Gwydir Street
Cambridge
CB1 2LJ

Ref: PER2/1/LPF
Tel: 01223 328933
Solicitor to the Claimant

Carol Norman

.....
Carol Norman, Solicitor and Data Protection Officer
North Devon District Council
Lynton House
Commercial Road
Barnstaple
Devon EX31 1DG

Ref: LS/CN/008374
Tel: 01271 388760
Solicitor to the Defendant

Graham Townsend

.....
Graham Townsend, Director
Planning Partnership Ltd
Gloster Road
Barnstaple
Devon EX32 9JR

Ref:
Tel: 07552 666818
Interested Parties' Planning Agent

Approved
HHJ Jarman KC
03.04.2024

STATEMENT OF REASONS FOR THE MAKING OF THE CONSENT ORDER

1. This statement sets out the agreed matters justifying the making of an Order allowing the claim for judicial review, the quashing of the Defendant's decision and the payment of the Claimant's costs by the Defendant.
2. On 30 January 2024 the Defendant Council issued a decision granting permission for "Erection of open market dwelling (amended size, scale, siting and design) - amended description & plans" at Land at Ley Lane Patchole Barnstaple Kentisbury.
3. The Claimant challenged the Defendant's decision by way of a Pre-Action Protocol ("PAP") letter dated 8 February 2024, which set out three grounds of claim:
 - (1) Inadequate reasoning
 - (2) Irrationality
 - (3) Apparent bias
4. The Defendant agreed in its PAP response dated 1 March 2024 to consent to judgment on Ground 1 only, on the basis it accepts that having regard to the authority's Planning Code of Conduct and Oakley v South Cambridgeshire DC [2017] 2 P & CR 4, it should have, but failed, to give any or any adequate reasons for its decision to grant planning permission contrary to the officer's recommendation.
5. The planning agent instructed by the interested parties confirmed by email on 1 March 2024 that the interested parties consented to the judgment in the terms set out within the Defendant's PAP response.
6. Without prejudice to the parties' positions in all other respects, the parties agree that the decision to grant planning permission under reference 76857 should be quashed on the basis that the Defendant should have, but failed, to give any or any adequate reasons for its decision to grant planning permission contrary to the officer's recommendation.

