

CO/1899/2023

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

BETWEEN:

JOHN HARRISON

Claimant

and

UTTLESFORD DISTRICT COUNCIL

Defendant

and

LORD RAYLEIGH'S FARMS LTD

Interested Party



CONSENT ORDER

UPON READING the Claim Form filed on behalf of the above-named Claimant
AND UPON READING the attached Statement of Reasons for the making of this Order and
the Consent Order
AND UPON the Claimant, Defendant and Interested Party agreeing 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 Uttlesford District Council (ref: UTT/23/0508/PAQ3) dated 17 April 2023 not to require prior approval for the change of use of an agricultural building to 1 dwelling at Barn at Hole Farm, Willows Green, Main Road, Felsted, be quashed on the ground set out in the attached Schedule of Reasons.
4. The Defendant pay the Claimant's costs of the proceedings in the agreed sum of £8,000 (including VAT) and within 14 days of the Court sealing the Consent Order; and
5. There be no order of costs in respect of the Interested Party.

By the Court

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Solicitor to the Claimant

Free

Dated: 27/06/2023
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Solicitor to the Defendant

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DANIEL AS SECRETARY OF LORD RAYLEIGH'S
Lord Rayleigh's Farms Ltd FARM LTD
The Farm Office
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Terling
Essex CM3 2QW

Ref:
Tel: 01295 200585
Interested Party

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 17 April 2023 the Defendant Council issued a decision not to require prior approval for the change of use of an agricultural building to 1 dwelling at Barn at Hole Farm, Willows Green, Main Road, Felsted.
3. The Claimant challenged the Defendant's decision by way of a pre-action protocol ("PAP") letter dated 5 May 2023, which set out two grounds of claim.
4. The Defendant agrees in its PAP response dated 22 May 2023 to consent to judgment on Ground 1, that the Officer's Report failed to give adequate reasons for not requiring prior approval, contrary to regulation 7 of the Openness of Local Government Bodies Regulations 2014.
5. For the above reasons, and without prejudice to the parties' positions in all other respects, the Defendant consents to the decision not to require prior approval under reference UTT/23/0508/PAQ3 being quashed.