

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

COURT REF: AC-2024-LON-003043



BETWEEN:

AC-2024-LON-003043

CAROLINE MILLS

Claimant

and

CHERWELL DISTRICT COUNCIL

Defendant

and

GEOFFREY TAYLOR

Interested Party

CONSENT ORDER

UPON READING the Claim Form filed on behalf of the above-named Claimant and the Defendant and Interested Party's 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 Party agreeing to the making of this order.

BY CONSENT IT IS ORDERED THAT:

1. Permission to apply for judicial review be granted;
2. The claim for judicial review be allowed;
3. The decision of the Defendant (ref: 23/03290/F) dated 7 August 2024 to grant permission for "Change of use of existing poultry shed to container storage (Use Class B8) including associated landscaping" at Poultry House, Rickfield Farm, Station Road, Milcombe, OX15 4RS, be quashed and remitted back to the Defendant for redetermination;
4. The Defendant is to pay the Claimant's costs of the proceedings in the agreed sum of £3,995.40 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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Interested Party

Order approved
Tim Corner KC sitting as a Deputy Judge of the High Court
Date: 22nd October 2024

BY THE COURT

STATEMENT OF REASONS FOR THE MAKING OF THE CONSENT ORDER

1. This statement sets out the agreed matters justifying the making of the Order.
2. On 7 August 2024 the Defendant Council issued a decision granting permission for "Change of use of existing poultry shed to container storage (Use Class B8) including associated landscaping" at Poultry House, Rickfield Farm, Station Road, Milcombe, OX15 4RS.
3. The decision was issued following a resolution of the Defendant's Planning Committee at its meeting on 1 August 2024 to grant planning permission for the development.
4. The Committee had been provided with advice by officers in the form of a report. The report recommended refusal of the application on the basis that

The self-storage facility is in a geographically unsustainable location. The scale and nature of the use is considered inappropriate in a rural location and the application fails to demonstrate exceptional circumstances or adequate justification for why the development should be located on an unallocated rural site. The proposed development is therefore contrary to Policies SLE1, ESD1 and ESD13 of the Cherwell Local Plan 2011-2031 and Government guidance in the National Planning Policy Framework.
5. The Defendant has not recorded the reasons of the Committee for departing from the advice of the officers either at the meeting or subsequently.
6. In the circumstances, the parties agree that the Defendant was under an obligation to give reasons for its decision and has failed to do so. It is agreed that the Claimant and others are prejudiced by this failure.
7. The Claimant challenged the Defendant's decision by way of a Pre-Action Protocol ("PAP") letter dated 14 August 2024, which set out one ground of claim, namely the failure to give any or any adequate reasons for the Defendant's decision to grant planning permission.
8. The Defendant agreed in its PAP response dated 28 August 2024 to consent to judgment, on the basis it accepts that the Decision was legally flawed by reason of a