

CLAIM NO: CO/352/2015

IN THE HIGH COURT OF JUSTICE

QUEEN'S BENCH DIVISION

BIRMINGHAM DISTRICT REGISTRY

PLANNING COURT

BURTON AND SOUTH DERBYSHIRE COLLEGE

Claimant

v

SECRETARY OF STATE FOR

COMMUNITIES AND LOCAL GOVERNMENT

Defendant

EAST STAFFORDSHIRE BOROUGH COUNCIL

and

ROLLESTON ON DOVE PARISH COUNCIL

Interested parties

CONSENT ORDER

TAKE NOTICE that we the undersigned solicitors acting for the above mentioned parties **HEREBY CONSENT** to an Order in the following terms:

1. That the claim pursuant to section 288 of the Town and Country Planning Act 1990 ('TCPA'), Administrative Court reference C0/352/2015, be allowed and the decision of the Defendant contained in the Appeal Decision Letter dated 15 December 2014 referenced APP/B3410/A/13/2209697 be quashed for the reasons set out in the Schedule to this Order only, and remitted to the Defendant for redetermination.

2. That the Defendant do pay the reasonable costs of the Claimant in respect of this application to the date that this Order is submitted to the Court for approval, to be subject to detailed assessment if not agreed.

SCHEDULE

1. These proceedings concern an application under section 288 of the TCPA to quash the decision of the Defendant, made by letter dated 15 December 2014, to dismiss the Claimant's appeal under section 78 of the TCPA.

2. The s78 appeal challenged the Defendant's decision to refuse the Claimant's appeal against the refusal of outline planning permission for development of up to 100 residential units and associated open space by the First Interested Party on land South of Forest School, Rolleston on Dove, Staffordshire.

3. The Defendant has carefully considered the said decision in the light of the Claimant's statement of facts and grounds attached to the Claimant's Part 8 Claim Form dated 23 January 2015 and the evidence in support of the claim.

4. The Defendant concedes that in paragraph 23 of his Decision Letter, he failed to take account of a relevant consideration, namely that the appeal site in its entirety is identified as a proposed housing allocation in the emerging Local Plan. The Defendant consequently

erred in law in determining the s78 appeal and considers that it is appropriate for the Court to make an Order quashing the decision and remitting the decision for redetermination.

5. The Claimant believes that the First Defendant should have conceded the case in relation to all of the grounds cited in the claim. This is not agreed by the First Defendant, however, in the light of the concession made by the First Defendant for the reasons set out above, the parties agree that it is not necessary for the matter to proceed to hearing notwithstanding the fact that the entirety of the Claimant's arguments have not been agreed, as in the light of the concession on the Ground 11, the other grounds become academic.

We consent to an order in the above terms on behalf of the named parties:

Dated this ^{1st} ^{Ms}  day of April 2015


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