



**In the High Court of Justice
Queen's Bench Division
Planning Court**

CO Ref:

CO/3033/2017



In the matter of an application for Judicial Review

The Queen on the application of Sedlescombe Parish Council

versus

Rother District Council

**Application for permission to apply for Judicial Review
NOTIFICATION of the Judge's decision (CPR Part 54.11, 54.12)**

Following consideration of the documents lodged by the Claimant and the Acknowledgements of service filed by the Defendant and / or Interested Party

Order by Sir Wyn Williams sitting as a High Court Judge

Permission is hereby refused.

Reasons:

The AOSs submitted by the Defendant and IP are compelling. I am satisfied that the Defendant's Committee made no errors of law in its approach to the IP's application. The Committee was entitled to attach significant weight to the lack of a five year housing supply (as it clearly did) and it did not err in its approach to national planning policy or local or emerging local planning policy. Its view of the contention that the grant of planning permission would be premature was one which was open to the Committee. Its reasoning is properly discernible from the relevant minutes. I have reached the clear conclusion that there is no properly arguable basis to challenge the grant of planning permission in this case.

- The costs of preparing the defendant's Acknowledgment of Service are to be paid by the claimant to the defendant, in the sum of £2450 plus VAT unless within 14 days the claimant notifies the court and the defendant, in writing, that it objects to paying costs, or as to the amount to be paid, in either case giving reasons. If it does so, the defendant has a further 14 days to respond to both the court and the claimant, and the claimant the right to reply within a further 7 days, after which the claim for costs is to put before a judge to be determined on the papers. Where the claimant seeks a reconsideration, costs are to be dealt with on that occasion.
- I make no order for costs as between the Claimant and IP applying the well settled principle that normally only one set of costs is awarded in cases such as these.
- No other orders are necessary unless the Claimant seeks a reconsideration in which case any further applications can be dealt with at the oral hearing

Signed

For completion by the Planning Court

Sent / Handed to the claimant, defendant and any interested party / the claimant's, defendant's, and any interested party's solicitors on (date):

Solicitors:

Ref No.

18 SEP 2017 ref: SEDLEG1-01

Notes for the Claimant

If you request the decision to be reconsidered at a hearing in open court under CPR 54.12, you must complete and serve the enclosed FORM 86B within 7 days of the service of this order. A fee is payable on submission of Form 86B. **For details of the current fee see the Court website.** Failure to pay the fee or lodge a certified Application for Fee remission may result in the claim being struck out. The form for Application for Remission of a Fee is obtainable from the Justice website <http://hmctsformfinder.justice.gov.uk/HMCTS/FormFinder.do>



**In the High Court of Justice
Queen's Bench Division
Administrative Court**

CO Ref no: CO/3033/2017

In the matter of a claim for Judicial Review

The Queen on the application of

SEDLSCOME PARISH COUNCIL

versus ROTHER DISTRICT COUNCIL

Notice of RENEWAL of claim for permission to apply for Judicial Review (C P R 54. 12)

1. *This notice must be lodged in the Administrative Court Office, by post or in person and be served upon the defendant (and interested parties who were served with the claim form) within 7 days of the service on the claimant or his solicitor of the notice that the claim for permission has been refused.*
2. *If the claim was issued on or after 7 October 2013, a fee is payable on submission of Form 86B. Failure to pay the fee or lodge a certified Application for Fee remission may result in the claim being struck out. The form for Application for Remission of a Fee is obtainable from the Justice website <http://hmctsformfinder.justice.gov.uk/HMCTS/FormFinder.do>*
3. *If this form has not been lodged within 7 days of service (para 1 above) please set out below the reasons for delay:*
4. *Set out below the grounds for seeking reconsideration:*

5. *Please supply*

COUNSEL'S NAME:

COUNSEL TELEPHONE NUMBER:

Signed

Dated

Claimant's Ref No.

Tel.No.

Fax No.

To the Administrative Court Office, Royal Courts of Justice, Strand, London, WC2A 2LL

FORM 86B