

2021  
PLANNING COURT

BETWEEN:

R (as ANN FLETCHER)

and

HEREFORDSHIRE COUNCIL

and

GARETH WATKINS



Claimant  
Defendant

Interested Party

[draft] CONSENT ORDER

UPON permission for judicial review being granted for the Claimant's grounds 2 and 3 on 3 December 2021 by HHJ Bolcher

UPON the Claimant having renewed her application for permission for ground 1 of the claim

UPON READING correspondence between the parties filed with this draft Order

AND UPON the parties consenting hereto

BY CONSENT IT IS ORDERED that:

1. The decision of Herefordshire Council on 12 July 2021 to grant prior approval under reference P212415/PA7 is quashed
2. The Defendant do pay the Claimant's reasonable costs in the amount of £14,500 (Inc. VAT) in full and final settlement within 14 days of the date of this order

Richard Buxton Solicitors  
For the Claimant

Date: 8 March 2022

Alice McAlpine  
As a Senior Planning and  
Highways Lawyer  
For the Defendant

Alice McAlpine  
Date: 8 March 2022

Gareth Watkins  
For the Interested Party

Date: 25 February 2022

Reason: as set out in the correspondence accompanying this Order, the Defendant accepts that the decision under challenge was unlawful as per the Claimant's ground 3 because the Defendant failed to ascertain the use to which the crops to be stored in the proposed storage clamps would be put, therefore failing to satisfy itself that the development did not fall within the class of development not permitted under The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) Schedule 2, Part 6, A.1(k). The parties reserve their positions regarding the remaining grounds of the claim.

BY THE COURT