

IN THE HIGH COURT OF JUSTICE
ADMINISTRATIVE COURT
IN THE PLANNING COURT

CO/3196/2017

BETWEEN



The Queen (on the application of):

ANGMERING PARISH COUNCIL

Claimant

and

ARUN DISTRICT COUNCIL

Defendant

and

FRONTIER ESTATES (MERING) LIMITED

FRONTIER ESTATES (MIDLANDS) LTD

CHRISTOPHER MARTIN HOBDEN

RICHARD LIGHTFOOT HOBDEN

MARGARET PEARL HOBDEN

ASHOK DATTANI

LCT PENSIONS LIMITED

Interested Parties

CONSENT ORDER

UPON the Claimant and the Defendant having agreed the terms of this Order

AND UPON the Interested Parties not filing Acknowledgment of Service or Summary Grounds of Defence in accordance with Rule 54.8 of the Civil Procedure Rules

BY CONSENT IT IS ORDERED THAT:

- 1. The Claim for Judicial Review, Administrative Court reference CO/3196/2017, be allowed and the decision of the Defendant contained in the Letter dated 26 May 2017 be quashed.**
- 2. The matter be remitted to the Defendant for re-determination.**
- 3. The Defendant pays the costs of the Claimant in the sum of £11,202.06.**
- 4. There shall be liberty for the Interested Parties to apply to have this Order set aside and have the matter dealt with by way of a hearing within 14 days from the date of service.**

PARTICULARS

- 1. These proceedings concern a claim for Judicial Review of the decision of the Defendant to grant a non-material amendment (NMA), under section 96A TCPA, to planning permission A/27/16/PL. The decision, made under delegated powers by an officer of the Defendant, was by letter dated 26 May 2017.**
- 2. The NMA decision approved a change to block 4 of the development, from 24 apartments and communal spaces, to a 70 bed care home and communal spaces, on land to the east of Dapper's Lane, Angmering BN16 4EN.**
- 3. The effect of the NMA decision on the original planning permission A/27/16/PL, was that the development approved changed from: 53 care apartments within Class C2, parking, access, footpath, landscaping and other associated works, to: 29 care apartments within Class C2, 70 bed care home, parking, access, footpath, landscaping and other associated works.**
- 4. The Defendant has carefully considered the decision in light of the Claimant's Statement of Facts and Grounds. The Defendant concedes that the said decision should be quashed on the grounds that:**
 - a) The amendment was not non-material and required a planning application. The decision on the planning application would then be taken in accordance with the Defendant's Constitution, and referred to Development Control Committee if required. The decision on the planning application would take into account material considerations.**

- b) The officer making the decision under delegated powers failed to comply with the Scheme of Delegation in that a written record was not produced as required by the Defendant's Constitution at paragraph 5.2 of Part 4 Section 1.
- c) By failing to produce the said written record at (b) above, there was also a breach of Regulation 7 Openness of Local Government Bodies Regulations 2014 (2014/2095).

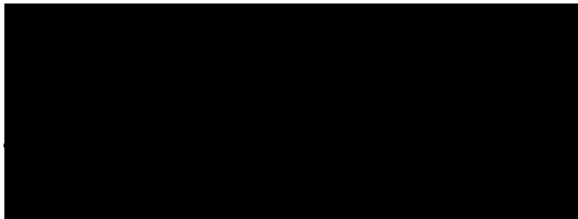
We consent to an Order in the above terms on behalf of the parties named below.

Dated this 15 day of August 2017



Arun District Council
Arun Civic Centre
Maltravers Road
Littlehampton
BN17 5LF

Authorised Officer for the Defendant



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Ref: 0356/306624.2

Solicitors for the Claimant

By the Court