



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

CO Ref:
CO/1058/2016

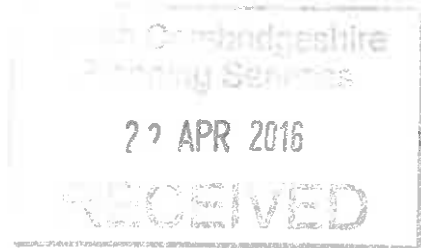
In the matter of an application for Judicial Review

The Queen on the application of

H. C. MOSS (BUILDERS) LIMITED

versus

SOUTH CAMBRIDGESHIRE 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

Order by the Honourable Mr Justice Dove

Permission is hereby refused.

Reasons:

The Defendant is afforded a broad discretion in relation to refusing to consider retrospective applications which have previously been, wholly or in part, the subject of an enforcement notice by virtue of s70C of the Town and Country Planning Act 1990. There is no error of law in the way in which it was exercised in this case. One of the key material considerations to which the Defendant was obliged to have regard was the refusal of the appeal against the enforcement notice in this case under grounds (a) and (f). The Defendant clearly did so and concluded, as it was entitled to do as a matter of planning judgment, that it would be inappropriate to accept the application. It is clear from the correspondence that the Defendant took account of all of the suggested reasons for accepting the application and rejected them. The weight to be attached to those matters was solely a matter for the Defendant and the conclusions which the Defendant reached were clearly within the bounds of a decision which could be made by a reasonable decision-maker in the circumstances. This case is unarguable, and the Defendant should be awarded the costs of acknowledging service.

- The costs of preparing the Acknowledgment of Service are to be paid by the claimant to the defendant, in the sum of £1,670 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.

Signed  13:14:16

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.

21 APR 2016

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 **Error! Hyperlink reference not valid.**