



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

CO Ref: CO/320/2019

In the matter of a claim for Planning Statutory Review



ASTON LODGE RESIDENTS ASSOCIATION
RESIDENTS

versus



**SECRETARY OF STATE FOR HOUSING COMMUNITIES AND LOCAL
GOVERNMENT (1)
STAFFORD BOROUGH COUNCIL (2)
FRADLEY ESTATES LIMITED (3)**

Defendants

RECEIVED
28 FEB 2019

**Application for permission to apply for Planning Statutory Review
NOTIFICATION of the Judge's decision (CPR PD 8C 7.1 to 7.8)**

Following consideration of the documents lodged by the Claimant, the Acknowledgement of service filed by the Third Defendant named above and the e-mail from the Government Legal Department on behalf of the First Defendant dated February 19 2019

Order by John Howell QC (sitting as a Deputy High Court Judge)

1. The two Interested Parties named by the Claimant are to be treated as the Second and Third Defendants to this application.
2. Permission is hereby granted.
3. This statutory application is hereby transferred to the Planning Court in Birmingham for administration and hearing.

Observations:

1. The two Interested Parties named in the Claim Form should have been made Defendants to this statutory application: cf CPR PD 8C at [4.1]. As no prejudice has been caused to them by that not being done, it is desirable to make them defendants without the need for a further application by an order made on the court's initiative to promote the overriding objective, including saving unnecessary costs. A party affected by this order may apply to have it set aside, varied or stayed pursuant to CPR Part 3 para 3.3(4)-(6).
2. The contention that the Inspector either failed to consider whether the proposed development would provide housing in a rural community (and thus qualify as a "rural exception site") or failed to give any reasons why the proposed development would do so is arguable.
3. On the basis of the information now available and without the benefit of argument, I am not prepared to conclude that this was not an issue raised by the Claimants, given that (i) it was their contention to the Second Defendant that the proposed development would not provide such housing (see [CB260]); (ii) that contention was reflected in the Second Defendant's reason for refusal (see [CB201]); and (iii) the Claimant's Statement of Case supported the Council's refusal and indicated that it would "rebut the appellant's contention that the appeal site can be considered a rural exception site" (see para 2.1 [CB125]).

4. Birmingham is the appropriate venue for the administration and hearing of this statutory application. No representations to the contrary have been made in response to the Order dated January 28 2019.

Case management directions

- The defendants and any other person served with the claim form who wishes to contest the claim or support it on additional grounds must file and serve detailed grounds for contesting the claim or supporting it on additional grounds and any written evidence, within 35 days of service of this order.
- Any reply and any application by the claimant to lodge further evidence must be lodged within 21 days of the service of detailed grounds for contesting the claim.
- The claimant must file and serve a trial bundle not less than 4 weeks before the date of the hearing of the planning statutory review.
- The claimant must file and serve a skeleton argument not less than 21 days before the date of the hearing of the planning statutory review.
- The defendant and any interested party must file and serve a skeleton argument not less than 14 days before the date of the hearing of the planning statutory review.
- The claimant must file an agreed bundle of authorities, not less than 3 days before the date of the hearing of the planning statutory review.

Listing Directions

The application is to be listed for 3 hours; the parties to provide a written time estimate within 7 days of service of this order if they disagree with this direction.

Case NOT suitable for hearing by a Deputy High Court Judge*

[*Tick if applicable]

Directions as to venue, if applicable: see the Order above.

Signed *John Howell*

The date of service of this order is calculated from the date in the section below

For completion by the Planning Court

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

Solicitors: RICHARD BOXTON SOLICITORS
Ref No. ALA1-001/MM/SK

16 FEB 2019

Notes for the Claimant

- You are reminded of your obligation to reconsider the merits of your claim on receipt of the defendant's evidence.