

Minutes of the extraordinary meeting of Onehouse Parish Council held on Monday 2 August 2021 at 7.30 p.m. in Trinity Hall.

**Present:** Cllrs Willshere (Chair), Corker, Cook, Taylor, Copping, Crissell and Nutman.

**1. Apologies for absence.** There were none.

**2. To consider the results of the application to go to a Judicial Review regarding development of land south of Union Road, consider whether to challenge the decision and the costs granted to the defendants and take any necessary action.**

Our application for permission to apply for judicial review has been refused by the judge citing the following observations

1. It is trite law as classically stated by Lindblom LJ in *St Mowlem Developments Ltd v SS for C and LG* [2017] EWCA Civ 1643 (paragraph 6(3)) and *R (on the application of Mansell) v Tonbridge & Malling BC* [2017] EWCA Civ 1314 (paragraph 42(2)) that

- i. The weight to be attached to any material considerations and all matters of planning judgement are matters for the decision-maker not this court; and
- ii. Decisions (and reports) are not to be construed forensically as one would a statute regulation or contract, but looked at in the round to see whether the decision-maker has been misled or has erred in a material respect when reading the decision or report as a whole.

2. Contrary to the submissions of the Claimant, the report and decision did not ignore the representations or arguments presented by the Claimant, but attached less weight to them and in the end rejected them in favour of contrary arguments raised by the Defendant and Interested Party. Because there was evidence on which to rely to reach the decision reached, the decision is not open to challenge.

3. It is not evident that the decision-maker took irrelevant matters into account, or failed to take relevant matters into account, nor did the decision lie outside the range of what a reasonable decision-maker could decide. The challenge is nothing more than a disagreement with the decision reached, and no public law grounds are apparent for this challenge.

4. No error of law is alleged or apparent.

The judge also awarded costs to MSDC of £4250.00 and £8940.00 to Endurance Estates as the interested party for preparation of the Acknowledgment of Service. Cllr Willshere advised that this was not the decision expected which was that the matter would go to a full hearing. We were not warned of the costs that could be awarded against us at this stage by our solicitor and any redress against this may be looked into at a later date. It also would appear that he did not file the correct information to cap any costs awarded against OPC.

After discussion it was unanimously agreed not to contest the decision of the judge but to contest the costs awarded to the defendant and interested party.

**3. To confirm date and time of the next meeting as Monday 13 September 2021 at 7.30 p.m.** Noted.

The meeting closed at 8.18 p.m.

Signed..... Dated.....