



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

Ref: AAP/u/240/x/17/3186342
CO Ref: CO/4467/2018

In the matter of a claim for Planning Statutory Review

ROYALE PARKS LIMITED

versus

**SECRETARY OF STATE FOR HOUSING, COMMUNITIES AND LOCAL
GOVERNMENT (1)
EAST DORSET DISTRICT COUNCIL (2)**



**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 and the
Acknowledgement of service filed by the First Defendant

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

Permission is hereby refused.

Reasons:

1. Ground 1 is unarguable. The Inspector was unarguably entitled to treat the application as being for a use of caravans for human habitation throughout the year, not restricted to such a use (if it be such) while their occupants were on holiday. The Inspector was equally unarguably entitled to conclude that the CLEUDs, which had been granted for use of the land "as a caravanning and camping site", and "as a campsite" including the use of caravans for that purpose, in the summer months, were limited to use of the land for holiday activities (given the ordinary meaning of such terms). Whether such a change to such an unrestricted use would involve the making of a material change of use was then a question of planning judgment for the Inspector.
 2. Ground 2 is likewise unarguable. In considering whether or not such a change would involve the making of a material change of use the Inspector was unarguably entitled to use his planning judgment as to the likely effects in terms of traffic movements, the number of vehicles on the land, residential paraphernalia etc.
- The First Defendant's costs of preparing the Acknowledgment of Service are to be paid by the claimant to the defendant, in the sum of £3,483 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. Where the claimant seeks reconsideration, costs are to be dealt with on that occasion.

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, defendant's, and any interested party's solicitors on (date): **14 JAN 2019**

Solicitors:

Ref No.

Notes for the Claimant

If you request the decision to be reconsidered at a hearing in open court under CPR PD 8C 7.8, you must complete and serve the enclosed FORM 86B within 7 days of the service of this order.

