

IN THE HIGH COURT OF JUSTICE  
QUEEN'S BENCH DIVISION

CO/7319/2012  
and CO/7321/2012

ADMINISTRATIVE COURT

BETWEEN:

ROGER WOOD

Claimant

-and-

SECRETARY OF STATE FOR COMMUNITIES AND LOCAL GOVERNMENT

First Defendant

-and-

BROADS AUTHORITY

Second Defendant

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CONSENT ORDER

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We the undersigned solicitors acting for the above mentioned parties HEREBY CONSENT to an Order in the following terms:

1. That the decision of the First Defendant made by letter dated 15 June 2012 be quashed.
2. That the First Defendant shall pay the reasonable costs of the Claimant in respect of this claim, such costs to be assessed if not agreed.


**PARTICULARS**

1. These proceedings concern linked applications under section 288 and 289 of the Town and Country Planning Act 1990 ("the 1990 Act") against the decision of the First Defendant given by letter dated 15 June 2012 to partially dismiss an appeal made by the Claimant under section 174 of the 1990 Act. That appeal was against an enforcement notice issued by the Second Defendant on 7 November 2011 alleging the construction and installation of two jetties, the erection or standing of a green metal storage container, the

use of part of the land for the standing of motor engines in and the change of use of the site for the mooring of boats.

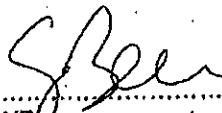
2. The First Defendant has carefully considered the decision in light of the Grounds attached to the Claim Form and the evidence served in support of the Claim. The First Defendant concedes that the decision should be quashed on the ground that it was internally inconsistent and therefore irrational. The Inspector granted conditional permission for the mooring of 12 boats at the site under s177(1) of the 1990 Act. However the Inspector also varied the enforcement notice under s176(1). As a result of s173(11), the effect of this variation would be to grant unconditional planning permission for the mooring of 12 boats at the site. Without any further explanation, the decision to effectively grant two permissions for the same development, one with conditions attached, the other without conditions attached, is irrational.

DATED this 20<sup>th</sup> day of May 2013

  
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