

Agenda Item 13.2: Council Questions

Updated response to Question 49 from Councillor Neville to the Chair of Planning Committee

Will the Chair make a statement about the decision of the High Court in February to quash the grant of planning permission for 36 Walsingham Road approved by his committee in June 2014 and to further order the council to pay the applicant the entirety of her costs after a separate hearing on the issue in which the judge rejected outright the council's arguments to pay only a fraction of costs.

Can he give the council an indication of what this case has/or is likely to cost council tax payers, and will he tell the council whether he and Labour members of the Planning Committee have learned any lessons on the way that the committee under his chairmanship attempted to ride roughshod over ordinary residents whose only offence has been to have the wit and the wherewithal to bring a strong legally represented challenge to the arrogance of the planning authority in refusing requests for a deferral and proper consideration to be given to the residents reasonable and well argued representations.

Would he further confirm that this case following close on the heels of the judgement against the council in the Landlords Licensing Case demonstrates that "people power" backed by the courts is thankfully alive and well and is on the march in Enfield against a council that has perhaps got a little above itself in its decision making

Updated reply from Chair of the Planning Committee (please replace this for the original response published)

The decision to grant planning permission for development at 36 Walsingham Road was the subject of Judicial Review. The Council accepted a technical error in its approach to the assessment of the impact on a Conservation area and the decision was quashed by agreement on this ground alone. There was no consideration of the merits of the 6 other grounds advanced by the claimants. The judicial review process does not mean that the actual outcome was necessarily wrong - but that a flaw in the process means that the decision should be re-taken.

The Council has not yet received a detailed claim in relation to the claimants' costs. Records are not maintained of all time spent on applications, making it difficult to estimate the Council's own costs. The purpose of the Council in acceding to Ground 1 at an early stage was to minimise costs to all parties,

The planning application was subject to public consultation, whose comments were taken into consideration by officers and the Planning Committee. The presence of local objections however do not, per se, justify a refusal of planning permission and the application must be determined on its planning merits. The Council is required to determine applications timeously and fairly to **all** parties and I reject any suggestion that the Committee 'rode roughshod' over the objectors.

As a result of the Judicial Review, the application falls to be re-determined by the Council as local planning authority and that process has recently commenced with public consultation.