



In the High Court of Justice
Queen's Bench Division
Administrative Court sitting in Manchester

CO/7185/2012

In the matter of an application for Judicial Review

The Queen on the application of

PROPERTY ALLIANCE GROUP LIMITED

versus

BLACKPOOL BOROUGH COUNCIL

**Application for permission to apply for Judicial Review
NOTIFICATION of the Judge's decision (CPR Part 54.11, 54.12)**



Following consideration of the documents lodged by the Claimant and the Acknowledgement of service filed by the Defendant

Order by His Honour Judge Waksman QC sitting as a High Court Judge

Permission is hereby granted in respect of all grounds except 5.

Observations:

1. It is at least arguable that the C & A report had a significant effect on members' consideration of the important issue of employment land yet its very late arrival prevented proper consideration by the case officer or the Claimant. Ground 2 is also arguable given the prima facie confusion as to what the Council was saying about the policies with which it did not say that the development conflicted. On Ground 3 while the NPPF is guidance only there is force in the point that there was not a proper appreciation of the strength of that guidance, where paragraph 27 was engaged. On Ground 4, it is arguable that simply to proceed on the basis of a long vacancy as a countervailing factor to loss of employment land makes no sense absent evidence about what (if anything) had been done to stop it being vacant.
2. I do not accept there is anything in Ground 5. There was evidence from some of the supporters about the advantage with linkage or proximity with other leisure facilities. The Council was entitled to form a view about this. If the Claimant wishes to renew orally his application for permission in this regard such application should be made on a rolled-up basis at the start of the substantive hearing.
3. I agree that Ground 6 is arguable. The screening opinion was backdated and as it appears to have been done after the event though before permission was granted, it is hard to discern what evidence had been provided which could have enabled the case officer to come to an informed view of the likely environmental impact in terms of the required factors.
4. It is not possible to say at this stage that none of the above matters because the Defendant would clearly have reached the same decision anyway especially given that the case officer recommended refusal.

Signed:

D. Watsman

Date: 09 August 2013

Where permission to apply has been granted, claimants and their legal advisers are reminded of their obligation to reconsider the merits of their application in the light of the defendant's evidence.

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

Solicitors:

Ref No.

Note to Defendants and Interested Parties

(1) Where permission has been granted, a defendant 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 –

(a) detailed grounds for contesting the claim or supporting it on additional grounds; and

(b) any written evidence,

within 35 days after service of the order giving permission.