

Please quote:  
Your reference: GM/5540/aj  
Date: 3 August 2009  
Please ask for: Mrs C Barkshire-Jones  
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8 Union Street  
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SE1 1SZ



Dear Sirs

**Re: R (Coe) v Hastings Borough Council; CO/7512/2009**

Please find enclosed a Consent Order in relation to your client's claim. The Council have today filed an acknowledgment of service of the Claim stating that we do not intend to contest the claim.

Would you please ask your client to sign the Consent Order and return to me to send to both interested parties. Once all parties have signed the Order I will send you a copy

Yours faithfully

A handwritten signature in black ink, appearing to be "G. Barkshire-Jones".

For Borough Solicitor

Hastings Borough Council is committed to providing services that are accessible to everyone irrespective of their needs. Our documents and publications can be obtained in a range of languages other than English and in formats to suit individual needs.

IN THE HIGH COURT OF JUSTICE  
QUEEN'S BENCH DIVISION  
ADMINISTRATIVE COURT

CO/7512/2009

BETWEEN

JONATHAN COE

Claimant

and

HASTINGS BOROUGH COUNCIL

Defendant

and

THE JERWOOD FOUNDATION  
EAST SUSSEX COUNTY COUNCIL

Interested Parties

CONSENT ORDER

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UPON READING the judicial review claim form and the Detailed Statement of Grounds for Judicial Review dated 14 July 2009

AND pronouncing this Order in open Court without the requirement of the parties' attendance.

BY CONSENT

IT IS ORDERED that this claim be allowed and

- (a) The Defendant's grant of planning permission on 21 May 2009 under reference HS/FA/09/00087 for the Jerwood Gallery at the Stade Coach and Lorry Park, Rock-A-Nore Road, Hastings; and
- (b) The Defendant's resolution on 20 May 2009 to grant planning permission under reference HS/FA/09/00177 for the construction of open space, community facilities and a cafe at the Stade Coach and Lorry Park, Rock-A-Nore Road, Hastings

be quashed on the grounds set out in the Schedule hereto; and


IT IS FURTHER ORDERED that the Defendant do pay the Claimant's costs of this claim to be subject to a detailed assessment if not agreed.

SCHEDULE

1. The judicial review claim raised 4 grounds for challenging the legality of the two decisions set out in paragraph (a) and (b) above.
2. The Defendant has considered its decisions in the light of the particulars set out in the Detailed Statement of Grounds for Judicial Review.
3. The Defendant concedes that it erred in law as alleged in ground 1 of the Detailed Statement of Grounds for Judicial Review in that:-
  - a. In breach of Regulation 19 of the Town and Country Planning (General Development Procedure) Order 1995 the Defendant failed to take into account duly made representations made by the Claimant in respect of each of the above planning applications.
4. The above ground for quashing the permission is without prejudice to the respective contentions of the parties in respect of other grounds raised in the claim.
5. The Interested Party agrees to the quashing of the decision as set out above.

DATED THIS ..... DAY OF 2009

Signed: ..... For and on behalf of the Claimant  
Mr Jonathan Coe

Signed .....  ..... For and on behalf of the Defendant  
Hastings Borough Council

Signed ..... For and on behalf of the Interested Party  
– The Jerwood Foundation

Signed..... For and on Behalf of the Interested Party  
– East Sussex County Council