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14: v: 19

Claim No: CO/3511/2018

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

IN THE MATTER OF AN APPLICATION FOR JUDICIAL REVIEW

BETWEEN:



CLAIRE STEPHENSON

Claimant

-and-

**THE SECRETARY OF STATE FOR HOUSING AND COMMUNITIES AND
LOCAL GOVERNMENT**

Defendants

ORDER

Before Mr Justice Dove

UPON hearing Mr David Wolfe QC, Mr Peter Lockley and Ms Jennifer Robinson on behalf of the Claimant, Mr Rupert Warran QC and Ms Heather Sargent on behalf of the Defendant

IT IS ORDERED THAT

1. Permission is granted on grounds 1, 3 and 4
2. Permission is refused on ground 2
3. Grounds 1 and 4 are allowed
4. Ground 3 is dismissed
5. The Defendant's decision of 24th July 2018 to adopt paragraph 209a of the NPPF is declared unlawful
6. Paragraph 209a of the NPPF is quashed
7. The Defendant is to pay the Claimant's costs, to be assessed if not agreed and capped at the sum of £35,000.



DATE: MAY 14TH 2019

By the Court