

C.O. 86 No. _____

IN THE HIGH COURT OF JUSTICE

QUEEN'S BENCH DIVISION

IN THE MATTER OF THE TOWN AND COUNTRY
PLANNING ACT 1971

AND

IN THE MATTER OF GOLDHURST MANSIONS,
7-19 GOLDHURST TERRACE, LONDON NW6

B E T W E E N :

PARBRIGHT INVESTMENTS LIMITED

Applicants

AND

SECRETARY OF STATE FOR THE ENVIRONMENT

First Respondent

-and-

CAMDEN LONDON BOROUGH COUNCIL

Second Respondent

NOTICE OF MOTION

Wallace & Partners
9 Great James Street
LONDON
WC1N 3DA

Telephone number: 01-404 4422
Reference number: H/P00417/025

Solicitors to the Applicants

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NOTICE OF MOTION

TAKE NOTICE that the High Court, Queen's Bench Division, at the Royal Courts of Justice, Strand, London WC2A 2LL, will be moved at the expiration of 35 days from the service upon you of this Notice or so soon thereafter as Counsel on behalf of Parbright Investments Limited can be heard for an order.

1. That the decision of the First Respondent's Inspector under Section 36 and the Ninth Schedule of the above mentioned Act, given by letter dated 15th August 1986, dismissing the Applicants' appeal against a decision of the Second Respondent to refuse planning permission for the conversion of the fifth floor from habitable rooms and part residential storage to two self-contained flats, be quashed;

2. That the costs of and incidental to this application may be paid by the First Respondent.

AND FURTHER TAKE NOTICE that the grounds of this application are

i that the said decision is not within the powers of this above mentioned Act, and

ii the requirements of the Town and Country Planning (Determination by Appointed Persons) Inquiries Procedure Rules 1974 have not been complied with.

PARTICULARS

1. The Inspector wrongly directed himself that the proposed development was not within the criteria which would permit an increased density although he found that the appeal premises satisfied both categories (a) and (b) of paragraph 2.18 of the Second Respondent's approved District Plan Written Statement, which sets out the categories in which higher densities than standard will be permitted. In so doing he misdirected himself that all four categories in paragraph 2.18 must be complied with in order for an increased density to be permitted.

2. The Inspector wrongly directed himself that the proposal would increase the plot ratio, contrary to Sections 15.4 and 2.2 of the Second Respondent's Environmental Code, incorporated in the District Plan.

3. The Inspector wrongly directed himself in regarding the application as one for an extension to provide two self-contained flats whereas it was for conversion to provide two self-contained flats.

4. The Inspector failed to have regard to a material consideration namely paragraph 2.14 of the District Plan Written Statement relating to the appropriate density when properties are to be rehabilitated.

Dated the day of September 1986

JEREMY BURFORD

To the First Respondent and to the Treasury Solicitor,
and to the Second Respondent.

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Wallace & Partners
9 Great James Street
LONDON
WC1N 3DA

Solicitors to the Applicants
Parbright Investments Limited

IN THE HIGH COURT OF JUSTICE

QUEEN'S BENCH DIVISION

RE: THE TOWN AND COUNTRY PLANNING ACT 1971

and

RE: GOLDHURST MANSIONS, 7-19 GOLDHURST
TERRACE, LONDON NW6

B E T W E E N :

PARBRIGHT INVESTMENTS LIMITED

Applicants

- and -

SECRETARY OF STATE FOR THE ENVIRONMENT

First
Respondent

- and -

CAMDEN LONDON BOROUGH COUNCIL

Second
Respondent

C O N S E N T

THE TREASURY SOLICITOR
Queen Anne's Chambers
28 Broadway
London SW1H 9JS