

John Bosworth,

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Approved.
Kd.
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IN THE HIGH COURT OF JUSTICE
ADMINISTRATIVE COURT

Neutral Citation: [2010] EWHC 3127 (Admin)

CO/4717/2009



BETWEEN:

THE QUEEN
ON THE APPLICATION OF
GAZELLE PROPERTIES LIMITED

AND

SUSTAINABLE ENVIRONMENTAL SERVICES LIMITED

Claimants

AND

BATH AND NORTH EAST SOMERSET COUNCIL

Defendant

DRAFT ORDER PROPOSED BY THE CLAIMANTS

UPON hearing leading counsel for the Claimants and counsel for the Defendant it is ordered that:

1. There shall be an order quashing the decision of the Defendant's Development Control sub-Committee on 18 February 2009 to delegate authority to its Divisional Director of Planning and Transport Development to take enforcement action in respect of land at the site known as the former Fuller's Earthworks site, at Combe Hay, Bath ("the site").
2. There shall be an order quashing the subsequent decision of the Divisional Director of Planning and Transport Development on 23 February 2009 to issue two enforcement notices in respect of the site.
3. There shall be an order quashing the two enforcement notices in respect of the site issued by the Divisional Director of Planning and Transport Development, dated 25 February 2009.
4. There shall be an order that the Defendant do pay the Claimant's costs (which for the avoidance of doubt include the Claimant's costs in claim CO/123/2009) to be assessed if not agreed.

Dated 3 December 2010

By the Court