

IN THE HIGH COURT OF JUSTICE
ADMINISTRATIVE COURT

Claim No: CO/10556/2007

IN THE MATTER OF AN APPLICATION FOR JUDICIAL REVIEW

BETWEEN:-

LONDON BOROUGH OF HAMMERSMITH & FULHAM

Claimant

and

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

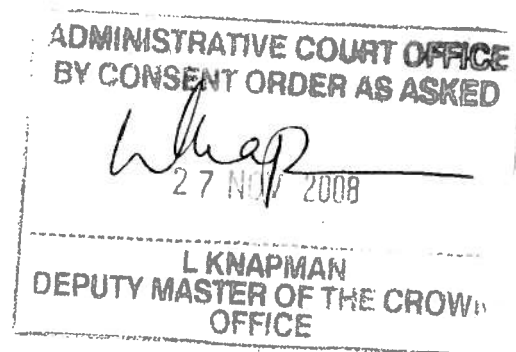
Defendant



CONSENT ORDER

TAKE NOTICE that we the undersigned **HEREBY CONSENT** to an Order in the following terms:-

1. That the application to quash the decision of the Defendant dated 27 September 2007 and made under paragraph 1(3) of Schedule 8 to the Planning & Compulsory Purchase Act 2004 ("the Direction") be allowed for the reasons set out in the particulars hereto and the said Direction be quashed.
3. That the Defendant do pay the costs of the Claimant in respect of this application on the standard basis to be subject to detailed assessment if not agreed.

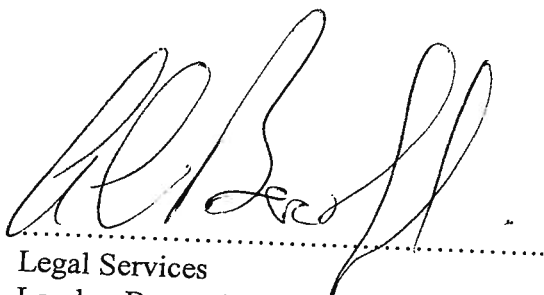


Agreed

PARTICULARS

1. This is an application for judicial review seeking to quash the Direction extending Policy HO5 of the Hammersmith and Fulham Unitary Development Plan. Policy HO5(1) sets out a general presumption that on sites above a certain threshold, the maximum reasonable proportion of affordable housing will be provided on residential or mixed use residential schemes and set criteria for the determination of affordable housing. In her Acknowledgment of Service the Defendant accepted that permission should be granted to allow the Claimant to proceed with judicial review on Grounds 2 and 3 and, in so far as it is relevant to Policy HO5(2) & (3), Ground 5 in order for the Direction to be quashed. However, the Defendant opposed the grant of permission on Grounds 1 and 4. By Order dated 17 April 2008 Mr. Justice Ouseley granted the Claimant permission in relation to all grounds, including Grounds 1 and 4.
2. The Defendant has considered the Direction in the light of the learned judge's observations and concedes that the Direction should not be allowed to stand as her reasoning for saving the definition of affordable housing in HO5 is inadequate.

DATED: 7 November 2008



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