



**In the High Court of Justice  
King's Bench Division  
Planning Court  
Sitting in Manchester**

**Before His Honour Judge Pearce sitting as a Judge of the High Court on 10  
January 2024**

**BETWEEN:**

**THE KING (on the application of  
CLARE LIDDLE)**

**Claimant**

**and**

**CUMBERLAND COUNCIL**

**Defendant**

**and**

**MR MARC ALMOND**

**Interested Party**

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**ORDER**

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**BY CONSENT IT IS ORDERED THAT:**

1. Permission for the claim to proceed is allowed.
2. The Defendant's decision dated 10 August 2023 to grant planning permission, pursuant to reference 4/23/2127/OF1, in respect of the land at 2 Church Walk, Millom be quashed for the reasons set out in the Schedule to this Order.
3. No order as to costs

## SCHEDULE OF REASONS

1. On 10 August 2023, the Defendant Council granted planning permission, pursuant to reference 4/23/2127/OF1, in respect of the land at 2 Church Walk, Millom. The permission sought was as follows:

*“ADD THREE AND TWO STOREY SIDE AND REAR EXTENSIONS, RAISE THE ROOF HEIGHT AND PROVIDE A REAR-FACING TERRACE (ALTERNATIVE SCHEME - AMENDED ROOF)”*

2. The Defendant has carefully considered the Claimant’s Statement of Facts and Grounds attached to its judicial review Claim Form. The Defendant agrees with the contents of the Statement of Facts and Grounds in full.
3. Pursuant to Ground 1, the Defendant accepts that the resolution pursuant to the delegated authority being exercised by the Council’s officers was to refuse planning permission. However, contrary to that resolution the Council granted planning permission. The action of granting the Permission was therefore done without proper authority. The intention was to refuse permission.
4. Pursuant to Ground 2, the Defendant accepts that the decision to grant planning permission was irrational, given that the officer report (produced by the relevant officer with delegated authority) solely provided a justification for refusing planning permission. Furthermore, it was irrational that the decision notice itself provided a justification for refusing planning permission.
5. Accordingly, the Defendant agrees that the decision be quashed.
6. No order as to costs.

**The date of service of this order is calculated from the date in the section below.**

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**For completion by the Administrative Court Office**

Sent: Claimant's, and solicitors the Defendant and the Interested Party

Date:12/01/2024

Solicitors: Anthony Collins Solicitors LLP