

FRIDAY 2ND OCTOBER 2020

IN THE COURT OF APPEAL

ON APPEAL FROM THE HIGH COURT OF JUSTICE
QUEEN'S BENCH DIVISION
ADMINISTRATIVE COURT

CO/3929/2019

BEFORE LORD JUSTICE LEWISON
LORD JUSTICE FLOYD
And LADY JUSTICE ASPLIN

B E T W E E N

THE QUEEN
On the Application of
LOCHAILORT INVESTMENTS LIMITED

Claimant/ **APPELLANT**

- and -

1. MENDIP DISTRICT COUNCIL

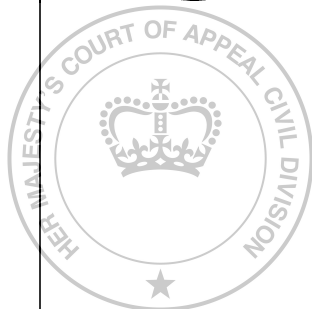
Defendant/
RESPONDENT

2. NORTON ST PHILIP PARISH COUNCIL

Interested Party/
RESPONDENT

IT IS ORDERED THAT:

1. The appeal is allowed and the Claim for judicial review is allowed for the reasons set out in the Judgment.
2. For the avoidance of doubt the order of Lang J of 11 May 2020 is set aside.
3. The Respondent Council's decision dated 2 September 2019
 - a. To accept the examiner's conclusions in relation to Policy 5 of the draft Norton St Philip Neighbourhood Plan
 - b. that Policy 5 of the draft Norton St Philip Neighbourhood Plan meets the basic conditions in paragraph 8 of Schedule 4B to the Town and Country Planning Act 1990 and can proceed to referendumis quashed for the reasons set out in the Judgment.
4. The Respondent do pay 75 per cent the Appellant's costs in the Court of



ON PAPER
Appeal No.

C1/2020/0812

Appeal and High Court on the standard basis, to be subject to detailed assessment if not agreed. The Respondent shall pay the Appellant the sum of £35,000 by way of interim payment by 16 October 2020

5. The Respondent do return the £20,000 by 16 October 2020 paid by the Appellant to the Respondent in accordance with the Order of Lang J dated 11 May 2020
6. For the avoidance of doubt the Injunction of 8 October 2019 that was extended until the disposal of the appeal by the Order of 17 June 2020 is discharged.

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LOCHAILORT INVESTMENTS LIMITED

- and -

MENDIP DISTRICT COUNCIL

- and -

NORTON ST PHILIP PARISH COUNCIL

ORDER

Copies to:

Queen's Bench Division - Administrative Court
Room C317
Royal Courts of Justice
The Strand
London WC2A 2LL

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NW1 8SJ
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Law And Governance
Mendip Distirct Council
Cannards Grave Road
Shepton Mallet
BA4 5BT
Ref: M2018/1819

Norton St Philip Parish Council
Nicola Duke
Clerk To Norton St Philip Parish Council
6 Shetland Close
Westbury, Wiltshire
BA13 2GN

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* This order was drawn by Mr M Kirk (Associate) to whom all enquiries regarding this order should be made. When communicating with the Court please address correspondence to Mr M Kirk, Civil Appeals Office, Room E307, Royal Courts of Justice, Strand, London WC2A 2LL (DX 44450 Strand) and quote the Court of Appeal reference number. The Associate's telephone number is 020 7947 6482