

IN THE HIGH COURT OF JUSTICE
KING'S BENCH DIVISION
ADMINISTRATIVE COURT
PLANNING COURT

Royal Courts of Justice
Strand, London, WC2A 2LL



Before:

MR JUSTICE LANE

Between :

**FUTURE HIGH STREET LIVING (STAINES)
LIMITED**

Claimant

- and -

SPELTHORNE BOROUGH COUNCIL

Defendant

ORDER

UPON HEARING Counsel for the Claimant and Counsel for the Defendant
AND UPON considering the written submissions and correspondence subsequent to the
judgment being circulated on a confidential basis in draft

IT IS ORDERED THAT:

1. The Defendant's decision dated 29th June 2022 to extend the Staines Conservation Area so as to include the former Debenhams Building and the Memorial Garden; and the Defendant's decision set out in its Supplementary Report dated 31st August 2022 are both quashed.
2. Subject to paragraph 3 below, the Defendant shall pay the Claimant's costs, to be subject to detailed assessment if not agreed.
3. The Claimant shall pay the Defendant's costs of preparing the Defendant's written submissions of 27 March 2023, to be subject to detailed assessment if not agreed.

Dated this 28th day of March 2023.

REASONS FOR PARAGRAPHS 2 AND 3 OF THE ORDER

I agree with the Claimant that, on ordinary principles, it has succeeded overall and should therefore recover its costs, despite the fact that I found in favour of the Defendant on ground 1.

Issues as to the reasonableness of costs, such as those regarding the use of two counsel, can be resolved at the detailed assessment stage.

As far as can be ascertained, it does appear that counsel for the Defendant was put in the position of having to spend yesterday afternoon drafting written submissions on costs, owing to the fact that information was promised by the Claimant which was not in the event forthcoming. (The court has indeed only just received the letter of today's date from the Claimant's solicitors). Whilst it is possible that such submissions would have been forthcoming in any event, had the Claimant responded earlier, it appears that counsel was significantly inconvenienced; and that justice requires the Claimant to bear the costs of preparing those submissions, irrespective of the overall outcome.

Mr Justice Lane