

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

**THE KING**

**on the application of**

**SAVE BRITAIN'S HERITAGE**

**Claimant**

**-v-**

**HEREFORDSHIRE COUNTY COUNCIL**

**Defendant**

**GERARD DAVIES**

**Interested Party**

**RULING ON COSTS**

1. The Council applies for its costs, subject to the Claimant's costs limit of £ [REDACTED] imposed by the Court by order of 17 June 2022, on the basis that this is an Aarhus Convention claim, within the meaning of CPR 45.41.
2. The Council relies upon the statement of costs dated 21 November 2022 that was submitted to the Court by email on 22 November 2022, showing a total sum of costs incurred as £ [REDACTED]
3. I have considered the Claimant's challenge to the Council's statement of costs. I accept the Council's submission that, although the statement of costs was not provided prior to the hearing as required, the late filing and service was immaterial as judgment was reserved. I also accept that the Council has not claimed any costs which are not associated with the claim. Finally, I do not consider it was unreasonable or disproportionate for the Council's solicitor to spend 12.8 hours dealing with documents. Overall, I consider that the amount claimed in the statement of costs is reasonable and proportionate.
4. I do not consider that the costs awarded to the Council should be reduced to reflect the errors made by the Council in the delegated decision report of 7 March 2022 and the solicitor's letter of 24 March 2022, as Mr Parker conceded the majority of the errors, and I found that the errors were immaterial.
5. The Council submitted that the claim was academic and section 31(2A) of the Senior Courts Act 1981 applied, since the quashing of the Council's decision dated 22 March 2022 would not prevent the Interested Party from carrying out the demolition, because of delay by the Council in issuing its decision (see paragraphs 35 to 45 of my judgment). I rejected this

submission. This was a significant part of the Council's defence to this claim, at every stage. It was a complex point which took time (and therefore expense), for the parties and the Court to consider. In my view, that should be reflected by a 25% reduction in the costs payable by the Claimant to the Defendant.

6. Therefore the Council's costs are summarily assessed in the sum of £[REDACTED]. Applying the reduction of 25%, the Claimant is liable to pay the Council's costs in the sum of £[REDACTED] which is below the costs limit.

Mrs Justice Lang

23 November 2022