

Bringing and defending High Court challenges



Kimberley Ziya

Outline

- Routes to the High Court
- Time limits
- Costs
- Remedies
- A few recent decisions

Routes to the High Court

- Traditional judicial review
 - e.g. challenge to grant of PP
- Statutory challenge
 - s.288, 1990 Act e.g. against s.78 appeal
 - s.289, 1990 Act – against enforcement appeals
 - s.113, 2004 Act e.g. against adopted Local Plan
 - s.287, 1990 Act e.g. against simplified planning zone scheme
- Application for an injunction e.g. Chelmsford CC v Leisure Parks Real Estate (Holdings) Ltd [2021] EWHC 613



Essential reading

- CPR54; PD54E
- Admin Court Judicial Review Guide:
https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/913526/HMCTS_Admin_Court_JRG_2020_Final_Web.pdf
- Listing policy, p125



Time limits

- JR → 6 weeks (CPR 54.5(1))
 - BUT judicial discretion: see R (Croyde Area Residents Association) v North Devon DC [2021] EWHC 646
- Statutory reviews → **strict** time limits
 - See individual provisions
 - Many also 6 weeks



Costs

- General discretion (CPR Part 44)
- Reasonableness
- Permission stage
 - Mount Cook [2003] EWCA Civ 1346
- On settlement
 - M v Croydon LBC [2016] EWCA Civ 415
- JRCCOs → ss.88-89, CJA 2015
- Aarhus Convention claims → CPR 45.41-44
 - CPRE v SSCLG [2019] EWCA Civ 1230
 - Venn v SSCLG [2014] EWCA Civ 1539



Remedies

- Six remedies – s.31(1) & (4), SCA 1981; CPR Part 54
 - Mandatory order
 - Quashing order
 - Prohibiting order
 - Declaration
 - Declaration of incompatibility
 - Injunction
 - Damages
- At the discretion of the court
- s.31(2A) & (2B), SCA 1981



Recent decisions

- JR brought by an LPA: R (Hampshire CC) v Blackbushe Airport Ltd [2021] EWCA Civ 398
- Irrationality and margin of appreciation: Crest Nicholson Operations Ltd v West Berkshire DC [2021] EWHC 289
- Broadcasting of remote hearings: R (Finch) v Surrey CC [2021] EWHC 170
- Variation of conditions (s.73, 1990 Act): R (Parkview Homes Ltd) v Chichester DC [2021] EWHC 59



Thank you for listening

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London

180 Fleet Street
London, EC4A 2HG
+44 (0)20 7430 1221

Birmingham

4th Floor, 2 Cornwall Street
Birmingham, B3 2DL
+44 (0)121 752 0800

Contact us

✉ clerks@landmarkchambers.co.uk
🌐 www.landmarkchambers.co.uk

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