

Exhibit TP2 to CLAG's committee papers letter (23 September 2026): three pages of South Cambridgeshire District Council's Summary Grounds in claim CO/2372/2021

**Filed with CLAG's committee papers letter, for the public register of application
26/02109/FUL.**

The three pages below are pages of the Summary Grounds for Resisting the Claim filed by South Cambridgeshire District Council, as defendant, in R (Fews Lane Consortium Limited) v South Cambridgeshire District Council, claim CO/2372/2021, in the Administrative Court. The document is another council's pleading in another claim, about an application at Longstanton, and CLAG relies on it only for the practice it records: after a resolution to grant, that council did not issue the permission, reported the application back to its committee, and appended the objector's correspondence to the officer's report. CLAG holds a copy of the acknowledgement of service bundle of 281 pages in which the Summary Grounds are pages 11 to 27 by the bundle's printed numbering; the pages reproduced are printed pages 11 (the heading), 13 (paragraphs 10 to 16) and 16 (paragraphs 22 to 28). Nothing on the pages is changed. Each page carries its item number, its page within the item and its page in this exhibit; the page itself is reproduced below the stamp at a slightly reduced size.

The letter quotes these words:

1. Paragraph 12 (exhibit page 3): "a late representation had also been received by a resident (not the Claimant) the evening before the January meeting which had not been passed to officers nor reported to Members".
2. Paragraph 13 (exhibit page 3): the application "was reported back to Committee".
3. Paragraph 25 (exhibit page 4): "with an index running to 109 pages"; "appended to the Officer Report".

The item in this exhibit:

1. Item TP2.1: South Cambridgeshire District Council's Summary Grounds in claim CO/2372/2021, printed pages 11, 13 and 16 (3 pages).

IN THE HIGH COURT OF JUSTICE

Claim No. CO/2372/2021

ADMINISTRATIVE COURT (PLANNING)

BETWEEN: -

THE QUEEN

(FEWS LANE CONSORTIUM LIMITED)

Claimant

And

SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL

Defendant

SUMMARY GROUNDS FOR RESISTING THE CLAIM

[References in square brackets are to the Claim Bundle]

- 1 The Claimant seeks to challenge the Council's decision as Local Planning Authority to grant planning permission (S/20/02453/S73) under s.73 of the Town and Country Planning Act 1990 (as amended), for the variation of Condition 7 (Traffic Management Plan) of planning permission S/0277/19/FL at land at the rear of 'The Retreat', Fewes Lane, Longstanton, Cambs CB24 3DP.
- 2 The Grounds are unarguable and totally without merit. Permission for the claim should be refused under CPR 54.4, and the Court is invited to record that the claim is totally without merit under CPR 3.3(7).

- 10 The Officer Report for the January Committee recorded that the Claimant had made representations in relation to the application on 7 occasions: 10 July 2020, 27 July 2020, 20 August 2020, 23 August 2020, 3 September 2020, 8 September 2020, and 28 September 2020. These were summarised in the Officer Report [172, para. 24].
- 11 Not one the 7 representations made by the Claimant raised any of the points now made in the first 3 Grounds of this Claim, and only generalised assertions were made in respect of Ground 4.
- 12 Following the January 2021 resolution, the consent was not issued. That was because, although the application had been advertised as affecting a PROW, officers mistakenly gave advice at the meeting that such advertisement was not required. In addition, a late representation had also been received by a resident (not the Claimant) the evening before the January meeting which had not been passed to officers nor reported to Members [161, para. 2].
- 13 In April 2021, the application was reported back to Committee with updates responding to the above matters. In addition, a further update was required as a result of a late representation from the Claimant dated 1 April 2021 raising non-compliance with Policy NH/6 (Green Infrastructure). This was responded to in the further update, with no change to the recommendation of approval [166].
- 14 This 8th representation also did not touch upon any of the Grounds now raised in the Statement of Facts and Grounds.
- 15 At the April 2021 Committee, the Claimant raised yet further concerns that its representations had not been fully assessed within the Officer Reports. In response, the Committee agreed to defer consideration of the application so that the representations could be examined and addressed, as necessary [161, para. 3].
- 16 A full update was provided for the May 2021 Committee meeting [161-165]. This outlined the events above.

same point, albeit relating to a different site) and the Council's cover email were contained in the background papers accompanying the Officer Report.

- 23 Finally, the Update recorded that, notwithstanding that neither the 2019 consent nor the s.73 application included a site location plan which extended to the adopted highway and included visibility splays, 1.5m pedestrian visibility splays are available within the adopted highway at the junction of Fews Lane and the High Street, and the Highway Authority has a duty to maintain the highway, which includes the verge in this case [165, para. 13].
- 24 The Updates from April 2021 and the original January 2021 Officer Report were enclosed with the May 2021 Update. The recommendation to approve as per the January 2021 resolution remained the same [165, para. 16].
- 25 Copies of the correspondence relating to this application between the Claimant and Council, with an index running to 109 pages (redacted due to some correspondence being marked "without prejudice"), were appended to the Officer Report. These appendices have not been included in the Claim bundle.
- 26 On any view, the Claimant was heavily involved in the process leading to the decision to grant approval for the s.73 application on 27 May 2021, making many representations covering a wide range of legal and factual issues, which were all considered and put before the Committee.
- 27 Despite this, following the Decision Notice of 27 May 2021, the Claimant's pre-action letter dated 21 June 2021 stated 6 Grounds of proposed challenge [192-196], with 2 more raised by email dated 30 June 2021. Four of the Grounds (2, 3, 4, and 6) had not been raised before, whilst Ground 5 continued to be phrased in a very general fashion. No basis or explanation as to how the Grounds were made out, or how they rendered the Council's decision unlawful, was contained in the PAP letter, in breach of the Pre-action protocol for judicial review (Annex A, Section 7 Template), and despite the Claimant's considerable familiarity with judicial review procedures.
- 28 By letter dated 5 July 2021, the Council provided a full response to the PAP letter, making the point that those Grounds had not been raised before, and noting the non-compliance with