

**IN THE HIGH COURT OF JUSTICE**  
**LON-004656**  
**KING'S BENCH DIVISION**  
**PLANNING COURT**



AC-2025-LON-004656

**B E T W E E N :**

**THE KING**  
**(on the application of CHRIST'S LANE ACTION GROUP)**

**Claimant**

**and**

**CAMBRIDGE CITY COUNCIL**

**Defendant**

**and**

**CHRIST'S COLLEGE CAMBRIDGE**

**Interested Party**

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**ORDER**

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BEFORE the Honourable Mr Justice Kolinsky, sitting at the Royal Courts of Justice,  
Strand, London WC2A 2LL

UPON hearing counsel for the Claimant, counsel for the Defendant and counsel for  
the Interested Party

IT IS ORDERED:

1. On the Claimant's application (dated 29 September 2026), the Order dated 25 August 2026, which approved a draft consent order dated 28 April 2026 that the Claimant had not consented to or signed, is set aside.
2. The Claimant's application (dated 29 September 2026), for permission to amend its claim to add a claim for declaratory relief, is dismissed.

3. The Defendant's application (dated 8 October 2026) for permission to rely on the witness statement of Ms Vanessa Blane together with its exhibits, is dismissed.
4. The claim is allowed and the Defendant's decision dated 7 November 2025, to grant planning permission in respect of the Interested Party's application (reference 25/02161/FUL), is quashed on each of the four grounds of the claim on the basis of the reasons in the draft consent order of 28 April 2026, which are recorded for completeness in the Schedule below.
5. The issue of costs will be dealt with in accordance with the following procedure:
  - a. All parties shall file and exchange written submissions on liability and quantum, not exceeding 3 sides of A4 paper, by 27 October 2026.
  - b. Any party wishing to respond to submissions made by another party may file and exchange a written response, also not exceeding 3 sides of A4, by 3 November 2026.
  - c. The question of costs shall then be referred to Mr Justice Kolinsky for determination on the papers, on the basis of the written submissions.

Dated: 20 October 2026

## **SCHEDULE**

1. Under Ground 1 of the claim, the Claimant argued that the Committee was materially misled as to Historic England's advice. The Claimant argued that Historic England, as statutory consultee, had identified heritage harm in their first consultation response and, despite the fact that Historic England retained their position of no objection in their second consultation response (following revisions to the scheme), the Officer Report omitted to mention that HE had identified heritage harm in their earlier response.
2. Under Ground 2 of the claim, the Claimant argued that the Officer Report was materially misleading as to the existence and / or extent of harm to the significance of designated heritage assets in that it provided confusing and inconsistent advice as to whether there was a "neutral impact" or "less than substantial harm" to the setting of a listed building which needed to be weighed against the public benefits of the scheme applying para. 215 of the National Planning Policy Framework.
3. Under Ground 3 of the claim, the Claimant noted that the Officer Report relied upon the expanded library facilities as a benefit of the proposed scheme because they would help secure the listed buildings' optimum viable use. The Claimant argued that the Defendant erred in so doing, because that misunderstood or misapplied the concept of optimum viable use as set out in the NPPF (para. 215) and Planning Practice Guidance (Historic Environment, para. 015), as the listed buildings were already in their optimum viable use and no alternative use had been proposed.
4. Under Ground 4 of the claim, the Claimant argued that the Committee failed to take into account a relevant consideration. On the basis that there was harm to the setting of a listed building, the Claimant argued that the possibility of that harm being reduced or avoided through an alternative scheme or a realistic mode of development was a material consideration.

5. Having reviewed its position following the grant of permission, the Defendant accepted that the Decision Notice should be quashed on the basis of the Grounds above.
6. The Interested Party also agreed to the quashing of the decision on that basis.

Order by The Court