

AW/RS/DULUCE/1116-003



**In the High Court of Justice
Queen's Bench Division
Administrative Court**

CO Ref: CO/6298/2009

In the matter of an application for Judicial Review

The Queen on the application of OXFORDSHIRE & BUCKINGHAMSHIRE MENTAL HEALTH NHS FOUNDATION TRUST

versus OXFORDSHIRE COUNTY COUNCIL

Interested Parties:

- (1) PAUL DULUCE
- (2) CHRISTOPHER WHITNEY
- (3) ROSIE BOOTH

**Application for permission to apply for Judicial Review
NOTIFICATION of the Judge's decision (CPR Part 54.11, 54.12)**

Following consideration of the documents lodged by the parties

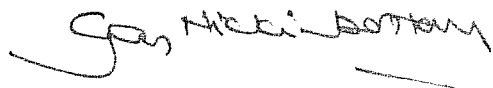
Order by the Honourable Mr Justice Hickinbottom

Permission is hereby granted.

Observations

I have considered these papers with particular care because I do not consider the issue of arguability to be clear-cut: and the Inspector is particularly experienced in these matters. However, whilst appreciating the force of the Summary Grounds of Defence, the hurdle for the Claimant at this stage is not high: and I am persuaded that there is an arguable case for judicial review that merits investigation at a substantive hearing. I had particular hesitation in granting permission in respect of the first ground ("as of right"), but I grant permission in respect of both grounds relied upon by the Claimant. Particularly as there is some evidence that the relevant land is worth over £10m, the Claimant should be given an opportunity to make good its claim on both grounds.

An Interested Party may support a claim on further grounds, as the Second Interested Party wishes to do, but if he wishes to pursue those grounds he must serve detailed grounds within 35 days of being served with this order (CPR 54.14(a)). At least some of the additional grounds appear to me to lack merit, and therefore he may wish to reconsider whether he wishes to pursue them at the hearing: but, if he does, the judge hearing the substantive application will then consider them at that stage.

Signed 

Date
10 SEP 2009

Sent / Handed to the claimant, defendant and any interested party / the claimant's, defendant's, and any interested party's solicitors on (date):

Solicitors: Clarks Legal LLP
Ref No.