



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

CO Ref: CO/997/2018

In the matter of an application for Judicial Review

The Queen on the application of R (CK Properties (Theydon Bois) Ltd)

versus Epping Forest District Council

**On (1) the Claimant's application for leave to appeal to the Court of Appeal  
And (2) the Defendant's application to discharge the injunction granted by  
Lang J on 21 March 2018**



Following consideration of the written submissions lodged by the parties

Order by the Honourable Mr Justice SUPPERSTONE

1. Leave to appeal to the Court of Appeal is REFUSED.
2. Pursuant to CPR r.52.12(2)(a) I direct that if the Claimant seeks permission to appeal from the Court of Appeal it must file the Appellant's Notice at the Court of Appeal by 4pm on 23 July 2018.
3. Application to discharge the injunction is REFUSED.

Reasons:

1. *Application for permission to appeal*

The proposed grounds of appeal have no real prospect of success. There are no other compelling reasons why permission to appeal should be granted. (See PTA dated 13 July 2017).

2. *Application to discharge injunction*

- (i) On 20 March 2018 Lang J granted an injunction restraining the Defendant from submitting the 2017 Draft LP to the Ministry of Housing, Communities and Local Government until final determination of these proceedings or further order.
- (ii) I accept that "final determination of these proceedings" includes any application for permission to appeal to the Court of Appeal. In my view the injunction should not be discharged before the Claimant has had an opportunity to apply, if so advised, for permission to appeal to the Court of Appeal.
- (iii) However, I consider that if the Claimant is to seek permission to appeal from the Court of Appeal it should file its Notice of Appeal by 4pm on 23 July 2018. That timescale should enable the Defendant to seek directions and/or make any application to the Court of Appeal, if so advised, before the start of the legal vacation. The Claimant has had an extended period to apply to this court for permission to appeal. I accept the Defendant's contention that, having regard to the progress of local plan making historically in the District, and the critical importance the Secretary of State places on adoption of up-to-date local plans that are compliant with national planning policy, further unnecessary and undue delay will be contrary to the wider public interest.

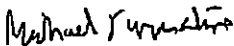
Signed

Date: 13 July 2018

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

*By the Court*

**IN THE HIGH COURT  
APPLICATION FOR LEAVE TO APPEAL  
TO THE COURT OF APPEAL (CIVIL DIVISION)**

Title of case/action: R (CK Properties (Theydon Bois) Ltd) v Epping Forest District Council		Action/case no. CO/997/2018 File no.
Heard/tried before (insert name of Judge): The Hon. Mr Justice Supperstone		Court no
Nature of hearing Judicial Review (Planning Court)		
Date of hearing/judgment: Hearing – 23-24 May 2018; judgment 29 June 2018		
Results of hearing (attach copy of order): Claim dismissed		
Claimant's	<input checked="" type="checkbox"/> Defendant's application for leave	Allowed <input type="checkbox"/> refused <input type="checkbox"/>
Reasons for decision (to be completed by the Judge): The proposed grounds of appeal have no real prospect of success. There are no other compelling reasons why permission to appeal should be granted.		
Judge's signature:  The Hon. Mr Justice Supperstone Date: 13 July 2018		<b>Note to the Applicant:</b> When completed this form should be lodged in the Civil Appeals Office on a renewed application for leave to appeal or when setting down an appeal