

**THE QUEEN
on the application of**

**(1) BEWLEY HOMES PLC
(2) WATES DEVELOPMENTS LIMITED
(3) CATESBY ESTATES (DEVELOPMENTS) LIMITED**

Claimants

-v-

WAVERLEY BOROUGH COUNCIL

Defendant

FARNHAM TOWN COUNCIL

Interested Party

RULING ON COSTS

In my judgment, this is an exceptional case in which it is appropriate to depart from the general principle, set out in *Bolton MBC v SSE* [1995] 1 WLR 1176 that an unsuccessful claimant ought not to be liable for two sets of costs. The reason is that the Interested Party, the author and promoter of the neighbourhood plan, played an essential part in the proceedings in the High Court, in explaining and clarifying the issues in dispute. In particular, through the evidence of Mr Fullwood, its planning consultant, which I referred to in paragraphs 34, 61, 64 – 70 of my judgment. This evidence could not and would not have been provided by the Defendant.

Therefore I have ordered the Claimants to pay the costs of the Defendant and the Interested Party, to be subject to a detailed assessment if not agreed.

Mrs Justice Lang

12 July 2017