



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

CO/5962/2017

In the matter of an application for Judicial Review

THE QUEEN

on the application of

BAHAREH SABER

versus

Claimant

WILLESDEN MAGISTRATES COURT

Defendant

LONDON BOROUGH OF BRENT

Interested Party

**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 Claimant and the Acknowledgements of service filed by the Defendant and Interested Party;

Order by the Honourable Mrs Justice Lang DBE

1. Permission is hereby refused.
2. No order for costs in favour of the Defendant.
3. The Claimant do pay the Interested Party's costs of preparation of the Acknowledgment of Service summarily assessed in the sum of £3,000. This is a final order unless within 14 days the Claimant files at court and serves on the Interested Party written objections to it. In that event, the Interested Party has 14 days in which to file and serve a response and the Claimant has a further 7 days in which to file and serve a reply. A Judge will then make a final determination on costs, either on the papers or at a hearing of any renewed application for permission.

Reasons:

The Claimant was prosecuted by the IP for an offence of failure to comply with an enforcement notice under section 179(2) Town and Country Planning Act 1990. She was convicted after a trial at the Harrow Magistrates Court and committed to the Crown Court for sentence.

The Claimant has appealed against conviction to Harrow Crown Court, and the hearing is currently listed for 10 May 2018. The appeal is by way of rehearing.

In this claim for judicial review, she seeks to challenge the District Judge's conduct of the trial in the Magistrates Court, alleging it was unfair.

However, a claim for judicial review is a remedy of last resort and it cannot be pursued where the Claimant has a statutory right of appeal, which she is currently exercising.

The Defendant did not make any application for costs.



Signed *Jeremy A. Lag*

16-2-18

The date of service of this order is calculated from the date in the section below

For completion by the Planning Court

Sent / Handed to the Claimant, Defendant and any Interested Party / the Claimant's, Defendant's, and any Interested Party's solicitors on (date): **20 FEB 2018**

Solicitors:

Ref No:

Omotolani Robson

Notes for the Claimant

If you request the decision to be reconsidered at a hearing in open court under CPR 54.12, you must complete and serve the enclosed FORM 86B within 7 days of the service of this order; a fee is payable on submission of Form 86B. **For details of the fee please see the Court website.** Failure to pay the fee or lodge a certified Application for Fee remission may result in the claim being struck out. The form for Application for Remission of a Fee is obtainable from the Justice website <https://www.gov.uk/get-help-with-court-fees>

