

Mr B Culpin  
Harborough District Council  
Adam and Eve Street  
Market Harborough  
Leicestershire  
LE16 7AG

Your Ref: Their Reference  
Our Ref: DRH/MH23.2

29 November 2005

Dear Brett

**Town and Country Planning Act 1990 (section 78)**

**Appeals by David Wilson Estates and Messrs. D B and J F Briggs, and John Littlejohn Limited**

00319

**Application reference numbers: 04/00932/OUT and 04/01976/OUT**

I have now had the opportunity to read the decision letters from the Secretary of State in relation to:

- both planning appeals
- an award of costs against Harborough District Council in favour of DWE and others

With reference to the appropriate statutory test set out in section 288 of the TCPA 1990 (as amended), I do not consider that Harborough District has sustainable grounds of challenge against either decision.

I trust that this short letter is satisfactory for present purposes. If you require further assistance, please do not hesitate to contact me in this office.

Yours sincerely

**David R Hardy (Partner)**