

**Case Name:** *Samuel Smith Old Brewery (Tadcaster) & Ors, R (on the application of) v North Yorkshire County Council* [2020] UKSC 3 (5 February 2020)

**Full case:** [Click Here](#)

**Commentary:**

Planning permission had been granted for the extension of a quarry in the Green Belt. The claimant contended that the planning officer's report recommending approval of the planning application was defective in failing to make clear to members that the government's policy for mineral extraction in the Green Belt, as expressed in paragraph 90 of the National Planning Policy Framework, allowed that visual impact was a potentially relevant factor when considering whether proposed development would have an impact on the "openness" of the Green Belt.

The planning permission was upheld by Hickinbottom J in the High Court, but quashed on appeal by the Court of Appeal, with Lindblom LJ giving the lead judgment.

In the Supreme Court, Lord Carnwath, with whom the other justices agreed, concurred with Lindblom LJ (and the claimant) in his conclusion that visual impact was a potentially relevant factor when considering the question of openness of the Green Belt. However, the fact that it was a potentially relevant factor did not imply that it was a matter which was required to be explicitly addressed by a decision-maker. On the facts of the particular case, Lord Carnwath held that the "relatively limited visual impact which the development would have fell far short of being so obviously material a factor that failure to address it expressly was an error of law".

The appeal was therefore allowed and the planning permission upheld.

*Case summary prepared by Ricardo Gama*