

**Case Name:** *CPRE Surrey and POW Campaign Ltd v Waverley Borough Council* [2019] EWCA Civ 1826

**Full case:** Not yet available

**Commentary:** The Court of Appeal dismissed appeals by CBRE and POW Campaign Ltd against the High Court's decision to dismiss a challenge to Waverley Borough Council's adoption of its local plan. The appellants' principal ground of appeal was that the examining inspector's approach to the assessment of the unmet housing need in Woking was unlawful and that his conclusion unreasonable.

The plan stated that, since the Council was within the West Surrey Housing Market Area, it was expected where possible to meet the unmet housing need in the neighbouring borough of Woking, and so it proposed to meet half of that need. The Court of Appeal found that there could be no suggestion that the Council was not entitled to plan for the meeting of a proportion of Woking's unmet housing need. It considered that the assessment of unmet housing need in a neighbouring authority's area, and the extent to which it ought to be borne in a local plan, was not an exact science and that the conclusion that the appropriate proportion was 50% was comfortably within the bounds of reasonable planning judgment. The Court stressed that the appellants' arguments sought to draw the court beyond the line dividing the role of the judge from that of the planning decision-maker, the latter being territory upon which the court would not intrude.

In addition, the Court dismissed the ground that the reasons given in the inspector's report were inadequate. It applied the approach taken in *South Bucks v Porter (No.2)* [2004] UKHL 33, namely that the reasons given in a local plan examination may be less extensive than those given in a section 78 appeal so as to avoid placing an unreasonable and unnecessary burden on local plan inspectors. The Court held that it was sufficient that the inspector's central justification for his conclusions on the housing requirement was clear.

The Court also dismissed the appellants' further two grounds of appeal, concluding that there was no legal requirement for the inspector to recommend an early review of the local plan, nor was there a statutory obligation on the inspector to seek more information than had been provided to him at the examination in public.

*Case summary prepared by Safiyah Islam*