

Case Name: *Aireborough Neighbourhood Development Forum v Leeds City Council* [2020] EWHC 2183 (Admin) (07 August 2020)

Full case: [Click Here](#)

Commentary:

This case concerned the relief to be granted following the successful challenge of the adoption of the Leeds Site Allocations Plan. Section 113(7) to (7C) of the Planning and Compulsory Purchase Act 2004 allows the court either to quash a document challenged under that section or to remit it back to the Secretary of State. The statute provides a number further directions which the court may make if the document is remitted.

The dispute between the parties was as to the appropriate remedy under section 113 and the scope of any remedy, i.e. whether it should apply across the whole of Leeds rather than just the area for which the claimant was the neighbourhood development forum.

Applying the University of Bath case, the judge determined that remittal was the appropriate remedy, as she held that it was appropriate to go back to the stage where the error of law occurred rather than back to the very beginning of the local plan process.

The judge also held that the scope of the remedy should be all Green Belt allocations in Leeds, rather than just those in Aireborough. Although the claim was focused on Aireborough, the claim was never limited to only those sites. The grounds of challenge went to the Green Belt allocations in their entirety.

Case summary prepared by Ricardo Gama