

**Case Name:** *Cheshire East Council v Secretary of State for Communities And Local Government* [2018] EWHC 1524 (Admin) (19 June 2018)

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

**Commentary:** Application conflicting with neighbourhood plan policy: paragraph 198 of the NPPF

Planning application for 10 dwellings in the open countryside refused on appeal for non-determination.

Paragraph 198 of the NPPF does not give enhanced status to neighbourhood plans, nor does it modify the application of the PCPA. In principle, the Inspector was entitled to decide that planning permission should be granted for a proposal which departed from the neighbourhood plan if material considerations so indicated. The Inspector's conclusions were not, therefore, inconsistent with paragraph 198.

Ultimately, the Inspector disagreed with the Claimant's assessment of the weight to be accorded to the planning harm and benefits. However, he was entitled to exercise his own planning judgment on these issues, and the Court will not interfere with it.

*Case summary prepared by Town Legal LLP*