

**Case Name:** *Buckley, R (on the application of) v Bath and North East Somerset Council & Anor*  
2018 EWHC 1551 (Admin) (20 June 2018)

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

**Commentary:** Public sector equality (PSED) duty (s149 Equality Act 2010) and outline planning applications

The PSED does apply at outline planning permission stage. The fact that detailed issues, also raising equality considerations, would arise at reserved matters stage did not prevent the duty from arising.

Although the local policy was designed to address issues of equality in the relevant context, it was too general as a policy automatically to ensure that an application complying with policy H8 met the PSED.

In order to comply with the PSED, it was not essential for the report to committee to refer to it expressly as the duty is one of substance not form and is a duty to have due regard to the specified matters not a duty to achieve a specific result.

It was not highly likely that the decision would have been the same even if the duty had been complied with as the proposal was controversial and the committee vote was five to four. The permission was quashed.

See <https://simonicity.com/2018/06/22/permission-quashed-due-to-psed-failure/>

*Case summary prepared by Town Legal LLP*