

Case Name: *Euro Garages Ltd v The Secretary of State for Communities And Local Government & Anor* [2018] EWHC 1753 (Admin) (11 July 2018)

Full case: [Click Here](#)

Commentary: The Court quashed the Inspector's decision refusing to grant retrospective planning permission for extensions to a petrol station in the Green Belt.

Although the Inspector had identified the test that she should apply as to whether the limited infill in this case fell within the exception at bullet point [6] of paragraph 89 and she properly identified that she should consider both whether the development was in conflict with the purposes of including land in Green Belt and whether the development had any greater impact on the openness of the Green Belt and she further, entirely properly, framed the issue of greater impact on openness in terms of harm and she rightly identified that whether there was harm might depend on a variety of factors including the scale of the development, its locational context and its spatial and/or visual implications, the Court held that what the Inspector in fact did was treat any change as having a greater impact on the openness of the Green Belt, rather than considering the impact or harm, if any, wrought by the change. Although the Inspector appeared to set out the right test, she then either went wrong in her interpretation of the policy or failed to apply the policy. For these reasons, the court quashed the Inspector's decision.

Case summary prepared by Town Legal LLP