

Case Name: *The London Borough of Hackney v Secretary of State for Housing, Communities And Local Government & Anor* [2018] EWHC 2174 (Admin) (14 August 2018)

Full case: [Click Here](#)

Commentary: The fact that an aspect of the scheme in respect of which permission was sought may have been built in breach of development control was not a justification for refusing the application. The application should have been considered as a whole and determined on its merits in accordance with section 38(6).

The Council's challenge to an Inspector's decision to grant the planning permission on appeal and award costs against the Council was dismissed and the planning permission and costs award were upheld. Although the Inspector could have given more reasons for granting planning permission in respect of the second floor extension, the Judge found that this is a case where her decision was bound to be the same, had she given those reasons so exercised discretion in not quashing the permission.

Case summary prepared by Town Legal LLP