

Case Name: *Sharma v Secretary of State for Housing, Communities and Local Government & Ors* [2018] EWHC 2355 (Admin) (12 September 2018)

Full case: [Click Here](#)

Commentary: An appeal against an Inspector's decision to uphold an enforcement notice against airport parking use in the green belt near Heathrow was dismissed on all four grounds.

The four grounds of challenge were:

- (1) The Inspector failed properly to consider the "fall-back position";
- (2) The Inspector failed properly to consider the 'visual dimension' of "openness" ;
- (3) The Inspector failed properly to consider the impact on the issue of "openness" of the proposed condition for a clear 10 metre "buffer zone" to the eastern boundary of the site;
- (4) The Inspector failed to give adequate reasons in dealing with the impact of the proposed buffer zone.

The Judge was satisfied that the Inspector had properly considered the issues in each of the first three grounds, applying the principles in *Bloor Homes*, reading the decision letter as a whole and not in an overly legalistic or pernickety way, *Mansell v Tonbridge and Malling BC* was discussed in relation to the fall back position.

On the fourth ground, the Judge was unpersuaded that the Inspector's reasoning and conclusions were legally flawed on any basis put forward.

Case summary prepared by Town Legal LLP