

**Case Name:** *Amstel Group Corporation v Secretary of State for Communities and Local Government & Anor* [2018] EWHC 633 (Admin) (26 March 2018)

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

**Commentary:** Large scale housing estate (with a school) in open countryside (refused by SoS and LPA)

Permission for JR was refused on 6 of 8 grounds (one withdrawn) but challenge was upheld on one ground and the decision quashed

Even though new school was found not to be necessary pursuant to CIL 122 and therefore not a reason for granting development, it should still have been weighed as a public benefit against the less than substantial harm to a heritage asset pursuant to NPPF 134

Other issues:

Application of NPPF para 14 and footnote 9 when impact on heritage assets;

Application of NPPF 134 (weight to be given to less than substantial harm to heritage assets);

Status of a party to a s106 unilateral undertaking with no interest in the land;

Inspector's assessment of sustainable development

*Case summary prepared by Town Legal LLP*