

Case Name: *Gladman Developments Ltd v Canterbury City Council* [2019] EWCA Civ 669 (16 April 2019)

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Commentary: A High Court decision to overturn a planning permission was upheld in the Court of Appeal after the judge confirmed that the inspector on appeal had misinterpreted local planning policy and therefore failed in his duty to determine planning applications in accordance with the development plan.

Proposals for the development of 85 new dwellings on a greenfield site which had not previously been allocated for housing was originally refused by Canterbury City Council. In his assessment of whether the proposed development would accord or conflict with the existing and emerging planning policies, the inspector on appeal found that the development plan was silent in relation to development on sites which were not earmarked as previously developed land. The inspector allowed the appeal as he found that there was no conflict with the policies set out within the development plan as they did not preclude such development.

The High Court dismissed the inspector's interpretation, stating that the policy clearly aimed to identify the types of location where housing development may be permitted and it followed that if development was proposed in a location not supported by planning policy, it was therefore in conflict with it. The Court of Appeal upheld the High Court's interpretation, emphasising that the Local Plan "is clearly and unambiguously against permission for the appellant's proposed development."

Case summary prepared by Town Legal LLP