

Case Name: *Corbett v The Cornwall Council* [2019] EWHC 1022 (Admin) (01 May 2019)

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Commentary: A planning permission to extend a holiday park within an Area of Great Landscape Value (AGLV) was quashed by the High Court as the decision did not accord with the development plan.

A claimant successfully challenged Cornwall Council's decision to grant planning permission for an extension of a holiday caravan park on two grounds. Firstly, that the defendant failed to take into account the development plan properly or at all, and secondly that in the circumstances its reasons for granting planning permission were inadequate.

The development plan consisted of the Council's up to date Local Plan, plus a number of saved policies from older Local Plans. Saved Policy 14 stated that "Developments would not be permitted that would cause harm to the landscape, features and characteristics of AGLV."

The committee meeting at which the decision under challenge was taken was informed by the Officer's Report. The report concluded that the proposed extension to the holiday park would cause a slight/moderate impact upon the AGLV, something that should be given limited weight.

The Defendant submitted that its decision to grant planning permission did not go against the development plan as the characteristics of the land had changed since the policy was adopted in 2001 and therefore the policy had to read in accordance with newly adopted policies such as an overriding presumption in favour of sustainable development.

The judge disagreed with the Defendant's submissions, emphasising that the function of Saved Policy 14 was to prevent developments that would cause harm to the landscape from being permitted. As the development did not accord with Saved Policy 14 the presumption in favour of sustainable development did not apply. The Officer's Report incorrectly interpreted Saved Policy 14 and as such it was not made plain to the Committee that the development plan required the application to be refused unless material considerations indicated otherwise. Considering this therefore the Report contained "a distinct and material defect" and the permission was quashed.