Case Name: *Bright Horizons Family Solutions Ltd v Secretary of State for Communities And Local Government* [2019] EWHC 14 (Admin) (16 January 2019)

Full case: Click Here

Commentary: The High Court dismissed a statutory review claim under s.288 of the Town and Country Planning Act 1990. The claim challenges the Inspector's interpretation of the General Permitted Development Order ("GDPO") and its treatment of nurseries.

The Claimant's argument is that a nursery benefits from permitted development rights contained in Class M of the GDPO (the extension or alteration of a school, college, university or hospital) because "school" includes nursery.

It was held that the starting-point must be the ordinary meaning of the word "school". The period before the commonly used phrase "school-age" is often called "pre-school" and even though the institution may be referred to as a "nursery school" it does not entitle it to be called simply a "school". It was therefore decided that the unqualified use of the word "school" does not in its ordinary meaning include nursery.

It was acknowledged that there are some oddities within the GDPO but the only one of relevance is that as a result of the apparent encouragement of change of use to state-funded school or registered nursery in the 2013 and 2014 amendments to the GDPO, registered nurseries created by such change of use have some planning advantages that nurseries with a different planning history do not. But that provides no good reason for giving to the word "school" in the GDPO anything other than its ordinary meaning, which does not include a nursery.

Case summary prepared by Amy Bennet