

Case Name: *South Gloucestershire Council v Secretary of State for Housing, Communities And Local Government* [2019] EWHC 181 (Admin) (07 February 2019)

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Commentary: A challenge to the grant of planning permission for 350 dwellings and an elderly care facility by an Inspector on appeal was dismissed. The ground of appeal was that the Inspector's reasons were inadequate because he had not explained why he gave "little weight" to the Council's submissions on prematurity nor addressed the criteria in the PPG.

Prematurity had not been a main issue in determining the appeal. It had not been relied upon by the Council in its reasons for refusal and although it had been raised in the Council's submissions, it was not raised in the Statement of Common Ground nor in the Council's opening submissions. The Court held that the paragraph in the decision letter in question was clearly summarising the points made by the appellant's planning witness as his reasons for giving little weight to the Council's submissions. It was not necessary for the Inspector to recite the PPG, as an experienced Inspector he would have been well aware of it and he was reminded of it during the Inquiry. The parties were well aware of the competing submissions about prematurity and the application of the PPG. There was not any real, as opposed to forensic, doubt as to what the Inspector's reasons were. The claim was dismissed.

Case summary prepared by Susannah Herbert