

Case Name: *Thame Town Council v Secretary of State for Housing, Communities And Local Government & Ors* [2021] EWHC 291 (Admin) (16 February 2021)

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Commentary: An application for a statutory review, pursuant to section 288 of the Town and Country Planning Act 1990 ("TCPA 1990") was dismissed. The Claimant is the parish authority for the market town of Thame in Oxfordshire. The decision in question was that made on 27 March 2020 by an Inspector appointed on behalf of the First Defendant ("the Secretary of State"), to allow an appeal by the Second Defendant ("Angle" the property developer which owns the site) and grant planning permission for the re-development of land at DAF Trucks Ltd, Eastern Bypass, Thame, OX9 3FB ("the Site") known as Kingsmead Business Park.

South Oxfordshire District Council refused Angle's application for planning permission on 27 February 2019. The application consisted of residential and office development as well as the erection of a 68-bed care home (despite the fact that the site has the status of an "employment site" within the Council's development plan).

The Inspector has concluded that "whilst the proposal would conflict with Policy E6 of the SOCS and Policy WS12 of the TNP, this is outweighed by the fact that the office building part of the appeal site benefits from an extant Prior Approval and the submitted marketing exercise demonstrates that the warehouse part of the site is no longer viable".

The Claimant alleged that the Inspector's decision to allow the appeal was unlawful on four grounds:

- i) The Inspector misunderstood/misapplied the Development Plan;
- ii) The Inspector failed to take into account material considerations;
- iii) The Inspector's decision was irrational;
- iv) The Inspector failed to provide any or adequate reasons for his decision.

Mrs Justice Lang DBE held that the Inspector's reasoning did not demonstrate any misunderstanding or misapplication of the development plan policies. It was clear that the reasons the Inspector gave were sufficient to enable the parties to the appeal (and the claimant) to understand how and why the matter was decided as it was. Applying the South Bucks principles, the Inspector was not required to respond to each point raised by the Claimant; reasons can be briefly stated and they need only refer to the main issues in the dispute, not to every material consideration. Lang considered that the Inspector's reasoning was both logical and rational and a legitimate exercise of planning judgment.

Case summary prepared by Amy Fender