Case Name: *SPVRG Ltd, R (On the Application Of) v Pembrokeshire County Council* [2022] EWHC 143 (Admin) (26 January 2022)

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Commentary:
SPVRG (the Stepaside and Pleasant Valley Residents Group) Ltd, a local campaign group challenged the decision of Pembrokeshire County Council ("the Council") to grant permission under section 73 of the Town and Country Planning Act 1990 (the "2021 permission") to vary two conditions (Conditions 2 and 7) of a 2016 permission in relation to an established caravan park.
The claimants received permission to pursue seven grounds of challenge. All seven of these grounds were rejected by Mrs Justice Steyn sitting in the High Court.

Condition 2 required that none of the 29 relocated caravans were to be twin-unit caravans. This condition had been imposed to limit the visual impact of the development. The caravan park site operators sought to remove this condition.
Condition 7 required the construction of a proposed public car park that was to be available for public use prior to the occupation of these 29 units. The operators sought to vary Condition 7 to enable caravan units in the north of the site to be occupied prior to the proposed public car park being constructed.

The Committee approved the application but following receipt of the pre-action letter from SPVRG, the application was referred back to committee on 9 February 2021, to be considered afresh.
The Officer's Report of 9 February 2021 concluded that the visual impact of twin-unit caravans on the approved bases would be similar to that of a single-unit caravan. The officer also noted that the overall objective of Condition 7 was not prejudiced by its proposed modification, given that the existing car parking area would still be available for public use.
Given the complex planning history of the site, the majority of the High Court judgment concerns Ground 1, on whether decision was flawed for failing to take into account the 1987 Permission for a change of use of the site into a heritage project and the associated s.52 Agreement. It was common ground that the 1987 Permission and s.52 Agreement were not taken into account. Mrs Justice Steyn concluded that the Council had not been obliged to look at this material since the 1987 Permission had been superseded by the 2016 Permission and was merely part of the planning history of the site.

Ground 4 concerned the alleged failure of the Council to consider flood risk in approving the Application. Whilst it was accepted that the Officer's Report might have led to the mistaken belief that flood risk was not a material consideration, Mrs Justice Steyn found that the officers addressed this issue orally at committee and it was plain from the committee transcript that committee members were aware that they had to consider

flood risk in determining the Application and that they did so.

Accordingly, the claim was dismissed.

Case summary prepared by Stephanie Bruce-Smith