

Case Name: *Gregory Park Holding Ltd v Hart District Council* [2022] EWHC 2406 (Admin)
(03 October 2022)

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Commentary:

The High Court upheld Hart District Council's decision to grant planning permission for change of use of part of an area of land belonging to Farnham Lodge for residential purposes for two gypsy pitches (consisting of a mobile home, a touring caravan and a utility/dayroom, together with the formation of hardstanding).

The Claimant owns the Four Seasons Hotel, at Dogmersfield Park, in Hampshire. Within the boundary of the Park lies Farnham Lodge. Permission to apply for judicial review was granted on a single ground: that the council failed to properly apply Policy H5 of the Hart Local Plan. Policy H5 being the policy for gypsy, travellers and travelling show people sites.

The issue to be decided was therefore a point of construction of this policy. The question was whether the policy requires those seeking planning permission for a Gypsy site in the countryside themselves to demonstrate a personal need, or whether a general need for further Gypsy and Traveller sites is capable of satisfying that part of the policy.

The Claimant's case is that if the applicant does nothing to evidence personal need for the development, the development cannot be allowed. C M G Ockelton concluded that this cannot be right. If there is a need, the application may be granted, whatever the source of the information about the need. Further, the addition of it being a "personal" need cannot be right; the applicant has to show that there is a need, not that he (or she) has a need.

C M G Ockelton concludes that his interpretation of Policy H5(a) allows permission to be granted for sites in the countryside more freely when there is a general need, and less freely when the general need has been satisfied. He therefore held that on its true construction Policy H5(a) is capable of being satisfied if the local planning authority consider that there is a need for gypsy sites which the proposed development will help to meet. The decision under challenge was not unlawful and the application for Judicial Review is dismissed.

Case summary prepared by Amy Fender