

Case Name: *Ward v Secretary of State for Levelling Up, Housing and Communities & Anor* [2022] EWHC 2932 (Admin) (18 November 2022)

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Commentary: This was an unsuccessful renewal of an application for permission to challenge the decision of an Inspector. The Inspector had dismissed an appeal against Basildon District Council's refusal of permission for a change of use of land for stationing caravans for residential occupation and associated development.

Permission to bring the challenge had been refused on the papers and the first ground, which related to the weight given by the Inspector to the harm to the Green Belt, was not renewed. The second ground alleged that the Inspector's decision to dismiss the appeal was irrational in that she failed to apply the public sector equality duty, did not address the absence of a policy in the development plan for bringing forward gypsy/traveller sites, that her conclusions were not supported by evidence and that she did not consider the best interests of the appellant's children.

On behalf of the Secretary of State, it was contended that the claimant simply disagreed with the Inspector's planning judgment and the judge concurred. HHJ Walden-Smith found that, although significant weight was given to the need for the scheme (both the appellant's personal need and the regional need) and the best interests of the child, the Inspector was entitled to find that these factors did not outweigh the substantial harm to the Green Belt.

The criticism made by the claimant that the Inspector only expressly mentioned the public sector equality duty after she had opined on the planning balance was, said the judge, "a criticism of form and not substance." Overall, the judge found that although a different Inspector might have reached a different decision, it was not arguable that this Inspector had acted irrationally.

Case summary prepared by Aline Hyde