

**Case Name:** *Bentley Pauncefoot Parish Council v Redditch Borough Council & Anor* [2023] EWHC 456 (Admin) (02 March 2023)

**Full case:** [Click Here](#)

**Commentary:** The Claimant in this case, a parish council, raised three grounds of challenge against the decisions by Redditch Borough Council and Broomsgrove District Council to grant planning permission for a mixed-use urban extension. Both Councils were named in the litigation as the proposed development straddles their local authority areas. The first two grounds (which had permission) related to contentions that the relevant planning committee was misled regarding issues arising in respect of the impact of access and development traffic at the proposed development. Grounds 3 (for which the Claimant did not have permission) related to the fact that the Section 106 Agreement that accompanied the planning permissions did not contain a requirement for a financial contribution to be made towards educational transport (i.e. school buses) despite other developments in the neighbouring area having to provide such a contribution.

Mr Justice Dove dismissed Grounds 1 and 2 on the basis of the well-established principles of *R(Mansell) v Tonbridge and Malling BC* [2019] PTSR 42 and held that the committee had been provided with all of the material that was a necessary for a properly informed decision on the planning merits.

The judge found that there was no substance to Ground 3. The Claimant argued that a number of recent planning permissions granted in the local area, including one permitted on appeal, which required contributions to be made towards educational transport were material considerations which ought to have been taken into account by the relevant officers and committees. The defendants' response to this argument was that they could not be criticised for not requiring a contribution which was not sought by the relevant consultee, namely in this case Worcestershire Highways. In fact, if there was any challenge in this respect it should be made to Worcestershire Highways. Mr Justice Dove in determining that this ground was devoid of merit stated that "It is trite to observe that every application for planning permission must be determined on its own merits and part of the consideration by a local planning authority will be the weight to be attached to requests for contributions from consultees".

*Case summary prepared by Juliet Munn*