Case Name: *Wrotham Parish Council v Secretary of State for Housing, Communities and Local Government & Ors* [2026] EWHC 165 (Admin)

Full case: Read Here

Commentary: This case concerned a challenge by Wrotham Parish Council ("**Claimant**") to the decision of the Secretary of State's Inspector to allow the planning appeal of Moto Hospitality Ltd ("**Second Defendant**") under s.78 of the Town and Country Planning Act 1990 ("**TCPA 1990**") and to grant outline planning permission for the construction of a 24-hour truck stop off the A20 ("**Proposed Development**"). The site was located on undeveloped land within the Kent green belt and near to the Kent Downs National Landscape ("**KDNL**"). Finding only "limited and localised harm to the setting of the KDNL and no harm to the special characteristics of the views", the Inspector concluded that the site was located on grey belt land. (DL/41-42)

The Claimant proceeded on two grounds of challenge. First, the Claimant contended that the Inspector erred by misinterpreting the definition of grey belt in the December 2024 National Planning Policy Framework ("**NPPF 2024**") by treating it as requiring consideration of whether footnote 7 policies provided a strong reason for refusing or restricting "*the*" specific development proposed, rather than all development or hypothetical development generally, on the site. Second, the Claimant argued that the Inspector erred in multiple respects as to her evaluation of the need for a fuel station.

Lieven J rejected both grounds of challenge, providing important clarity on the interpretation of grey belt policy in doing so.

Discussion

Ground 1: Was the Inspector correct to focus her consideration of the footnote 7 policies on the specific development?

The Claimant argued that the Inspector erred by misinterpreting the definition of the Grey Belt when she focussed her analysis of whether footnote 7 policies would provide a strong reason for refusing development on the specific development under consideration.

The Glossary in the NPPF 2024 defines grey belt as follows:

> *"Grey belt: For the purposes of plan-making and decision-making, 'grey belt' is defined as land in the Green Belt comprising previously developed land and/or any other land that, in either case, does not strongly contribute to any of purposes (a), (b), or (d) in paragraph 143. 'Grey belt' excludes land where the application of the policies relating to the areas or assets in footnote 7 (other than Green Belt) would provide a strong reason for refusing or restricting development."* (My emphasis)

Footnote 7 states:

> *"The policies referred to are those in this Framework (rather than those in development plans) relating to: habitats sites (and those sites listed in paragraph 194) and/or designated as Sites of Special Scientific Interest; land designated as Green Belt, Local Green Space, a National Landscape, a National Park (or within the Broads Authority) or defined as Heritage Coast; irreplaceable habitats; designated heritage assets (and other heritage assets of archaeological interest referred to in footnote 75); and areas at risk of flooding or coastal change".* (My emphasis)

Paragraph 189 NPPF 2024 engages footnote 7, and provides that:

> *"Great weight should be given to conserving and enhancing landscape and scenic beauty in… National Landscapes which have the highest status of protection in relation to these issues."*

The Claimant submitted that on a textual analysis, "refusing or restricting development" refers to "land" generally, and not to land only specifically affected by "*the*" development. Decision-taking requires such refusal, and plan-making requires such restriction on future, hypothetical development. This would require some words be used in the decision-taking context and others in the plan-making context. This, the Claimant argued, would be unclear and unnatural, and, applying ***Tesco v Stockport BC*** [2025] EWCA Civ 610, the general rule of applying the words in the rule themselves should be followed, and the words (in this case, the word "the" before "development") should not be inferred into that rule.

In light of the purpose of the recent introduction of the Grey Belt, which the Claimant's interpretation of footnote 7 would be contrary to, Lieven J rejected this argument. She concluded that the development control decision-maker necessarily needs to evaluate the impact of the development applied for; indeed, the decision will turn on that impact. It would be an "odd" exercise to require an LPA or Inspector to consider whether future, hypothetical developments on the land might provide a strong reason for refusal when the specific development does not provide any such reason.

Ground 2: Did the Inspector misdirect herself as to the extent of the need for the fuel station element of the application?

The Claimant's argument under Ground 2 is that by treating the fuel station as a "mandatory" requirement under the Government Circular 01/2022 ("**Circular**"), when it was in fact only a "permitted" requirement, the Inspecter erred in her interpretation of the Circular.

Counsel for the Secretary of State submitted that the Inspector reached the unchallenged conclusion that there was need for a facility for 197 HGVs and an amenity building of 1,100m^2. This was sufficient to enable the Inspector to rationally determine that there was unmet need being met by the development so as to satisfy paragraph 115(b) NPPF 2024.

Lieven J agreed, and rejected the Claimant's second ground of challenge for two further reasons. First, the Inspector was correct to conclude that the fuel station was a mandatory requirement under the Circular. Second, the Inspector concluded, as was open to her as a matter of planning judgment, that the fuel station was essential to the facility in any event.

Case summary prepared by Adam Choudhury