

Case Name: *R (Stoke Mandeville Parish Council) v Buckinghamshire Council* [2025] EWHC 1213 (Admin) (16 May 2025)

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Commentary: This was an application for judicial review of the decision of Buckinghamshire Council ("the Council") to grant permission for the redevelopment of the Bucks CC Sports and Social Club to provide 100 residential units. The Claimant was the Parish Council, which opposed the application and which had, in February 2024, submitted a bid to purchase and operate the site. The club was owned by the Council and had been disused since June 2018, but was identified as an Asset of Community Value in August 2020.

Three grounds of challenge were dealt with at the hearing:

1. That the Council misinterpreted a policy in its local plan and the NPPF;
2. That the Council's finding that the club was not an "existing" sports facility was irrational; and
3. That the Planning Committee was materially misled, which caused them to fail to properly consider a local plan policy.

Ground 1 related to a policy within the local plan which set out the Council's resistance to the loss of existing sports facilities, subject to a number of criteria. The case officer had sought advice from colleagues in planning policy and the parks and recreation team, who had both advised (in summary) that the policy did not apply to this case because – being disused, and that way for some time – the site was not an existing sports facility. By the time of the hearing, the Council had accepted that the site did not cease to be an existing sports facility simply because it was no longer used as such, but submitted that whether it was or was not "existing" was a matter of planning judgment. The judge agreed with the Council that deciding whether or not the site was an existing facility involved planning judgment, but she found that the Planning Committee had been misdirected by the unequivocal advice of officers that the policy did not apply. Additionally, though officers had correctly quoted paragraph 104 of the NPPF, they had wrongly indicated that it too did not apply. It was expressed in different terms to the development plan policy and referred explicitly to the "former use" of sports facilities. Ground 1 was therefore successful.

Ground 2 alleged that the finding that the site was not an existing sports facility was irrational. It was noted on behalf of the Claimant that the site was being maintained, with the playing fields and cricket pitch regularly mowed and goal posts still present on the football field. This ground had been rejected on the papers and the judge found it to be unarguable. She concluded that playing fields are generally relatively easy to bring

back into use, but that the Council was entitled to have regard to the long period for which they had not been used in coming to a judgment as to whether or not the facility was “existing” – had they been properly advised on the application of the policy (per Ground 1).

Ground 3 related to a different policy, addressing community facilities, and the indication by the Council therein that it would have regard to the viability of the site when considering alternative development proposals. It appeared that, at the time of authoring their report, the case officer had been unaware of the bid which had been made by the Parish Council to purchase and operate the sports club. Members of the Planning Committee were only informed of it by one of their number at the meeting. To this, the Council’s solicitor informed the Committee that the bid was irrelevant to their planning decision-making, because the Council was required by law to allow a period for community bids to be made owing to the site’s status as an Asset of Community Value and that any such bids would be considered at that time. The judge found that this advice was clearly wrong. The bid was relevant to the Committee’s deliberations, the policy directing members to address viability of the existing use when determining whether or not to permit the development proposal. Ground 3 therefore succeeded. The decision to grant permission was quashed, and the Council will need to re-determine the application.

Case summary prepared by Aline Hyde