

Case Name: *Corbett, R (On the Application Of) v* [2020] EWCA Civ 508 (09 April 2020)

Full case: [Click Here](#)

Commentary: The Court of Appeal has allowed an appeal and reinstated planning permission for a caravan park expansion in a protected landscape.

The Council granted planning permission on 1 March 2018 for development within the Watergate and Lanherne Area of Great Landscape Value (AGLV). This permission was subsequently quashed in the High Court.

There were three main issues which arose from the two grounds of appeal. The first was whether the High Court Judge was wrong to quash the permission, giving the reason that the proposal was in conflict with policy 14 of the Restormel Local Plan, which prevents the granting of permission for developments that would cause harm to AGLVs. The second was whether he was wrong in finding the Council's reasons for consent, indicated in the officer's report to committee were inadequate; and lastly whether he should have found that the Council acted unlawfully by not taking into account Policy 7 of the Cornwall Local Plan, which relates to the development of housing in the countryside.

The Court of Appeal held that the Council as local planning authority had to consider the weight to be given to contradictory policies and, in this case, policies which encouraged proposals for development that generate employment or promote tourism were given more weight than Policy 14. Even though the wording in Policy 14 was unqualified, this did not mean that it had to operate to the exclusion of other policies. In relation to the Council's reasons being inadequate or unlawful, the Court held that the planning officer had not misled members and had identified the relevant policies of the development plan, understood those policies correctly and applied them lawfully.

The Council did not misconceive the relevant policies of its plan and did not apply them unlawfully. Its decision was clearly explained in the officer's report and the grant of planning permission should not have been quashed.

Case summary prepared by Lida Nguyen