

Case Name: *Aireborough Neighbourhood Development Forum v Leeds City Council & Ors*
[2020] EWHC 1461 (Admin) (08 June 2020)

Full case: [Click Here](#)

Commentary: The claimant neighbourhood development forum applied under section 113 of the Planning and Compulsory Purchase Act 2004 for the quashing of the green belt allocations in the defendant's adopted site allocations plan (SAP). The SAP had initially been promoted on the basis of housing need data prepared in accordance with the defendant's core strategy. The significant level of housing need identified by the core strategy was used as the basis for exceptional circumstances justifying green belt releases. However, the housing need requirement was reduced during the course of the examination based on the government's new standard methodology for assessing housing need, and a much lower housing need requirement was therefore promoted as part of a selective review of the core strategy (CSSR) being promoted at the same time as the SAP.

The defendant proceeded with the adoption of the SAP, in accordance with the examining inspectors' recommendation, notwithstanding the claimant's submissions that the case for exceptional circumstances had been undermined given the lower housing need.

The claim was successful on three grounds. The judge found that the material change of circumstances had been insufficiently considered and its consequences insufficiently explained by the examining inspectors. This amounted to a failure to provide adequate reasons, which had been contended in two grounds of challenge. The inspectors also made an error of fact amounting to an error of law in calculating housing need figures.

The defendant was found also to have breached the Strategic Environment Assessment Regulations by failing to consider and consult upon a "reasonable alternative" to continuing with the SAP in materially changed circumstances. However, relief was not granted in respect of this ground of challenge because the failure was found not to have been likely to have resulted in a different outcome.

The judge has reserved a decision on relief pending further written submissions by the parties.

Case summary prepared by Ricardo Gama