

Case Name: *South Derbyshire District Council v Secretary of State for Housing Communities and Local Government* [2020] EWHC 872 (Admin) (09 April 2020)

Full case: [Click Here](#)

Commentary: Mrs Justice Andews was asked to consider whether a claim for statutory review under s.288 Town and Country Planning Act 1990 was made in time.

The claim was filed by the claimant's solicitor within the prescribed six week time period. However, service of the claim form was incorrectly made to the Government Legal Service's previous address and only arrived at the correct address a day after the six week period expired. The judge held that although the provisions for service are couched in mandatory terms the court has the discretion to grant an application for an extension of time. As no party had been prejudiced, and bearing in mind the overriding objective, the extension of time was ordered and permission to bring the claim was granted on all grounds.

Case summary prepared by Juliet Munn