

Case Name: *Tingey v The Secretary of State for Housing, Communities and Local Government & Anor* [2020] EWHC 3373 (Admin) (08 December 2020)

Full case: [Click Here](#)

Commentary:

This was an unsuccessful challenge to a refused planning appeal relating to refused permission for a proposed settled gypsy accommodation site in West Sussex.

The High Court granted permission for the claimant to challenge the inspector's decision on only one of its three grounds. The single ground of challenge was that the inspector had erred in law in mistakenly concluding that it is the specific aim of the Government's Planning Policy for Traveller Sites (PPTS) that new gypsy and traveller sites should be located where their occupants can access services and facilities by foot and public transport.

The site did not fall within any defined built-up area boundary, being about 620 metres away from the closest settlement and 1.7 kilometres away from the nearest major settlement. The inspector therefore considered that residents of the site without private vehicles would have difficulty accessing local services and community facilities, in particular schools and essential health services. The inspector added that without pavements or street lighting along the nearby highway, pedestrians accessing or egressing the site would be faced by challenging highway traffic which would put them at a significant safety risk, particularly on days with poor visibility and during the hours of darkness.

The Court found that the inspector was rightly exercising her planning judgment in order to assess the degree to which the site fulfilled the policy aims in the PPTS, particularly with regard to the suitability of the site for enabling its occupiers to access local services and facilities in circumstances where, as she considered to be the case, the site could not safely be accessed other than by private vehicle.

The Court was not satisfied that the inspector had misunderstood the planning policy to which she referred in some detail in her decision and so it dismissed the claim.

Case summary prepared by Safiyah Islam