

Case Name: *Flintshire County Council v Jayes, R. (On the Application of)* [2018] EWCA Civ 1089 (15 May 2018)

Full case: [Click Here](#)

Commentary: Article 8 of the ECHR
Section 6 Human Rights Act 1998
Sections 101-102 of the Housing (Wales) Act 2014

Section 70(2) of the Town and Country Planning Act 1990
Children Act 2004

Article 3(1) of the United National Convention on the Rights of the Child

Article 3(1) of the United National Convention on the Rights of the Child Although any administrative decision-maker is under a duty to take all reasonable steps to acquaint himself with information relevant to the decision he is making in order to be able to make a properly informed decision, the scope and content of that duty is context specific; and it is for the decision-maker (and not the court) to decide upon the manner and intensity of inquiry to be undertaken into any relevant factor. That applies to planning decision-making as much as any other (see, e.g., *R (Hayes) v Wychavon District Council* [2014] EWHC 1987 (Admin), and *R (Plant) v Lambeth London Borough Council* [2016] EWHC 3324 (Admin); Therefore, a decision by a local planning authority as to the extent to which it considers it necessary to investigate relevant matters is challengeable only on conventional public law grounds.

The interests of children likely to be affected by a planning decision are not merely a material consideration, they are a "primary" consideration (Article 3(1) of the UNCRC: "In all actions concerning children, whether undertaken by public or private social welfare institutions, courts of law, administrative authorities or legislative bodies, the best interests of the child shall be a primary consideration.").

Case summary prepared by Town Legal LLP