

**Case Name:** *Tate, R (on the application of) v Leffers-Smith* [2018] EWCA Civ 1519 (29 June 2018)

**Full case:** [Click Here](#)

**Commentary:** Whether a local planning authority erred in law failing to provide reasons for its conclusion that the development would be 'limited infilling' in accordance with paragraph 89 of the NPPF, contrary to the view of an inspector in a previous appeal decision, when granting planning permission.

The principle of consistency goes, in this case, to a matter of fact and planning judgment, and one on which detailed reasons will generally not be required. However, the planning officer did not acknowledge that his approach and conclusion were at odds with the inspector's on this specific point. Some reasons were required to show why he took a different approach and reached a different conclusion. None were given in the officer's report, or in the minutes of the committee meeting, or in the county council's decision notice. This was an error in law.

The High Court had quashed the planning permission and the Court of appeal dismissed this appeal.

*Case summary prepared by Town Legal LLP*