

Case Name: *CK Properties (Theydon Bois) Ltd, R (On the Application Of) v Epping Forest District Council* [2018] EWHC 1649 (Admin) (29 June 2018)

Full case: [Click Here](#)

Commentary: Whether a decision by a local planning authority to submit its plan to the Secretary of State for examination can be challenged by way of judicial review, or whether any challenge must wait until the plan is finally adopted.

Once a document becomes a Development Plan document within the meaning of s113 of the 2004 Act it must not be questioned in any legal proceedings except in so far as is provided by the other provisions of the section.

Once a document has been submitted for examination it is a Development Plan document.

The authority's decision to prepare for submission of the plan can be challenged by way of judicial review and was not closed out by s113.

There is a window for judicial review of a local planning authority's decision to embark on regulation 19 consultation which is before submission of the plan for examination. This window then closes when the plan is submitted for examination and any subsequent challenge can only be brought once the plan has been adopted.

Four grounds of challenge were advanced but each failed and the claim was unsuccessful

Case summary prepared by Town Legal LLP