

Case Name: *Maximus Networks Ltd v SSCLG* [2018] EWHC 1933 (Admin) (25 July 2018)

Full case: [Click Here](#)

Commentary: A ruling on PINS validation approach; PINS does have a discretion to treat an appeal as valid under s79 of the Town and Country Planning Act 1990, but PINS had exercised that discretion, and its discretion had been exercised rationally.

PINS had refused to validate appeals by a telephone operator against the non-determination by the LPAs of numerous applications for prior approval under the GPDO. This was on the basis that the applicant had not served the notices on the landowners required under the GPDO.

However, Dove J held that because the appeal was rejected on the basis that that applications were invalid, (and PINS declined to exercise their discretion under s79 to continue to consider the appeal) then the applications fell within the scope of regulation 14(3) of the 2012 Regulation. Accordingly, Dove J found that the Claimant's application fees were refundable despite PINS being entitled to turn the appeals away.

For further discussion please see *simonicity*.

Case summary prepared by Town Legal LLP