

Case Name: *Cairns, R (On the Application Of) v Hertfordshire County Council* [2018] EWHC 2050 (Admin) (02 August 2018)

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Commentary: Judicial review claim against the grant of planning permission for development in the Green Belt was allowed but relief was refused as it was held that the outcome would have been the same.

It was heard in a rolled-up hearing and permission was granted on all grounds. The claim was then allowed on one of the grounds (Ground 1), but relief was refused.

The Claimant's Ground 1 challenged the Defendant's screening opinions as they overlooked the effect of the proposal on archaeological remains and therefore were incomplete and failed to meet the statutory requirements under regulation 5 (4) of the EIA Regulations 2017.

It was held that even if the development had been treated as EIA development, planning permission still would have been granted because the proposal did not include any construction near the site of the archaeological remains.

The Claimant's Ground 2 was that the Defendant failed to adequately consider alternative sites and prioritised as a material consideration the low acquisition cost of the development site.

The Claimant's Ground 3 was that the Defendant took account of irrelevant considerations when assessing "very special circumstances" justifying inappropriate development in the Green Belt.

Grounds 2 and 3 were dismissed.

Case summary prepared by Town Legal LLP