

Case Name: *North Norfolk District Council v Secretary of State for Housing Communities And Local Government* 2018 EWHC 2076 (Admin) (03 August 2018)

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Commentary: This was an application to challenge by judicial review the process by which PINS decided to re-determine two quashed planning appeals by written representations (rather than by a public inquiry as had been initially suggested). Ouseley J dismissed the application.

A public inquiry had considered conjoined appeals relating to the erection of two wind turbines on two separate sites in the area of North Norfolk District Council, and the Inspector granted planning permission for both. These permissions were challenged by the Council under section 288 of the Town and Country Planning Act 1990 and the permissions were quashed in May 2017. PINS initially suggested that the quashed appeals could be re-determined by public inquiry but when the new Inspector assessed the information available from the previous inquiry, he decided to re-determine the appeals by written representations.

The Council applied to challenge the decision by PINS to re-determine the appeals by written representations, arguing that PINS did not interpret or apply properly the published criteria for the mode by which quashed planning appeals are to be re-determined.

Ouseley J found that PINS had applied the relevant criteria and the reasons PINS gave did provide a lawful basis for the decision not to hold a further inquiry. He emphasised that that the appeals would be re-determined afresh and in whole, with a slightly different to the usual written representations procedure, making reference to all the evidence from the previous inquiry (with no reference to the previous decision).

Case summary prepared by Town Legal LLP