

Case Name: *Ornua Ingredients Ltd, R (On the Application Of) v Herefordshire Council* [2018] EWHC 2239 (Admin) (22 August 2018)

Full case: [Click Here](#)

Commentary: When approving a reserved matters application, the council failed to take into account a material consideration, in that it did not take any account of representations made by the Claimant on a specific date, which would cast doubt on the conclusion previously reached that noise mitigation was sufficient enough for the houses to be built on the proposed layout. The officers did not appear to give any consideration at all to the 15th December email or the report attached to it.

An error of law was committed. The error was either a failure by the planning authority to consider, either at the level of members or officers, a material factor in the form of the information provided with the 15th December email, or a failure of officers properly to exercise their delegated power to evaluate and come to a conclusion on that information.

The decision was quashed and remitted to the authority for redetermination.

Case summary prepared by Town Legal LLP