

**Case Name:** *Parkhurst Road Ltd v Secretary of State for Communities And Local Government & Anor* [2018] EWHC 991 (Admin) (27 April 2018)

**Full case:** [Click Here](#)

**Commentary:** Issues relating to viability appraisal relating to a development for 116 homes in Islington.

The function of a decision letter is not to give guidance on what course should generally be followed, even in cases raising the same type of issue.

There were flaws in the council valuer's approach which were not addressed properly by the inspector. That error did not vitiate the basis upon which the inspector rejected PRL's case that a 10% affordable housing provision represented the maximum reasonable level and was not a basis for quashing the decision.

The Council's method of using comparison sites in their viability methodology was not perfect and it did contain flaws; but it was the only method put before the Inspector which attempted to compare sites as advised to provide policy compliant level of Affordable Housing.

The Judge found the Planning Court not to be the proper place for viability dispute without technical evidence and assessment. as you would have in the Land Chamber, he considered he and the Inspector to be in a very difficult position to determine:

"it is very much to be hoped that the court is not asked in future to look at detailed valuation material."

Claim dismissed.

*Case summary prepared by Town Legal LLP*