

**Case Name:** *Gladman Development Ltd v Secretary of State of Housing Communities And Local Government & Anor* 2019 EWHC 128 (Admin) (29 January 2019)

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

**Commentary:** A challenge to the decision of an Inspector to refuse planning permission for up to 140 dwellings was successful on the ground that the Inspector had erred by failing to reach a conclusion as to the five-year housing land supply position. The decision was quashed.

The Council's position had been that it had 9 years of housing land supply while the Claimant submitted that it was less than 2. The examination into the local plan was ongoing at the time of the Inquiry. The Inspector felt that it was not realistic for him to reach a firm conclusion on the gap between the parties. The Inspector held that the relevant policy dealing with development in the countryside did not comply with the NPPF and therefore was out of date so the 'tilted-balance' was engaged in any event.

The Court held that "the Inspector fell into legal error in this case by failing to reach a conclusion in relation to the five-year housing land supply position and undertake some measurement of the five-year housing land supply so as to understand the extent of the influence of any shortfall in relation to the weight to be attached to the benefit of making housing provision and the weight to be attached to policies with which the housing proposal conflicted. [...] Bearing in mind the conclusions of this court in the Shropshire case, and the Court of Appeal in the Hallam Land case, that amounted to the failure to take account of a material consideration arising from the proper interpretation of housing policy in the Framework. This was not one of the exceptional cases where such a conclusion either could not be reached or was not required in order to provide a comprehensive answer to the question of whether or not development should be consented."

*Case summary prepared by Susannah Herbert*