

Case Name: *Compton Parish Council & Ors v Guildford Borough Council & Anor* [2019] EWHC 3242 (Admin) (04 December 2019)

Full case: [Click Here](#)

Commentary:

The High Court dismissed the claims of two parish councils and an individual against Guildford Borough Council and the Secretary of State for Housing Communities and Local Government.

The Claimants challenged Guildford BC's adoption of its "Local Plan: Strategy and Sites (2015–2034)". Their grounds of challenge related to the release of sites from the Green belt, and the allocation of these sites for development, under the adopted Local Plan in accordance with the Inspector's modifications following the Public Examination of the Local Plan.

The Judge identified the main general issue as "whether the Inspector had erred in law in his approach to what constituted the "exceptional circumstances" required for the redrawing of Green Belt boundaries on a local plan review". This had a number of aspects, the Judge held, including "whether [the Inspector] had treated the normal as exceptional, and had failed to consider rationally, or with adequate reasons, why Green Belt boundaries should be redrawn so as to allow for some 4000 more houses to be built than Guildford BC objectively needed". The Judge identified other general issues, including: whether the Inspector had considered lawfully or provided adequate reasoning for not reducing housing requirement, leaving some housing needs unmet to reflect the Green Belt policy constraints faced by Guildford BC; and whether Guildford BC had breached the Environmental Assessment of Plans and Programmes Regulations 2004 in deciding not to reconsider what might be reasonable alternatives to the proposed Local Plan, when it ought to have considered alternatives such as removing the development allocation in the Green Belt from one or more contentious large sites. In addition, the Judge identified several site specific grounds of challenge.

The Judge rejected all the grounds of challenge. The Judge found that the Inspector had considered and provided amply reasoned, legally adequate reasons for concluding that objectively assessed need for dwellings be met in full, notwithstanding the consequent need for the release of land from the Green Belt. The Judge also found that the Inspector's reasoning was adequate in making out the necessary "exceptional circumstances" to justify allocation of housing sites released from the Green Belt – "having read the strategic and Local-level exceptional circumstances, which have to be taken together, I had no sense of having read something illogical or irrational".

For further review of the grounds of challenge and the Judge's reasons for dismissing them, see *Simoncity*

Case summary prepared by George Morton Jack