

Case Name: *Bassetlaw District Council v Secretary of State for Housing* 2019 EWHC 556 (Admin) (23 January 2019)

Full case: [Click Here](#)

Commentary: A statutory challenge to the decision of an Inspector to grant planning permission on appeal was dismissed.

The Local Planning Authority had given two reasons for refusing permission: the first that it was contrary to policies in the development plan and secondly that it would be "contrary to the 'priorities and objectives' of the emerging Sutton-cum-Lound neighbourhood plan; in particular, Objective 1, as the site was not one of those selected and allocated for development within policies 3, 4 and 5 of the Plan".

The Claimant argued that the Inspector had failed to address the second reason for refusal and alternatively that insofar as the inspector did address the second ground, he erred in interpreting the Neighbourhood Plan as allowing any residential development outside the (re-defined) development boundary.

The Inspector had not made any express reference to reason 2. However, the Court held that although it would have been preferable if he had dealt with it expressly, reason 2 would not have been a valid reason for refusal because it related to an objective of the neighbourhood plan rather than a policy. Even if it was an error of law, it would have been of minor significance and relief would have been refused in any event.

Case summary prepared by Town Legal LLP