

**Case Name:** *Leeds City Council v The Secretary of State for Housing, Communities And Local Government* [2019] EWHC 682 (Admin) (13 March 2019)

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

**Commentary:** A local planning authority challenged in the High Court the grant of planning permission by the Secretary of State's planning inspector for the development of part of a "Protected Area of Search" (PAS) to the north west of Leeds city centre. The PAS in question had been designated as such by the Council's unitary development plan, dating to 2006, which remained the adopted development plan at the date of the inspector's determination.

The claimant raised five overlapping grounds of challenge, all relating to the inspector's approach to the policy designating the PAS. The inspector had found that there was a conflict with this policy, but determined that little weight should be ascribed to this conflict, on the basis that the proposals accorded with the development plan as a whole. The claimant also suggested that the inspector had made a "'freewheeling' investigation of sustainability outside the rubric of [the at that stage in force 2012] NPPF paragraph 14".

Kerr J held that the inspector had made no error in law and dismissed the application for statutory review. The inspector had satisfactorily dealt with the conflict with the relevant policy. He clearly concluded that there was a conflict, but this did not prevent him from finding that the proposals accorded with the development plan as a whole. It was up to the inspector to determine what weight should be given to any conflict. The judge held furthermore that the inspector had correctly applied paragraph 14 of the 2012 NPPF: he concluded first that the proposals accorded with the development plan as a whole before any consideration of paragraph 14.

*Case summary prepared by Town Legal LLP*