

Case Name: *Residents Local To Elmbank, R (On the Application Of) v Woking Borough Council & Anor* [2019] EWHC 892 (Admin) (11 April 2019)

Full case: [Click Here](#)

Commentary: A judicial review of a decision by the Council to grant a section 73 application to vary a condition restricting use of the property to use only for elderly people to a condition restricting use for vulnerable adults, whether or not they were elderly was dismissed.

The challenge was based on the officer's interpretation of the relevant local plan policy which protects specialist accommodation unless it could be demonstrated that there was insufficient need. The judge agreed with the Council's interpretation that "specialist accommodation" referred to all types of accommodation covered by the policy and the needs of older people were not prioritised ahead of other groups. This ground therefore did not succeed.

The Claimants also argued that there was not sufficient evidence that a care home was no longer viable. This ground was also dismissed, both because the judge was satisfied that there was sufficient evidence, and because it was not necessary to demonstrate insufficient need because the property would remain as specialist accommodation within the meaning of the policy.

Case summary prepared by Town Legal LLP