

**Case Name:** *Starbones Ltd v Secretary of State for Housing, Communities and Local Government & Ors* [2020] EWHC 526 (Admin) (10 March 2020)

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

**Commentary:** The High Court dismissed an application for statutory review of the Secretary of State's dismissal of a planning appeal by the claimant developer against the refusal of planning permission by the London Borough of Hounslow in respect of the proposed "Chiswick Curve" development. The claimant contended, first, that the Secretary of State had failed to have regard to the relative impacts on heritage assets of implementation of an already existing planning permission for the same site, or development of the site in accordance with emerging local policy; and, second, that he failed properly to apply his own policy in paragraph 48 of the National Planning Policy Framework (NPPF) when determining the weight to be given to the policies of the draft London Plan.

The judge disagreed with both grounds of challenge. She found that, on a fair reading of his decision letter, the Secretary of State had taken into account the relative impacts referred to. The Secretary of State had, in the judge's view, considered the proposed development too tall in its local context. The judge also found that the judge had correctly applied his paragraph 48 of the NPPF. He was entitled to give less weight to relevant policies of the draft London Plan given the outstanding objections to it. The claim was dismissed.

*Case summary prepared by Ricardo Gama*