

**Case Name:** *Save Warsash and the Western Wards, R. (On the Application of) v Fareham Borough Council* [2021] EWHC 1435 (Admin) (28 May 2021)

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

**Commentary:**

This was a successful challenge to Fareham Borough Council's decision to grant full planning permission for six detached houses on 8,232.380 m<sup>2</sup> of undeveloped grassland.

As in the Wyatt case summarised above, the claimant challenged Natural England's advice on nitrates in the Solent and how the Council had sought to ensure that the development would not cause adverse harm to the marine environment. Those grounds which overlapped with the Wyatt claim were dismissed, with the court remaining of the view that the approach taken by the Council to mitigating the effects of nitrates on the Solent was legally sound.

However, this challenge succeeded on procedural issues. In this instance, the court was satisfied that objectors had not been given sufficient time to consider and comment on information submitted by the applicant relating to the use of the land over the past 10 years since some documents had not been displayed for the required five clear days. The court also considered that the decision taken by the Council's planning committee would not inevitably have been the same if objectors had been given the opportunity to fully consider and comment on the applicant's submissions on the use of the land.

*Case summary prepared by Safiyah Islam*