

**Case Name:** *Bewley Homes PLC v Secretary of State for Levelling Up, Housing and Communities & Anor* [2024] EWHC 1166 (Admin) (16 May 2024)

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**Commentary:** The High Court has dismissed a claim for statutory review premised on interpreting the National Planning Policy Framework (NPPF) to mean that a 'blanket assignment' of significant weight should be given to all economic benefits of any proposed development. The Court rejected this interpretation and confirmed that decision makers, after assessing any economic benefits, can apply their judgment to arrive at a weighting for such benefits in the overall planning balance.

### Background

Bewley Homes plc (the Claimant) originally made an application, which was refused by Waverley Borough Council (the Council), for outline planning permission for up to 140 dwellings at a site in Farnham. The Council's refusal was appealed by the Claimant and the appeal was dismissed by an Inspector. The Claimant, in its claim for statutory review, sought to challenge the Inspector's interpretation of what was paragraph 81, now 85, of the NPPF (Paragraph 81).

Paragraph 81 provided among other things:

*"81. Planning policies and decisions should help create the conditions in which businesses can invest, expand and adapt. Significant weight should be placed on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development. ..."*

The Claimant advanced two grounds of challenge:

1. The Inspector had misinterpreted Paragraph 81, primarily by only giving moderate weight to the economic benefits of the proposed development. The Claimant argued that Paragraph 81 required a blanket assignment or uniform prescription of "significant weight" for the economic benefits of any proposed development (Ground 1); and
2. The Inspector had failed to give reasons for departing from previous appeal decisions that agreed with the interpretation of Paragraph 81 given in Ground 1 (Ground 2).

### Judgment

In brief, the Court rejected the Claimant's submissions on how Paragraph 81 should be interpreted and found the Inspector made no error of law.

The Court considered that the "significant weight" referenced in Paragraph 81 is to be placed on the 'objective' of supporting economic growth and productivity and does not

suggest that the significant weight should be given to any economic benefit flowing from any development proposal. The Court contrasted general, unquantified and typical benefits against major and quantified economic benefits and considered that it would be “absurd” to say those benefits should attract the same weight. The Court held that decision makers should be able to assess any economic benefits and evaluate the weight to be attached to them in the overall planning balance. Ground 1 was accordingly rejected.

As the appeal decisions in Ground 2 relied on a legally erroneous interpretation of Paragraph 81, the Court held that the Inspector did not need to deal with them and so Ground 2 also fell away.

### **Comment**

At risk of understating the tenor of the judgment, the Court was clearly not persuaded by the Claimant’s arguments. This decision confirms that the NPPF does not require significant weight to be given to any economic benefit; the appropriate weight to be applied to such benefits will be a matter of planning judgment. Noting the Court also made pointed remarks about the absence of evidence supporting the economic benefits claimed, this decision is also a useful reminder that applicants seeking to rely on such benefits for a scheme would be prudent to consider how such benefits can be optimally particularised and substantiated.

*Case summary prepared by Jamie Davies*