



**In the High Court of Justice  
Queen's Bench Division  
Planning Court**

CO/5079/2018

In the matter of a claim for Planning Statutory Review

**GLADMAN DEVELOPMENTS LIMITED**

**Claimant**

**versus**

**(1) SECRETARY OF STATE FOR HOUSING, COMMUNITIES  
AND LOCAL GOVERNMENT**

**(2) SOUTH OXFORDSHIRE DISTRICT COUNCIL  
(3) LEIGH RAWLINS (CAMPAIGN AGAINST GLADMAN IN  
EYE AND DUNSDEN)**

**Defendants**

**Application for permission to apply for Planning Statutory Review  
NOTIFICATION of the Judge's decision (CPR PD 8C 7.1 to 7.6)**

Following consideration of the documents lodged by the Claimant and the Acknowledgement of service filed by the First Defendant;

**Order by the Honourable Mrs Justice Lang DBE**

1. Permission is hereby refused.
2. The Claimant do pay the First Defendant's costs of preparation of the Acknowledgment of Service in the sum of £2,960. This is a final order unless within 14 days the Claimant files at court and serves on the First Defendant written objections to it. In that event, the First Defendant has 14 days in which to file and serve a response and the Claimant has a further 7 days in which to file and serve a reply. A Judge will then make a final determination on costs, either on the papers or at a hearing of any renewed application for permission.

**Reasons:**

**Ground 1**

In my view, Ground 1 has no prospect of success. The Inspector reviewed the different assessments of housing need placed before him and formed the overall conclusion that the Second Defendant could demonstrate a three year housing supply. That was a reasonable and lawful planning judgment. Unmet need from neighbouring areas can be considered separately from the local housing need figure – see NPPF 60. In any event, the Inspector went on to assess the proposed development according to the standard planning balance and the tilted balance under NPPF 11(d). On both assessments he reached the clear conclusion that planning permission should be refused, despite giving very significant weight to the provision of new housing.

**Ground 2**

The allegation that the Inspector made a mistake of fact in DL43, or contradicted DL24, seems to be based on a misunderstanding of the decision. As stated above, the Inspector was entitled to treat unmet need from neighbouring areas separately from the local housing need figure – see NPPF 60. At DL43 he was deliberately using the figures from table 4.3, as the First Defendant explains in his Summary Grounds. But, in any event, in the light of the Inspector's planning judgments on the proposal,

there is no prospect that his conclusion would have been any different if had assessed the benefits of new housing on the basis of a housing land supply of between 3.11 and 3.87 years.

Signed:

*John A. Long*

31.1.19

**The date of service of this order is calculated from the date in the section below**

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**For completion by the Planning Court**

Sent / Handed to the Claimant, Defendant and any Interested Party / the Claimant's, Defendant's, and any Interested Party's solicitors on (date):

Solicitors:

**01 FEB 2019**

Ref No:

**Notes for the Claimant**

If you request the decision to be reconsidered at a hearing in open court under CPR PD 8C 7.8, you must complete and serve the enclosed FORM 86B within 7 days of the service of this order