

JUDICIAL REVIEW

Judicial Review is a remedy of last resort. In view of the high cost, advice from a suitably experienced lawyer should be sought before taking such action. A Judicial Review is not concerned with the planning merits of a case but with its legality.

Can a Planning Inspector's decision be challenged?

An Inspector's decision may be challenged in the High Court within 6 weeks (the relevant decision date in this case is 4th August 2022, so the critical date by which a challenge must be submitted is 15th September 2022)) on the basis they have erred in law. For example, if there was a mistake in legal procedures or some vital information was ignored.

To bring a judicial review claim, the person bringing the claim must have "standing". This means that the person (including a group or company) has a sufficient interest in the matter. A group will have sufficient interest if it represents the interests of individuals who are directly affected by a decision.

If the High Court upholds the challenge, a different Inspector will reconsider the appeal avoiding the mistake, but it is possible the outcome will be the same. As stated above, taking a case to judicial review is an expensive process and, if you are unsuccessful costs could well be awarded against you. If the High Court was to find that the Planning Inspector acting on behalf of the Planning Inspectorate had erred in law they may well seek leave to appeal that decision in The Court of Appeal, and possibly onwards to The Supreme Court.

Appeal forms and information booklets explaining how to appeal are available from the [Planning Portal](#), specifically [Challenging a Decision in the High Court](#).

As regarding seeking initial legal advice and an opinion as to the reasonable chances of making a successful challenge to the Inspector's Decision Report in the High Court, Landmark Chambers in London have been contacted and have indicated the price for undertaking this work would be £7000. I think this is based on the cost of Mr Sasha White QC undertaking the work (whether he would be available at this time of the year and at such short notice is questionable) who is undoubtedly one of the country's leading planning silks. Indeed he was nominated for Planning Silk of the Year by Legal 500 for 2020. As a "Junior" he was identified as the number one Planning Junior in the UK by Planning Magazine for an unprecedented 8 consecutive years. I would assume that if he was not involved, but the work was still to be undertaken by Landmark Chambers the price might be in the range £3500 to £5000.