

News Release

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High Court throws out challenges against Waverley Borough Council planning decisions

Waverley Borough Council has successfully defended two High Court challenges against its Local Plan and a further High Court challenge against the Secretary of State's decision to grant planning permission for Dunsfold Aerodrome.

The decision followed a hearing at the High Court on 9 and 10 October 2018 where local action groups POW Campaign Limited (POWCL) and CPRE Surrey claimed that the council and the Local Plan Inspector had unlawfully included 50% of the unmet need from Woking borough in the Local Plan, adopted by Waverley Borough Council in February this year.

The two claimants also asserted that the Inspector had failed to give adequate reasons as to why he had included a proportion of Woking's unmet housing need in Waverley's Local Plan.

However, Deputy High Court Judge, Ms Nathalie Lieven QC, rejected the claimants' arguments and dismissed all the applications.

In dismissing the applications, the judge stated the Inspector took a "sensible, pragmatic and in my view lawful approach" in his assessment of Waverley's approach to take on some of Woking's unmet housing need. Commenting on the Inspector's reasons, the judge said: "The critical point is that the central justification or reasons for the Inspector's conclusions are clear on the level of housing requirement in the [Local Plan]. In my view they are here – it is clear why he reached the figure he did on unmet need. For these reasons I do not think that the Inspector and Waverley Borough Council erred in law in the adoption of the [Local Plan], and I reject the s.113 challenges."

In a separate claim, POWCL challenged the decision of the Secretary of State for Housing, Communities and Local Government to grant planning permission at Dunsfold Aerodrome. Planning permission was granted for a new settlement including 1,800 new homes, a new school, a community centre, business space and supporting infrastructure.

POWCL argued that planning permission had been granted on the basis of the wrongful inclusion of Woking's unmet need in the Local Plan. The judge dismissed this claim, upholding the Secretary of State's decision to grant planning permission for the development.

Councillor Julia Potts, Leader of Waverley Borough Council, said: "We are pleased to have been vindicated in the High Court – although it is a shame that, despite the adoption of the Local Plan having followed due process, we have had to use Council Tax payers' money to defend the Local Plan against the legal actions of two campaign groups. Although I understand that planning for our future isn't an easy subject, it is essential that we have a Local Plan that enables us to have the control to shape our borough for future generations. Now we can continue getting on with doing just that.

"In addition, we will have our new community at Dunsfold Park, which will bring jobs, economic growth, education and of course - and most importantly - much needed new homes, with both affordable and market housing, so that our children and young people can keep on living in our brilliant borough alongside their friends and families."

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