



Claims for planning statutory review

Notes for Guidance for Court Users

Claims for statutory review under:

- (a) section 287 of the Town and Country Planning Act 1990;
- (b) section 288 of the Town and Country Planning Act 1990;
- (c) section 63 of the Planning (Listed Buildings and Conservation Areas) Act 1990;
- (d) section 22 of the Planning (Hazardous Substances) Act 1990; and
- (e) section 113 of the Planning and Compulsory Purchase Act 2004.

Challenging a decision made on or after 26 October 2015. (For guidance on challenging decision made before 26 October 2015 see existing Notes for Guidance for Court Users).

Permission of the Court is required to make such a challenge. The procedure is set out in CPR PD 8C and see also PD54E

What are the time limits for making an application?

The time limit for lodging the application is fixed by the 1990 Act.

The application must be lodged at the Planning Court in the Administrative Court within 6 weeks (42 days) of the day on which the decision letter is signed (not the day of receipt). Postal delays cannot be taken into account in calculating the date of lodging. Note that if the 6 week date falls on a day when the office is closed then the relevant date will be the next date that the office is open.

A claim before the Planning Court may be started, administered and determined at one of the following venues:

Royal Courts of Justice

Administrative Court Office, Royal Courts of Justice, Strand, London, WC2A 2LL

Birmingham Civil Justice Centre

Priory Courts, 33 Bull Street, Birmingham, B4 6DS

Cardiff Civil Justice Centre

2 Park Street, Cardiff, CF10 1ET

Leeds Combined Court Centre

1 Oxford Row, Leeds, LS1 3BG

Manchester Civil Justice Centre

1 Bridge Street West, Manchester, M60 9DJ

Issuing the Claim

A Part 8 claim form (in practice form N208PC) must be used and must be marked the "Planning Court". It must be filed at the Administrative Court Office within the time limit. The claim form must state:

- a) the name and address of any person that the claimant considers must be served (see table below);
- b) that the claimant is requesting permission to proceed with a claim for planning statutory review;
- c) a detailed statement of the claimant's grounds for bringing the claim for planning statutory review;
- d) a statement of the facts relied on;
- e) any application for directions; and
- f) the remedy being claimed (including any interim remedy).

The claim form must be accompanied by the following documents:

- a) any written evidence in support of the claim;
- b) a copy of any decision, order, relevant document or action that the claimant seeks to have quashed;
- c) copies of any documents on which the claimant proposes to rely;
- d) copies of any relevant statutory material; and
- e) a list of essential documents for advance reading by the court (with page references to the passages relied on).

If it is not possible to file all the required documents, the claimant must indicate which documents have not been filed and the reasons why they are not currently available.

Copies

The claimant must file two copies of a paginated and indexed bundle containing all the documents.

Service of the claim form

The Administrative Court Office does not serve documents and you must lodge sufficient copies for sealing and return for you to serve.

You must serve the defendants (see below) within 42 days of the decision under challenge. The Court may extend the time for service. If you are unable to obtain the consent of the other parties to the extension of time, you will need to make a formal application to the Court using form N244 or PF244. If the other parties consent, you should lodge a draft consent order signed by all parties for approval by the Court without the need for a hearing.

The claim form must be served on the appropriate Minister or government department and, where different, on the person indicated in the following table:

<p>If the application is brought under :</p> <ol style="list-style-type: none"> 1. section 287 of the Town and Country Planning Act 1990; or 2. section 113 of the Planning and Compulsory Purchase Act 2004. 	<p>The authority who prepared the relevant document.</p>
<p>If the application relates to any decision or order, or any action on the part of a Minister of the Crown to which:</p> <ol style="list-style-type: none"> 1. section 288 of the Town and Country Planning Act 1990 applies; or 2. section 63 of the Planning (Listed Buildings and Conservation Areas) Act 1990 applies. 	<ol style="list-style-type: none"> a) The authority directly concerned with the decision, order or action; or b) If that authority is the claimant, on every person who would, if he were aggrieved by the decision, order, relevant document or action, be entitled to apply to the High Court under section 288 of the Town and Country Planning Act 1990 or section 63 of the Planning (Listed Buildings and Conservation Areas) Act 1990 as the case may be.
<p>If the application relates to any decision on the part of a Minister of the Crown to which section 22 of the Planning (Hazardous Substances) Act 1990 applies.</p>	<ol style="list-style-type: none"> a) The hazardous substance authority who made the decision on the application to which the proceedings relate; or b) If that authority is the claimant, on every person who would, if he were aggrieved by the decision, be entitled to apply to the High Court under section 22 of the Planning (Hazardous Substances) Act 1990.

Responses

The defendant(s) and any interested parties have 21 days, from the date that you served the claim on them to respond to your claim with an Acknowledgement of Service. This contains grounds in response. When the court receives all Acknowledgements of Service, or the time for doing so expires, whichever is earlier, the case is ready for submission to a judge to consider whether to grant permission to proceed.

Permission decision

The court will serve its reasons for making the decision when it serves the order giving or refusing permission.

Refusal of permission

Where the court refuses permission to proceed and records the fact that the application is totally without merit, the claimant may not request that decision to be reconsidered at a hearing. Otherwise, the claimant may not appeal but may request the decision to be reconsidered at a hearing. The request must be filed within 7 days after service of the reasons. The claimant, defendant and any other person who has filed an acknowledgment of service will be given at least 2 days' notice of the hearing date.

Grant of permission

Neither the defendant nor any other person served with the claim form may apply to set aside an order giving permission to proceed.

A defendant and any other person served with the claim form who wishes to contest the claim or support it on additional grounds must file and serve:

- a) detailed grounds for contesting the claim or supporting it on additional grounds;
and
- b) any written evidence,

within 35 days after service of the order giving permission.

The court's permission is required if a claimant seeks to rely on grounds other than those for which the claimant has been given permission to proceed. Where the claimant intends to apply to rely on additional grounds at the hearing, notice must be given to the court and to any other person served with the claim form no later than 7 clear days before the hearing.