

**IN THE HIGH COURT
APPLICATION FOR LEAVE TO APPEAL
TO THE COURT OF APPEAL (CIVIL DIVISION)**

Title of case/action: The Queen on the application Timothy Steer v Shepway District Council, David Westgarth and Lucy Westgarth	Action/case no. CO/3051/2017
Heard/tried before (insert name of Judge): Mrs Justice Lang	Court no 18
Nature of hearing Judicial review	
Date of hearing/judgment: 16 February 2018	
Results of hearing (attach copy of order): Judicial review granted	
Defendant's application for permission to appeal	REFUSED
Reasons for decision (to be completed by the Judge): I do not consider that the Defendant has a real prospect of success on appeal, for the reasons I have set out in my judgment. Nor is there some other compelling reason why the appeal should be heard. As recently as December 2017, the Supreme Court in <i>Dover District Council v CPRE Kent</i> [2017] UKSC 79 considered, and to some extent re-cast, the common law duty on local planning authorities to give reasons for granting permission. Prior to that decision, the provision of reasons by local planning authorities was much more limited in practice, following the repeal of the statutory duty to give reasons for a grant of planning permission. This Committee's decision pre-dates the <i>CPRE Kent</i> case. The Committee disagreed with the advice given in the Officer's Report. The only reasons which the Committee gave were in the Minutes (there is a separate statutory duty to record minutes). I consider that the reasons given in this case fell well short of the standard required (as identified by the Supreme Court) and demonstrably prejudiced the Claimant since it was impossible to ascertain the Committee's reasons on the main issues.	
Judge's signature: Mrs Justice Lang 16 February 2018	Note to the Applicant: When completed this form should be lodged in the Civil Appeals Office on a renewed application for leave to appeal or when setting down an appeal