

## **Judicial Review Checklist of Information**

- ✓ Decision notice issued by the local planning authority;
- ✓ Planning officer's report on the application – this can be either a report prepared for a committee (plus any updates) or a report prepared to enable the officer to make the decision under delegated powers;
- ✓ Minutes of the Committee meeting (if available, do not delay instructing us to wait for them to be published);
- ✓ A short note summarising the facts, why you are unhappy about the decision and any questions you may have;

Remember that the Court is only reviewing the legality of the decision and has no power (unlike a planning inspector) to make the decision itself. If you win in court, the matter will be returned to the local authority to decide, in the light of the court's decision.

As a starting point, there are three basic rules:

1. The Local Planning Authority must have complied with the law. If an authority has exceeded the powers it has been given, or hasn't complied with its legal duty to act in a particular way, or ignored the development plan, policies or guidance, or taken into account something which is not a material planning consideration, then it may have acted unlawfully.
2. Authorities must act fairly. This means that they must not be, or appear to be, biased. They must act consistently.
3. Finally, authorities must not act illogically or irrationally.

- ✓ Your letter(s) of objection to the Council about the application;
- ✓ Any correspondence from any statutory consultees which are of relevance to your concerns about the decision;
- ✓ Weblink to the application on the Council's website;
- ✓ A copy of the relevant local plan policies referred to in the report (the actual wording, not the summary given by the officer);
- ✓ A short note on what action you want the local planning authority to take.

This may be obvious (e.g. revoke the decision) but it needs an answer. Remember that the Court is restricted in the orders that it can make if you succeed – it can quash the decision, it can make a declaration and it can grant an injunction.

Do you need any interim remedy? For example, if a listed building is under threat do you need to prevent this whilst the application is being considered?