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## High Court quashes neighbourhood plan over 'inadequate' evidence base

14 October 2016 by Michael Donnelly , [Be the First to Comment](#)

**A High Court judge has quashed a West Sussex neighbourhood plan after concluding that the document was based on an 'inadequate' evidence base.**

Horsham District Council formally adopted the Henfield Neighbourhood Plan this April. However, developers Stonegate Homes launched a legal challenge against the plan's adoption.

According to a [High Court judgment](#) in the case, issued yesterday, the developer had been promoting a site known as Sandgate Nursery, on the western side of Henfield, for a development of 72 dwellings.

Stonegate Homes' case was brought on grounds including that the council had failed to lawfully assess reasonable alternatives to the spatial strategy as established by the neighbourhood plan and, in particular, the alternative of permitting development on the western edge of the village.

It also claimed that the council had failed to consider any alternatives to the built-up area boundary (BUAB) established in the plan and had failed to act rationally in selecting the boundary.

The judgment found that the decision to discount land on the western edge of Henfield for inclusion as a potential housing site in the plan was flawed, "based as it is upon an inadequate, if that, evidence base".

With regards to the BUAB, the judgment said that there was no explanation "as to why the proposed delineation is preferred to any alternatives".

Law firm Russell-Cooke acted for Stonegate Homes in the case. Alex Ground, partner at the firm, said the "landmark case" marks the first time the High Court has quashed a decision to make a neighbourhood plan.

"The court has found that the policies within the Henfield Neighbourhood Plan were not based on sound evidence," said Ground.

"While it is accepted that the level of detail of evidence for neighbourhood plans does not need to be as technical as that for local plans, the court has clearly found that qualitative evidence, which can be acceptable to support a policy with, must be supported by research and not simply guessed.

"In this case, concerns that some of the neighbourhood policies had not been based on evidence had been raised with both the council and the examiner of the neighbourhood plan, but had been ignored.

"Each body relied on someone else's conclusions that the appropriate evidence was there, when in fact there was none. The law requires both the examiner and the council to carry out a separate checking process that various requirements have been met deliberately.

"Parish councils and other local bodies should not be put off bringing forward neighbourhood plans. This case has not said that only professionals' technical evidence can meet the required standards needed to underpin a neighbourhood plan; simply that plans cannot be run according entirely to a local agenda that has no evidential basis."

A statement from Horsham District Council said that the plan had been examined by "an independent and qualified neighbourhood plan examiner".

"The examiner did not raise any concerns with the plan. Horsham District Council accepted the examiner's findings, and so proceeded to referendum," the council said.

Council leader Ray Dawe said: "To have an entire plan quashed as a result of one developer's determination to build on one site in the village is extremely disappointing.

"However, as the matters raised by the judge are reasonably straightforward to address, we are able to continue to work with Henfield Parish Council so that we can get the Henfield Neighbourhood Plan in place as swiftly as possible.

"We will also review what other measures may need to be put in place to ensure that the chances of such circumstances occurring against other neighbourhood plans are minimised."

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