

## Pyestock -- Court decision of 27<sup>th</sup> May 2010

SPLAT appeared in the High Courts to challenge the decision of the Secretary of State who had reversed the decision of the Inspector who had found in favour of refusing planning permission for the Pyestock development.

After a two day hearing at the Royal Courts of Justice, the Judge handed down his judgement at 3 pm, Thursday, 27<sup>th</sup> May 2010.

Mr Paul Stinchcombe representing SPLAT made a strong case that the Secretary of State's decision to approve a non-compliant planning application, prevented an application coming forward that would not impact on the strategic gap nor the rural character of the area; one that would be less harmful. Technically what Mr Stinchcombe was advocating was that a breach of both conditions within Local Plan Policy DEV12 meant that the Secretary of State had to declare the planning application not in accordance with the Development Plan. His argument was based on the premise that the site specific policy must take precedence over general policies and improving the landscaping on the site was no offsetting benefit for the damage to the strategic gap and the rural character of the area

Regrettably the Judge found in favour of the Secretary of State, quoting numerous precedent cases that gave the Secretary of State a wide discretion. In the Judge's decision the site specific policies carry no more weight than any other policy. The Secretary of State can take all policies into account and apply his own weight to them – he has very broad discretion!

This represents the end of a four year fight to keep the lorries at bay. Having lost the case SPLAT will have to bear the costs of the Secretary of State's defence. Continuing as they have throughout the campaign Prudential and Astral Developments have been contemptuous of local opinion and to add insult to injury they attempted to recover their costs from SPLAT as well. The Judge declared that there had been no need for Prudential to be represented and they, in large, duplicated the Secretary of States case and therefore refused costs; there is some justice!

Theoretically the bulldozers could arrive tomorrow, but there are a number of procedural hurdles that Prudential and Astral Developments have to clear before work can begin in earnest and occupation of the site cannot commence until the road improvements (sic) have been put in place.

It may be that market forces can take up where SPLAT has left off and frustrate the inappropriate development of the Pyestock Site.

What should not be forgotten is that it is the inadequacy of our local road infrastructure that has forced a 24 hour a day by 7 day a week development, supposedly to avoid further congestion on our inadequate roads. We have to suffer twice for under investment in local infrastructure. Fleet is threatened with further major developments, the QEB housing estate and possibly more houses as a consequence of the South East Plan. As local residents we must ensure that although we have lost this battle, we must not lose the war in maintaining some residual quality of life.

Members of SPLAT's core committee would like to express our public thanks to our legal team of Paul Stinchcombe, barrister and Louise Humphreys, solicitor of local firm Peyto Law who have professionally and compassionately advised and served our cause. We also wish to thank everyone who has supported us in whatever way they have through this long campaign. With your help and support we did win the Public Inquiry and we did inject some additional conditions into the planning approval, but the juggernaut of the late government rolled over us!!

We can only hope this new government lives up to its promise of giving more power back to the community.