

IN THE HIGH COURT OF JUSTICE
KING'S BENCH DIVISION
PLANNING COURT

The Hon Mr Justice Mould

BETWEEN:

CLAIM NO. AC-2025-LON-002311



AC-2025-LON-002311

THE KING

(on the application of LOCHAILORT INVESTMENTS LIMITED)

Claimant

and

SOMERSET COUNCIL

Defendant

and

NORTON ST PHILIP PARISH COUNCIL

Interested Party

ORDER

UPON the Claimant's application for judicial review of the Defendant's decision dated 3 June 2025 that the Norton St Philip Neighbourhood Plan ("the Neighbourhood Plan"), subject to modifications satisfies the basic conditions and should proceed to referendum ("the Decision")

AND UPON the referendum on the Neighbourhood Plan having been held on 17 July 2025 ("the Referendum")

AND UPON the parties agreeing terms and signing a draft consent order in the terms set out below

AND UPON the Court being satisfied that it is appropriate to quash the Decision and the Referendum results

IT IS ORDERED that:

1. The application for permission to apply for judicial review be granted on Ground 1A only.
2. The Claimant has permission to amend its Statement of Facts and Grounds and claim form, such that they also challenge the Referendum associated with the Neighbourhood Plan held on 17 July 2025.
3. The claim for judicial review (as amended) be allowed for the reasons stated within the Statement of Reasons attached to this Order.
4. The Decision of the Defendant dated 3 June 2025 to accept the Independent Examiner's report for the Norton St Philip Neighbourhood Plan and progress to referendum is quashed.
5. The results of the Referendum held on 17 July 2025 are quashed.
6. The matter is to be remitted back to examination.
7. The Defendant do pay the Claimant's reasonable costs of the claim, to be assessed by detailed assessment if not agreed.

APPROVED

Timothy Mould

31 December 2025

BY THE COURT

STATEMENT OF REASONS

1. On 3 June 2025, the Defendant made the decision that the Norton St Philip Neighbourhood Plan ('the NP') satisfies the 'basic conditions' and should proceed to referendum ("the Decision"). The Claimant brought a judicial review challenge to the Decision.
2. The referendum on the NP was subsequently held on 17 July 2025, with the outcome being in favour of the NP being made ("the Referendum"). Any legal errors in the Decision would have also infected the results of the Referendum. Accordingly, the Claimant has permission to amend its claim to also challenge the results of the Referendum.
3. The Defendant and the Interested Party agree that the Decision and results of the Referendum should be quashed pursuant to Ground 1A of the Claimant's original Statement of Facts and Grounds only, as summarised below.
4. In brief, the NP was examined by an independent examiner, whose report was dated 7 May 2025. Paragraph 67 of the National Planning Policy Framework (2023), against which the plan was being examined, says that where housing requirements for designated neighbourhood areas have been established within strategic policies in the Local Plan, 'these figures should not need re-testing at the neighbourhood plan examination, unless there has been a significant change in circumstances that affects the requirement'.
5. The Planning Practice Guidance ("**PPG**") further advises that "Local housing need will be considered to have changed significantly where a plan has been adopted prior to the standard method being implemented, on the basis of a number that is significantly below the number generated using the standard method" (albeit, for the avoidance of doubt, the Defendant and Interested Party do not consider the guidance in the PPG to be directly applicable to the current context). The quoted extract from the PPG does not form part of the Interested Party's reasons for consenting to judgment on Ground 1A.
6. The Claimant submitted representations which, amongst other things, contended that there had been a significant change in circumstances because the Defendant's housing need had increased under the standard methodology which had been introduced following the adoption of the housing requirement in the Mendip Local Plan Part 1.

7. The NP relied upon the minimum housing requirement established through policies of the Mendip Local Plan Part 1, which was adopted in December 2014. This set the relevant housing requirement for the Mendip area as 420dpa. Since then, the standard method was introduced into national policy through the 2018 iteration of the NPPF. The standard method sets a housing requirement of 569dpa in Mendip – i.e. a 35% increase on the local plan requirement.
8. In these circumstances, the Examiner was required to consider whether there had been a significant change in circumstances that affected the housing requirement. Policy does not dictate what constitutes a significant change, which is a matter of planning judgement for the decision-maker. However, the decision-maker was required to apply his mind to this issue.
9. In examining the NP, the Examiner explained that there was no requirement to consider the changes made by the 2024 NPPF (as the NP was being examined under the NPPF 2023). However, he failed to have regard to whether the change in the housing need for the area through the introduction of the standard method, as set out in the 2023 NPPF, amounted to a significant change in circumstances.
10. This constituted a failure to take account of a mandatory material consideration and was material error of law. It means the Decision of 3 June 2025 is legally flawed.
11. The referendum in the NP is similarly infected by this error and thus this separate decision must also be quashed (see R (Fylde Coast Farms Ltd) v Fylde BC [2021] 1 WLR 2794 at [54] and R (Maynard) v Chiltern DC [2015] EWHC 3817 (Admin) at [114]).
12. For the avoidance of doubt the Claimant maintains that the Decision was flawed on all grounds advanced in its Original Statement of Facts and Grounds but recognises that in light of the Defendant and Interested Parties' position it is not necessary to ask the Court to determine these matters.