



**In the High Court of Justice
King's Bench Division
Administrative Court**

AC-2026-LON-003203

01 Oct 2026

LONDON

AC-2026-LON-003203

In the matter of an application for planning statutory review

FAIRFAX (READING) LIMITED

Claimant

-and-

**(1) SECRETARY OF STATE FOR HOUSING, COMMUNITIES AND
LOCAL GOVERNMENT**

(2) SOUTH OXFORDSHIRE DISTRICT COUNCIL

(3) READING BOROUGH COUNCIL

(4) OXFORDSHIRE COUNTY COUNCIL

(5) KIDMORE END PARISH COUNCIL

(6) CAVERSHAM AND DISTRICT RESIDENTS' ASSOCIATION

Defendants

**Notification of the Judge's decision on the application for permission to
apply for statutory review**

Following consideration of the documents lodged by the Claimant and the
Defendants, including the Claimant's reply

ORDER by the Honourable Sir Peter Lane

1. The application for permission to apply for statutory review is refused. .
2. The costs of preparing the First and Second Defendant's summary grounds of defence are dealt with as follows:
 - (a) the Claimant shall pay the First Defendant's costs, summarily assessed in the sum of £13,248.40.
 - (b) the Second Defendant's application for costs is reserved (see paragraph 4 below)..
3. Paragraph 2 above constitutes final costs orders unless within 14 days of the date of this Order the Claimant files with the court and serves on the First Defendant a notice of objection setting out the reasons why it should not be required to pay costs (either as required by the costs orders, or at all). If the Claimant files and serves notice of objection, the First Defendant may, within 14 days of the date it is served, file and serve submissions in response. The Claimant may, within 7 days of the date on which the First Defendant's response is served, file and serve

submissions in reply.

4. The costs of the Second Defendant are reserved because it has not filed a Statement of Costs. The Second Defendant shall within 14 days of the date of this Order file and serve an explanation of why its failure to do so should not result in the Court making no order of costs in its favour. In the event that the Second Defendant pursues an order for costs, the matter shall be dealt with in the same way that paragraph 5 below provides for determination of costs as between the First Defendant and the Claimant.
5. The directions at paragraph 3 above apply whether or not the Claimant seeks reconsideration of the decision to refuse permission to apply for statutory review:
 - (a) If an application for reconsideration is made, the Judge who hears that application will consider the written representations filed pursuant to paragraph 3 above, together with such further oral submissions as may be permitted, and decide what costs orders if any, should be made.
 - (b) If no application for reconsideration is made or if an application is made but withdrawn, the written representations filed pursuant to paragraph 3 above will be referred to a Judge and what orders for costs if any, should be made will be decided without further hearing.

Reasons for refusal of permission:

Ground 1: The Inspector did not misunderstand material considerations to be legally irrelevant when applying NPPF 14. The First Defendant's reading of DL 33-37 is unarguably the correct one, applying the approach mandated by the Higher Courts. The alternative "reasons" argument founders because the other appeal decisions relied upon by the Claimant before the Inspector were about different sites, in different circumstances, where different planning judgments were in play. Accordingly, DL 34 was legally adequate.

Ground 2: Properly read, the DL did not treat the neighbourhood plan valued landscape designation, in isolation, as determinative of whether the site formed part of a valued landscape.

Ground 3: The reasoning of the DL for considering the long existing history of public access to the former golf course was unarguably sound and rational. Unauthorised use was capable of being a relevant and material consideration. The Inspector's witness statement addresses these matters.

Ground 4: The off-site BNG and off-site open space were expressly considered in the DL; along with legally adequate reasons for their treatment by the Inspector.

Ground 5: In the light of the Inspector's witness statement, there is unarguably no arguable procedural fairness. The Reply adopts an unrealistic view of what fairness demanded in this context.

Ground 6: The weight to be given to all material considerations is a matter for the decision maker, absent irrationally of which there is unarguably none. DL 50 and 51 disclose no inconsistency.

Signed *Sir Peter Lane*

1 October 2026

The date of service of this order is calculated from the date in the section below

For completion by the Administrative Court Office

Sent / Handed to

the Claimant's, the Defendant's and the Interested Party's solicitors

Date: 01/10/2026

Solicitors: Pinsent Masons LLP

Notes for the Claimant

If you request the decision to be reconsidered at a hearing in open court under CPR PD8C 7.4, you must complete and serve the enclosed Form 86B within 7 days of the service of this order.

A fee is payable on submission of Form 86B. For details of the current fee please refer to the Administrative Court fees table at <https://www.gov.uk/court-fees-what-they-are>.

Failure to pay the fee or submit a certified application for fee remission may result in the claim being struck out.

The form to make an application for remission of a court fee can be obtained from the gov.uk website at <https://www.gov.uk/get-help-with-court-fees>