

R (on the application of Fylde Coast Farms Ltd (formerly Oyston Estates Ltd)) v Fylde Borough Council (Respondent)

Case ID: UKSC 2019/0167

Case summary

Issue

Whether section 61N of the Town and Country Planning Act 1990 should be interpreted to mean that the Appellant's application for judicial review was made out of time.

Facts

St Anne's on the Sea Town Council submitted a proposal to Fylde Borough Council, the local planning authority, for a neighbourhood development plan. The draft plan related to land adjacent to that owned by Fylde Coast Farms Ltd. Under the Town and Country Planning Act 1990, the draft plan was considered by an independent examiner, who made a report to Fylde Borough Council, recommending that the plan be modified to include land owned by Fylde Coast Farms Ltd and then submitted to a referendum. Fylde Borough Council decided to submit the draft plan to a referendum without the proposed modification. 90% of those voting in the referendum supported the draft plan and Fylde Borough Council subsequently published its decision to make the plan. Just under six weeks later, Fylde Coast Farms Ltd applied for a judicial review of the Council's decision to make the plan without the examiner's proposed modification. The Planning Court held that Fylde Coast Farm Ltd's challenge related to Fylde Borough Council's decision to hold the referendum without modifying the draft plan, rather than its later decision to make the plan. Since that decision had been published more than six weeks before Fylde Coast Farm Ltd's claim for judicial review, the Planning Court held that the claim had been brought out of time. The Court of Appeal dismissed Fylde Coast Farm Ltd's appeal. It now appeals to the Supreme Court.

Judgment appealed

[\[2019\] EWCA Civ 1152](#)

Parties

Appellant(s)

R (on the application of Fylde Coast Farms Ltd (formerly Oyston Estates Ltd))

Respondent(s)

Fylde Borough Council

Appeal

Justices

Lord Lloyd-Jones, Lord Briggs, Lady Arden, Lord Sales, Lord Stephens

Hearing start date

9 March 2021

Hearing finish date

9 March 2021

Watch hearing

9 March 2021 [Morning session](#)

Judgment details

Judgment date

14 May 2021

Neutral citation

[2021] UKSC 18