

Hillside Parks Ltd (Appellant) v Snowdonia National Park Authority (Respondent)

Case ID: 2020/0211

Case summary

Issue

Where there are successive planning permissions relating to the same site, and the later permissions are for changes to one part of a wider development approved in the original planning permission, is the effect of implementing the later permission(s) that the original permission is completely unimplementable? Or can the original permission still be implemented in relation to areas unaffected by the later permission(s)?

Facts

In 1967, Merioneth County Council granted planning permission for the development of 401 dwellings ("the 1967 Permission") on a site in Snowdonia National Park ("the Site"). Between 1967 and 1973, it made seven further grants of planning permission in respect of the Site, each of which departed from the scheme of development authorised by the 1967 Permission.

Gwynedd County Council became the relevant local planning authority in 1974. In 1987, it argued in proceedings brought in the High Court by Landmaster Investments Ltd, which owned the Site at that time, that the 1967 Permission had lapsed ("the 1987 proceedings"). The High Court rejected that argument, deciding that the development authorised by the 1967 Permission could still lawfully be completed at any time.

Snowdonia National Park Authority ("the Authority") became the relevant local planning authority in 1996. It made eight further grants of planning permission in respect of the Site between 1996 and 2011.

In 2019, Hillside Parks Ltd ("Hillside"), which now owns the Site, brought a claim against the Authority, in order to ascertain whether the scheme of development authorised by the 1967 Permission could still lawfully be completed. The Authority argued that it could not be, as development carried out pursuant to the additional permissions granted after 1967 was inconsistent with it. In particular, roads had been built in areas designated for houses, and houses had been built in areas designated for roads. This kind of argument was not made by Gwynedd County Council in the 1987 proceedings. Nonetheless, the High Court and the Court of Appeal allowed the Authority to raise the point and ultimately resolved it in the Authority's favour. Hillside now appeals to the Supreme Court.

Judgment appealed

[\[2020\] EWCA Civ 1440](#)

Parties

Appellant(s)

Hillside Parks Ltd

Respondent(s)

Snowdonia National Park Authority

Appeal

Justices

Lord Reed, Lord Briggs, Lord Sales, Lord Leggatt, Lady Rose

Hearing start date

4 July 2022

Hearing finish date

4 July 2022

Watch hearing

4 July 2022 [Morning session](#) [Afternoon session](#)