

CONFERENCE

Busybody or Bona Fide? Recent development in the law on 'Standing'

session at

Public Law in 2025:
One Day Symposium

with Ruchi Parekh and
Alexander Campbell

● ● ●
● ● ● cornerstone
● ● ● barristers





Standing: Busybody or Bonafide?

Alexander Campbell and Ruchi Parekh

September 2025

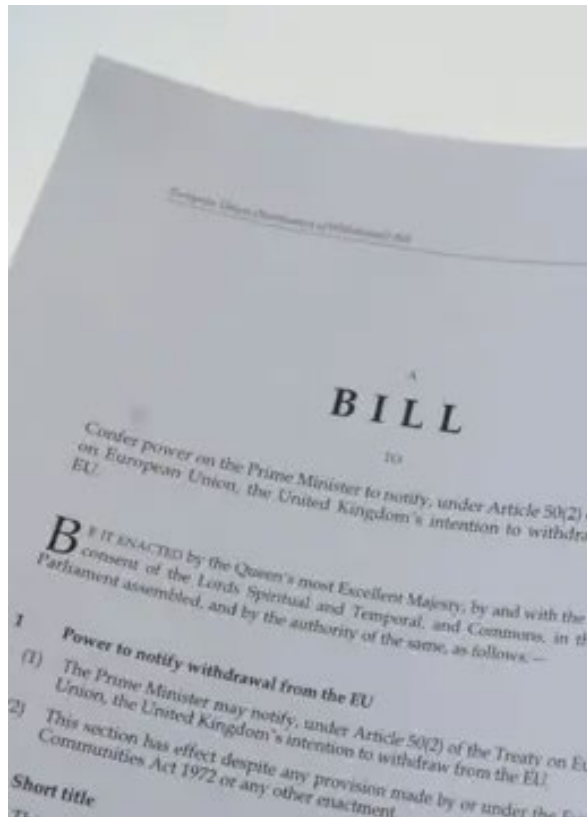


How we got here



The test for standing

- Section 31(3), Senior Courts Act 1981
- *"...the court shall not grant leave to make such an application unless it considers that the applicant has a **sufficient interest in the matter** to which the application relates."*



**First instance/
permission
stage**

**Why not
more?**

**Back in
fashion?**

Key points

- R. v Inland Revenue Commissioners
Ex p. National Federation of Self
Employed and Small Businesses Ltd
[1982] A.C. 617 (HL)



Standing



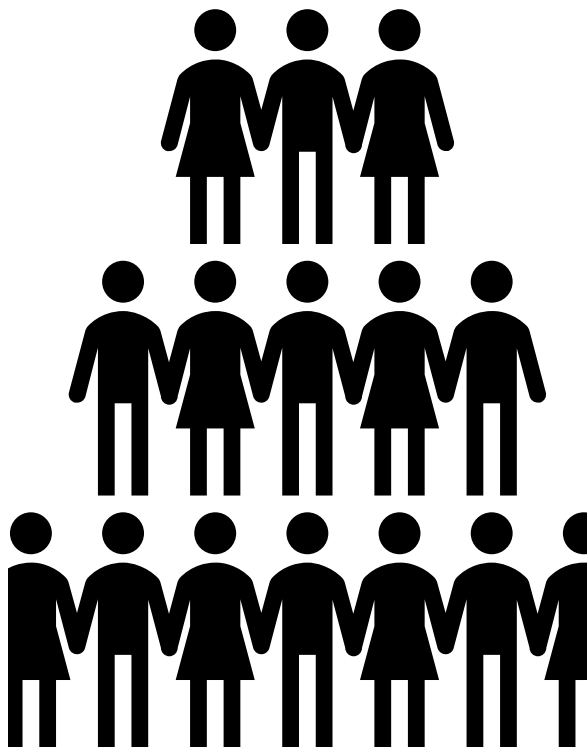
- *“what is to be regarded as sufficient interest ... depends therefore upon the context, and in particular upon what will best serve the purposes of judicial review in that context”*

- Lord Reed, AXA General Insurance Ltd, Petitioners [2011] UKSC 46

Standing



- *“Context is everything”*
- Lord Steyn, R (on the application of Daly) v Secretary of State for the Home Department [2001] UKHL 26



Standing scenarios

- Subject of a targeted decision
- R (on the application of **Zafar**) v Secretary of State for Levelling Up, Housing and Communities [2022] EWHC 2154 (Admin)
- R (on the application of **AB**) v A County Council [2022] EWHC 2707 (Admin)
- **Re Moon's Application** for leave to apply for Judicial Review [2021] NIQB 26

Standing scenarios

- Problem with too narrow an approach...





The Good Law Project cases



Group challenges

Associational

Surrogate

Public interest

Public Interest Standing



- Good Law Project Ltd and **Runnymede Trust** v Prime Minister [2022] EWHC 298 (Admin)



Public Interest Standing

- R (on the application of Good Law Project) v Secretary of State for Health and Social Care [2021] EWHC 346 (Admin) (**GLP, transparency**)

R (The Good Law Project Limited) v Secretary of State for Health and Social Care & **Abingdon Health** [2022] EWHC 2468 (TCC)

Merits

Context

**Effect on
claimant**

Gravity

**Other
claimants
?**

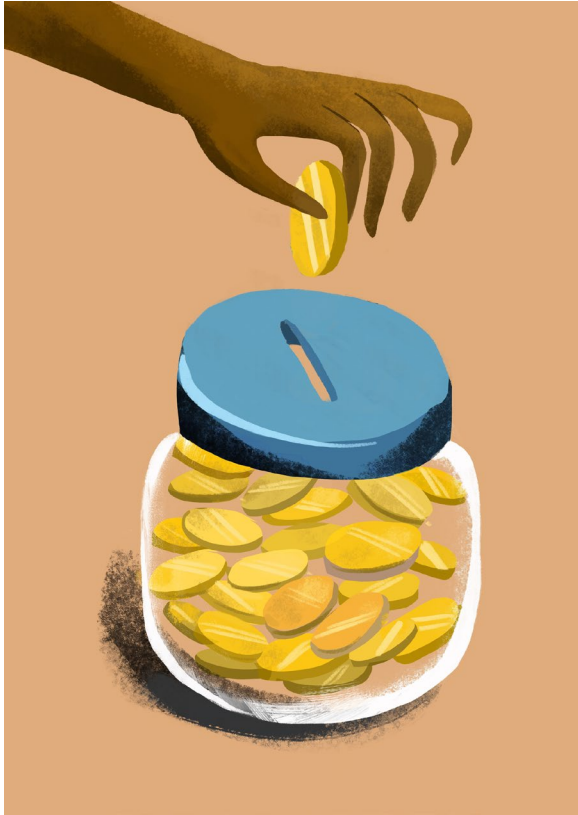
**Position
of
claimant**

Public Interest Standing



- R (on the application of Good Law Project Ltd & **Everydoctor**) v Secretary of State for Health and Social Care [2022] EWHC 46 (TCC)

Public Interest Standing



- R (on the application of the Good Law Project) v Minister for the Cabinet Office [2022] EWCA Civ 21 (GLP, **Public First**)



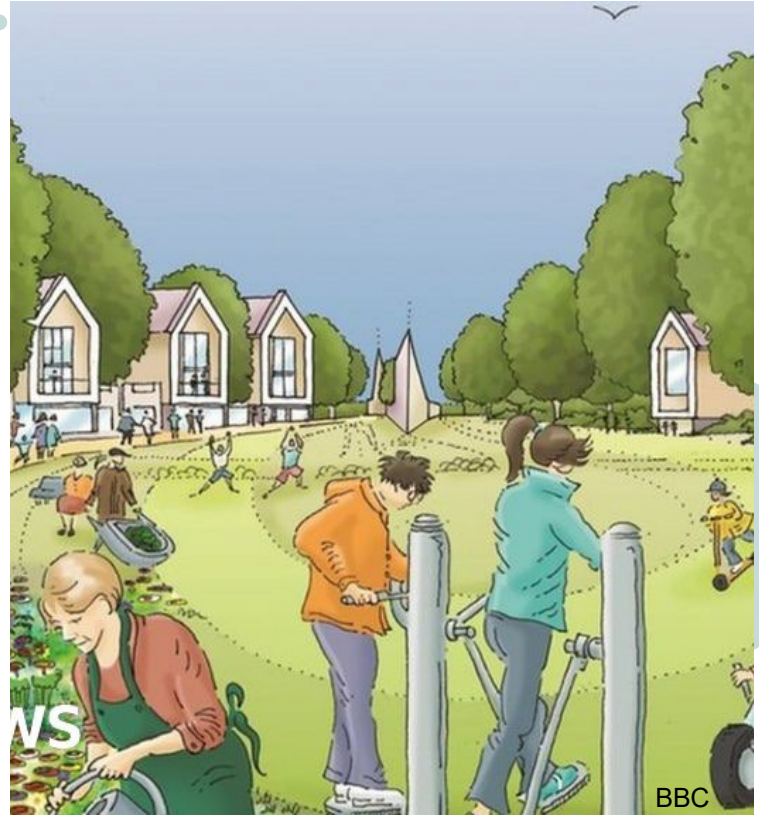
Post GLP: cases



(1) Rights: Community: Action

R (Rights: Community: Action Ltd) v SSLUHC [2024] EWHC 359 (Admin)

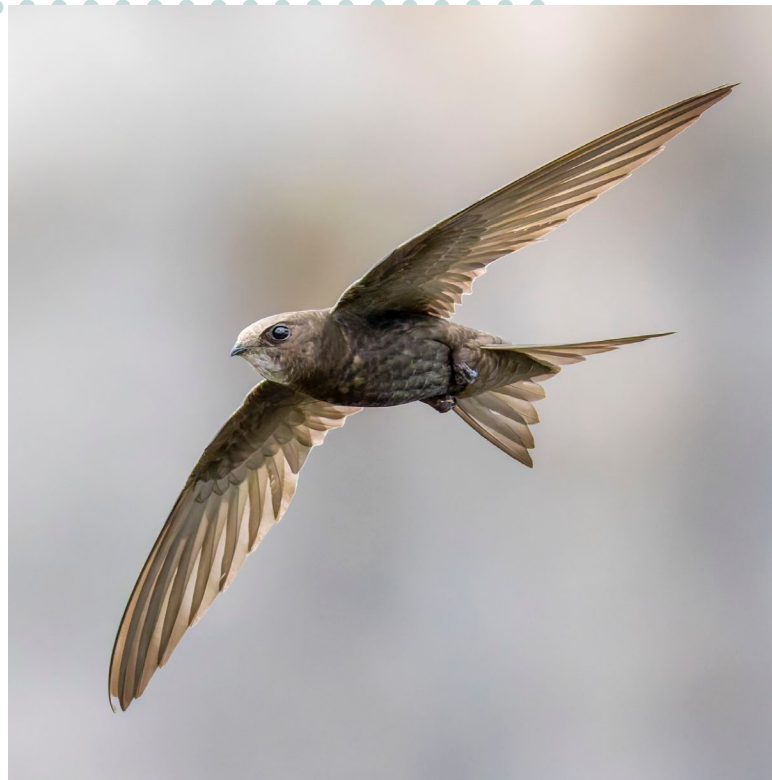
- C = NGO involved in community planning
- D/IP claimed C's involvement as "belated, fleeting, superficial"; and LPA was "obviously better-placed claimant"
- Lieven J:
 - Test = sufficient interest in the matter (§58)
 - C has particular knowledge and interest in this field (§60)
 - Late involvement "justifiable" (§59)
 - "I do not read the Divisional Court decision in [GLP] as seeking to create a new test for standing..." (§61)



(2) Batmanghelidjh / Kerman

R (Batmanghelidjh) v Charity Commission [2024] EWHC 2637 (Admin)

- Swift J revisited GLP1
- “...the existence of a “better placed claimant” is only one consideration. The weight attaching to it must depend on context.” (§23)



(3) Jet Zero challenge

R (Possible; GALBA) v SST [2025] EWHC 1101 (Admin)

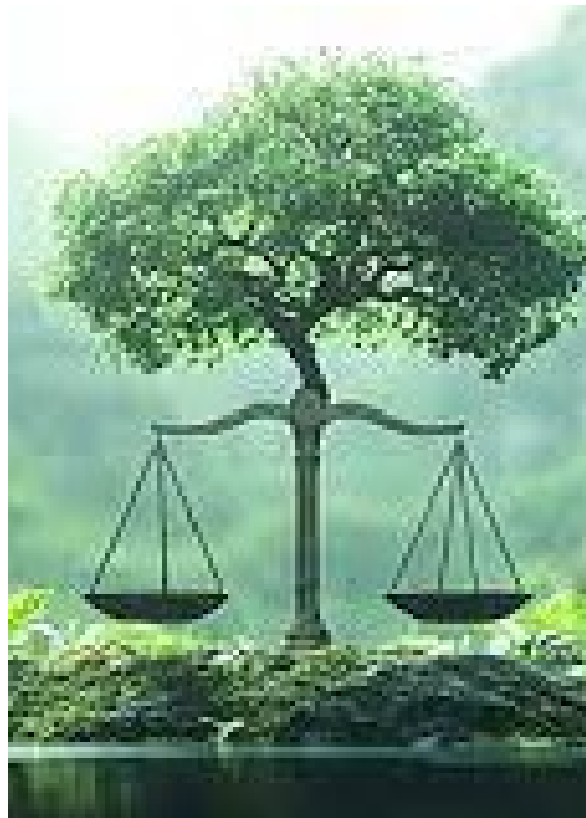
- GALBA = concerned with airport expansion (particularly Leeds Bradford) and its consequences for the environment and locals
- D disputed GALBA's standing on PSED ground alone
- GALBA relied on (among other matters): *R (Kides) v South Cambridgeshire DC* [2003] 1 P&CR 19
- Lang J (§191):
 - Potential PSED impacts of LBA expansion
 - Absence of PSED in consultation response not material; PSED impacts "subtle"
 - PSED not required to be within constitution to establish "sufficient interest"





Environmental Claims

Walton v Scottish Ministers [2012] UKSC 44



152. ... An individual may be personally affected in his private interests by the environmental issues to which an application for planning permission may give rise. Noise and disturbance to the visual amenity of his property are some obvious examples. But some environmental issues that can properly be raised by an individual are not of that character. Take, for example, the risk that a route used by an osprey as it moves to and from a favourite fishing loch will be impeded by the proposed erection across it of a cluster of wind turbines. Does the fact that this proposal cannot reasonably be said to affect any individual's property rights or interests mean that it is not open to an individual to challenge the proposed development on this ground? That would seem to be contrary to the purpose of environmental law, which proceeds on the basis that the quality of the natural environment is of legitimate concern to everyone. The osprey has no means of taking that step on its own behalf, any more than any other wild creature. If its interests are to be protected someone has to be allowed to speak up on its behalf.

153. Of course, this must not be seen as an invitation to the busybody Individuals who wish to do this on environmental grounds will have to demonstrate that they have a genuine interest in the aspects of the environment that they seek to protect, and that they have sufficient knowledge of the subject to qualify them to act in the public interest in what is, in essence, a representative capacity....



Post GLP: strategy



Top tips: Claimants

Governance

Consultation

**Alternative
Claimant(s)?**

**Interest in
relief (*Kides*)**

Top tips: Defendants

**Earliest possible
stage**

**Focus on Claimant/
Gravity of breach**

**Public interest
standing?**



Thank you

Alexander Campbell

Ruchi Parekh