

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

Appellant Fylde Coast Farms Ltd (formerly Oyston Estates Ltd)

Respondent Fylde Borough Council

Issues 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.

Chronology of proceedings

Date of hearing	Date of judgment	Court	Judge	Order
-	13 November 2017	High Court (Administrative Court Planning Court)	Kerr J	Application dismissed.
11 April 2019	5 July 2019	Court of Appeal	Lewison, Lindblom, Rose LJ	Appeal dismissed.
	11 February 2020	Supreme Court	Lord Kerr Lord Camwath Lord Briggs	Permission to appeal granted.

HEARING VIA VIDEO CONFERENCE

Hearing Date: 9 March 2021

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

Counsel

Appellant

Estelle Dehon

John Fitzsimons

Respondent

John Easton

Timetable

Appellant	10.30-12.00
Respondent	12.00-13.00 & 14.00-15.00
Appellant's Reply	15.00-16.00

You can watch video of today's hearing at www.supremecourt.uk, from tomorrow.
Look for the relevant case profile in our 'Current Cases' section: scroll to the bottom to see the available footage.