

## COURT OF APPEAL REBUKES GOVERNMENT OVER PADDINGTON CUBE 'BLUNDER'

In a case brought by SAVE Britain's Heritage, the Court of Appeal ruled today that ministers must abide by government policy set out in 2001 and restated in 2010 and give reasons for call-in decisions on planning applications.

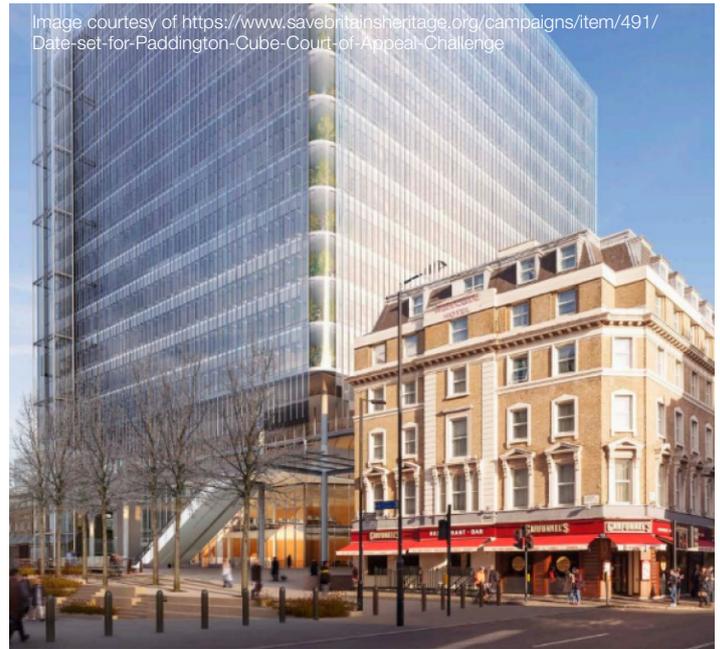
The case sets a precedent for future controversial developments, but it does not affect the planning permission for the Paddington Cube development proposals designed by Renzo Piano to replace the Edwardian Royal Mail building next to Brunel's grade I listed Paddington Station with a 19 storey office block. The area is characterised by buildings of 4-6 storeys in height, and the Royal Mail sorting office is deemed a 'building of merit' within the Bayswater Conservation Area.

The proposals were controversial for the following reasons:

- Westminster City Council granted planning permission despite the impact of the tower on the conservation area
- A councillor made well publicised media comments in support of the scheme prior to consideration by the planning committee
- There was widespread opposition from resident's groups, Imperial College Healthcare NHS Trust and the Victorian Society. Each of these groups, including SAVE, requested the Secretary of State call-in the proposals for independent scrutiny. This was refused, and no reasons were given.

In the judgement written by Lord Justice Coulson, he said:

*"Since a promise had been made to operate a particular procedure then, as a matter of good administration and transparent governance, any change to that policy also had to be announced publicly. It is not a question of fettering the future exercise of discretion, but simply making public the decision that something which had been promised and provided in the past would not be provided in the future. In my view, good administration and transparent government required nothing less. Of course, this did not happen here because no-one in the Department knew that they were changing a promised policy (because they had forgotten about it)."*



This Court of Appeal judgement was welcomed by members of SAVE Britain's Heritage saying that;

- It opens up the decision making process for highly contested major schemes
- It is a victory for openness and transparency in the decision making process
- It has highlighted Ministerial and civil servant error to adhere to policy in place since 2001 and reiterated in 2010

**According to SAVE "The effects will resonate through the planning system".**

If you need advice on any aspect of the historic environment, or how it may influence your application, please contact one of our specialists:

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