


**IN THE HIGH COURT  
APPLICATION FOR LEAVE TO APPEAL  
TO THE COURT OF APPEAL (CIVIL DIVISION)**

Title of case/action: Goodman Logistics Development (UK) Limited v Secretary Of State For Communities And Local Government	Action/case no. CO/4217/2016 File no.
Heard/tried before (insert name of Judge): The Honourable Mr Justice Holgate	Court no 18
Nature of hearing Town and Country Planning S. 288	
Date of judgement: 27 April, 2017	
Results of hearing (attach copy of order): The Claim is dismissed	
Claimant's application for leave	refused
Reasons for decision (to be completed by the Judge): (1) The Claimant seeks PTA solely in respect of grounds 2 and 3(iii). I do not consider that the submissions in support of PTA indicate a real prospect of success in relation to either ground or some other compelling reason for an appeal to be heard. <u>Ground 2</u> (2) Para 10 of the application is misconceived. Read properly the Court did not ask whether the Defendant's interpretation was consistent with a range of linguistic meanings rather than interpret policy CP2 for itself. Instead, paras. 50 - 53 of the judgment considered and rejected the Claimant's contention that the Defendant's construction of the policy was inconsistent with the language used and only the Claimants' construction was consistent with that language. (3) Para 11 of the application simply reargues matters raised in the High Court and dealt with in the judgment (eg paras 51 – 56) without showing a real prospect of success that the reasoning is incorrect. (4) If the issue of discretion is reached, paragraph 13 of the Claimant's application does not in fact explain why the reasoning in paragraph 57 of the judgment is arguably wrong. <u>Ground 3(iii)</u> (5) The Claimant does not argue that the legal approach in paragraphs 97-98, taken from the Court of Appeal's decision in the <u>S Gloucestershire Council</u> case, was incorrect. No criticism is made of the analysis in paragraphs 99 – 104 of the judgment which records the weights applied by the Defendant to different considerations. (6) Paragraph 105 of the judgment did not re-evaluate the weight to be given to the effect on the Strategic Gap. Instead, it explained what, as a matter of logic, was the effect of the Inspector's untainted reasoning on that subject (and her reference to the avoidance of double-counting), reasoning which the Defendant is taken to have accepted. No criticism has been made of the logic or analysis. (7) Likewise, paras 106-7 of the judgment did not re-evaluate the planning merits, but gave effect to the untainted parts of the decision-maker's reasoning and the logical consequences of that reasoning.	
Judge's signature:  	<b>Note to the Applicant:</b> When completed this form should be lodged in the Civil Appeals Office on a renewed application for leave to appeal or when setting down an appeal