



Judge overturns inspector's decision allowing school to provide car parking for Wembley fans

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A school that provides event day car parking for fans attending Wembley Stadium is facing renewed planning enforcement action after a High Court judge ruled that an inspector had "failed to grapple" with key issues in the case regarding intensification of use.



London's Royal Courts of Justice

Oakington Manor Primary School receives a boost to its finances by providing around 300 car parking spaces during events at the stadium.

But the London Borough of Brent took the view that that was a breach of planning control and issued an enforcement notice in April 2017.

The school argued its operation was immune from enforcement action because it had by then been opening its car park to fans for more than a decade.

And, after the school appealed to a planning inspector, the notice was overturned in November last year.

The inspector found that the school's event day use of its car park had started on the day of an under-21 football match in March 2007.

Challenging that decision, the council pointed out that only about 50 or 60 cars had been parked on that day, with £10 fees being collected in buckets.

It argued that the car park's use by people unconnected to the school "intensified" in 2016 when Tottenham Hotspur began playing home games at the stadium.

Allowing the council's appeal, Judge Neil Cameron QC said the inspector had "failed to grapple" with an important issue in the case.

That was whether that alleged intensification in 2016 amounted to a material change of use against which enforcement action could be taken.

Although the council had only raised the issue before the inspector at a late stage of the public inquiry, there had been no unfairness to the school.

The judge concluded: "I find that the inspector erred in failing to have regard and to address the submission made on behalf of the council that a material change of use by way of intensification occurred in 2016."

The inspector's decision was quashed and the secretary of state for housing, communities and local government must now reconsider the school's appeal against the enforcement notice in the light of the court's ruling.

[Last week](#), planning permission for an already-built sports stadium in the green belt at Walton on Thames in Surrey was overturned by the High Court for the second time, meaning the development could potentially now face demolition.

London Borough of Brent v The Secretary of State for Housing, Communities and Local Government & Anr.
Case Number: CO/5129/2018