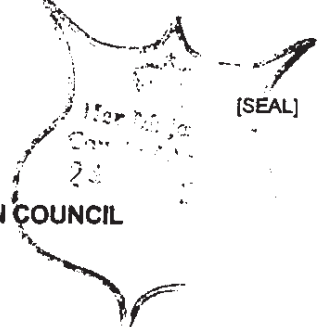




IN THE COURT OF APPEAL, CIVIL DIVISION

REF: C1/2006/0927

MW



WALLIS -v- VALE OF GLAMORGAN COUNCIL

ORDER made by the Rt. Hon. Lord Justice Dyson

On consideration of the appellant's notice and accompanying documents, but without an oral hearing, in respect of an application for permission to appeal

Decision: granted, refused, adjourned. An order granting permission may limit the issues to be heard or be made subject to conditions.

Refused

Reasons

Grd 1: The judge's approach to this issue is unimpeachable. The question whether the Green Belt designation would compromise regional development was a matter of planning judgment. The judge's point at para 34 was that the defendant only had to give adequate reasons, and that it did not have to "demolish" those of the Inspector: he was right.

Grd 2: There is no error of law in the judge's approach. He assessed the evidence as showing that the proposal for 2 strategic roads in Trans 1 was likely to be implemented during the life of the Plan: see paras 51-59. He was entitled to do so.

Grd 3: These detailed points do not disclose any error of law. Para 87 refers to updated figures. The judge was entitled to hold that the defendant was entitled to rely on yearly assessments in conjunction with the UDP.

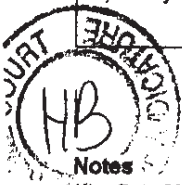
Grd 4: In view of the evidence of Mr Thomas and the claimant's 3rd statement, the judge was entitled to hold that the UDP could be read together with the Regional Strategic Plan. His reasoning in paras 116-121 shows no error of law. His observations about how he would exercise his discretion (paras 124-125) were not necessary for his decision, as he acknowledged.

Grd 5: I can find no fault with the reasoning at paras 104-105.

Information for or directions to the parties

Where permission has been granted, or the application adjourned

- a) time estimate (excluding judgment)
b) any expedition



By the Court

Signed: [Signature]
Date: 21/07/2006

- (1) Rule 52.3(6) provides that permission to appeal will only be given where -
a) the Court considers that the appeal would have a real prospect of success; or
b) there is some other compelling reason why the appeal should be heard.
(2) Rule 52.3(4) and (5) provide that where the appeal court, without a hearing, refuses permission to appeal that decision may be reconsidered at a hearing, provided that the request for such a hearing is filed in writing within 7 days after service of the notice that permission has been refused. Note the requirement imposed on advocates by paragraph 4.14A of the Practice Direction.
(3) Where permission to appeal has been granted, the appeal bundle must be served on the respondents within 7 days of receiving this order (see para. 6.2 of the Practice Direction to CPR Part 52). A letter of notification will be sent to the appellant or his solicitors, as soon as practicable (see para. 6.3).

**DATED 21ST JULY 2006  
IN THE COURT OF APPEAL**

**DR MAX KLIM WALLIS**

**- and -**

**VALE OF GLAMORGAN COUNCIL**

**ORDER**

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