

Secretary of State for Transport (Appellant) v Curzon Park Ltd and others (Respondents)

Case ID: 2021/0120

Case summary

Issue

Did the Court of Appeal err in finding that when determining the development for which planning permission could reasonably have been expected to be granted in relation land, the decision maker is not entitled to take into account applications or decisions relating to other land arising from the compulsory acquisition of land for the same underlying scheme.

Facts

In 2018, the Secretary of State for Transport compulsorily acquired four contiguous sites for the construction of a new rail station in Birmingham. Each of the landowners applied to Birmingham City Council for a certificate of appropriate alternative development. The Council considered each of the applications in isolation. Appeals were lodged in respect of all four applications. The Upper Tribunal directed that it would determine a preliminary issue in all four appeals at a single hearing. Following judgment from the Upper Tribunal, the Secretary of State appealed to the Court of Appeal. The Secretary of State now seeks permission to appeal to the Supreme Court.

Judgment appealed

[\[2021\] EWCA Civ 651](#)

Parties

Appellant

Secretary of State for Transport

Respondent(s)

Curzon Park Ltd
Quintain City Park Gate Birmingham Ltd
(1) Eastside Partnership Nominee Company Ltd, (2) PMB General Partner Ltd
Birmingham City University
Birmingham City Council

Appeal

Justices

Lord Kitchin, Lord Sales, Lord Hamblen, Lord Leggatt, Lady Rose

Hearing start date

19 April 2023

Hearing finish date

20 April 2023

Watch hearing

19 April 2023 [Morning session](#) [Afternoon session](#)

20 April 2023 [Morning session](#)