

3: In the CA in *Gateshead MBC v Secretary of State for the Environment* [1995] J.P.L. 432, Glidewell LJ noted that the extent to which discharges from a proposed plan would or would probably pollute the atmosphere and/ or create an unacceptable risk of harm to human beings was a material consideration to be taken into account when deciding to grant planning permission.

In cases which followed subsequently, while the planning authority was entitled to rely on overlapping pollution controls, it was not required to do so in fact and could make its own assessment. See *Hopkins Developments v First Secretary of State* [2006] EWHC 2823 (Admin) where the High Court dismissed the appeal on that basis.

In *Harrison v Secretary of State for Communities and Local Government* [2009] EWHC 3382 (Admin) it was held that a planning decision maker was entitled to reach its own view on the effects of a development and that it was open to the inspector to conclude that the use of the land would cause problems for local residents, notwithstanding the grant of an environmental permit