



Royal Mint Court Residents' Association (Appellant)

v

Secretary of State for Housing, Communities and Local Government (First Defendant), London Borough of Tower Hamlets (Second Defendant)

PRESS SUMMARY:

This press summary does not form part of the Court's judgment. It is provided by the Court for the assistance of the press and the public.

References in square brackets are to paragraphs in the Divisional Court's Judgment

1. A Divisional Court of the King's Bench Division (Lord Justice Dingemans (Senior President of Tribunals) and Mrs Justice Lieven) have for the reasons contained in a judgment dated 31 July 2026 [2026] EWHC 2002 (Admin) given by Lieven J [1-209], with which Dingemans LJ (SPT) agreed in a short concurring judgment [210-216], dismissed claims for statutory review pursuant to section 288 of the Town and Country Planning Act 1990 and section 63 of the Planning (Listed Buildings and Conservation Areas) Act 1990 brought by the Royal Mint Court Residents' Association (RMCRA).
2. The statutory review was of the decision contained in a decision letter dated 20 January 2026 made by the Secretary of State for Housing, Communities and Local Government (the Secretary of State) to grant planning permission for an Embassy for the People's Republic of China (PRC). The function of the court on a statutory review is not to review the decision of the Secretary of State on the merits of the decision, but to carry out an audit of the legality of the decision making to determine whether the Secretary of State acted unlawfully [9 and 211]. The court found that the Secretary of State had not acted unlawfully.
3. The Site concerned in this case lies immediately to the east of the Tower of London, has had a number of historic uses and contains a number of listed buildings [3]. It was bought by the Peoples Republic of China in 2018. The decision to grant Diplomatic Consent for the embassy, subject to planning permission, was made in the Note Verbale dated 4 May 2018 [5]. The RMCRA and other residents' groups raised concerns about, among other matters, their personal safety given their proximity to the site.
4. The PRC had made an application for planning permission on 15 July 2024. It was called in by the Secretary of State on 14 October 2024. A public inquiry was held between 11 to 19 February 2025. The inspector sent her report to the Secretary of State on 10 June 2025. The Secretary of State made the decision on 20 January 2026 [6-8].

5. The hearing before the court was a “rolled up hearing” of permission to apply for statutory review and, if permission was granted, the hearing of the statutory review [16]. There were four grounds of challenge before the Divisional Court [15], and permission to apply for statutory review was granted on three out of four of the grounds.
6. Ground one, which the court held was arguable [58], alleged an unlawful approach to the enforcement of planning conditions and obligations. It was apparent from paragraphs 103 to 105 and 110 of the Secretary of State’s decision letter that the Secretary of State was well aware of the status of the PRC as an applicant, had well in mind the limitations of remedies under the Vienna Convention on Diplomatic Relations 1961 (the Vienna Convention), and it was not irrational to conclude that the PRC would comply with planning conditions and obligations [58] – [63].
7. Ground two, which the court held was arguable [124], alleged an unlawful failure to disclose documents to the claimants during the inquiry, namely, the Security Statement and Blast Assessment which had been referred to by the London Borough of Tower Hamlets. This ground was dismissed [124] – [138]. There was no material prejudice caused to the RMCRA. The Security Statement contained no substantive information which was not in the public domain, and that the relevant information from the Blast Assessment was contained in the Officers’ Reports, so no issue of procedural unfairness could arise. Further the Counter Terrorism Security Adviser had not objected to the grant of planning permission.
8. Ground three, which the court held was not arguable [173], alleged non-compliance with Article 7 of the Town and Country Planning (Development Management Procedure) England Order 2015 because some rooms on the plans were not described. The question under article 7 DMPO as to whether information is “necessary” to describe the development is one for the decision-maker and not the court [173] – [177]. The rooms details which were redacted being used for the purposes of the embassy, and there was no possible ambiguity as to the nature of the intended use of the premises. The Secretary of State was entitled to consider that no further information was required to be provided by the PRC [178] – [181].
9. The fourth ground was originally the fifth ground of challenge and referred to as ground five, which the court held to be arguable [203], alleged an unlawful failure to identify and assess human rights of the residents. This was dismissed [203] – [209]. The RMCRA did not produce reasonable and convincing evidence of the likelihood that a violation of human rights affecting them personally would occur. It is also apparent that all of the rights of residents protected by the Convention were properly addressed throughout the process of the application for planning permission. The RMCRA did raise issues relating to protests and their safety in the event of the grant of planning permissions, and these issues were fully and fairly considered by the SSHCLG in making the lawful decision to grant planning permission.