

Report to	Planning Committee
Date	9 October 2025
By	Director of Planning
Title of Report	Summary of appeal decisions from 21 June – 22 September 2025
Purpose of Report	To update SDNPA Members on appeal decisions received

Recommendation:

The Committee is recommended to note the outcome of appeal decisions

I. Overview

I.1 The attached table (**Appendix I**) provides a summary of the decisions ordered by date. This covers both those appeals dealt with by the host authorities and directly by the South Downs National Park Authority.

I.2 From the 21 June to 22 September 2025:

- 26 appeal decisions were received, of which 24 were dismissed and 2 were allowed.
- 1 application for an award of costs was made against the Authority, this was refused. The Inspector was satisfied that the Authority gave a reasoned assessment for their decision within the delegated report and in all other aspects of determining the application had not behaved unreasonably.
- There were two judicial review (JR) decisions during this period. One was related to a decision notice which was issued in error. This related to the planning application for the Phoenix Scheme in Lewes (planning reference SDNP/23/00526/OUT). Due to an administrative error the decision was issued before the completion of the necessary Section 106 legal agreement. The Court approved a consent order (quashing the decision) on 9 July 2025. A new, and correct, decision notice will be issued once the final determination of the application has occurred (and the Section 106 legal agreement finalised) in accordance with the Planning Committee resolutions on 24 February 2024 and 8 May 2025.
- The second judicial review related to the planning permission granted to redevelop the

former bus station site in Lewes (planning reference SDNP/23/02973/FUL). In this case the application for a JR was dismissed. The decision stated that three of the four grounds (failure to consider the Equality Duty, failure to understand Policy SD57 of the Local Plan and misleading Members on the issue of air quality) being pursued were 'unarguable'. On the fourth ground (failure to publish the draft Section 106 legal agreement before a decision was made) the decision stated that whilst the SDNPA accepted that the draft Section 106 agreement was not published on its planning register (in breach of article 40(3) Development Management Procedure Order), on the facts of the case failure cannot even arguably be said to result in the invalidity of the subsequent decision to grant planning permission. This was because the report to Planning Committee clearly stated the details of the financial contribution being sought and the triggers for making such a payment. The Courts also awarded costs against Lewes Town Council (capped in line with the Aarhus Convention).

- I.3 The Authority's appeal performance in the 2024 / 25 financial year was 84% dismissed.
- I.4 To date, seven months into the 2025 / 26 financial year, the Authority's appeal performance is 73% dismissed.
- I.5 The full list of appeal decisions is set out in the Table (**Appendix I**), further details on some key decisions are provided below.
- I.6 Members will note from the Table that an enforcement notice was upheld and the subsequent appeal against refusal of planning permission was dismissed for the unauthorised gypsy / traveller site at land at Halfway Bridge, Lodsworth. The Inspector did however amend the enforcement notice, giving the appellants 12 months to comply with the enforcement notice (as opposed to six months).
- I.7 Another long-standing enforcement appeal decision has been made for the land south of Christmas Cottage (Oakmoor Place), East Worldham. The enforcement notice was served in 2022 (the appeal was dismissed, and the enforcement notice upheld subject to some amendments). For information, this site has subsequently been subject to a separate planning permission allowed at appeal for the new owner(s) of the site (that decision is personal to the new owner and time limited for three years).
- I.8 There have also been a number of decisions related to conversions and / or changes of use to provide new tourism accommodation. All four appeals were dismissed, largely due to impacts on dark skies, relative tranquillity (including noise impacts from additional vehicle movements) and significant effects to areas designated as SPAs (Special Protection Areas) and SACs (Special Areas of Conservation). The Inspector for 'Little Bury' made the distinction that overall, the proposal did not harm the landscape character. However, this lack of harm was, by its definition, a neutral impact, therefore it could only be concluded that although the proposal would conserve the natural beauty of the National Park it could not be seen as enhancing it. Consequently, the appeal was dismissed as the proposal failed to comply with National Parks and Access to the Countryside Act 1949.
- I.9 Members will also remember the scheme (three eco-pods) at 'land at Hare Lane'. The Inspector found the proposed eco-pods unobtrusive, not harmful and would not diminish the gap between Twyford and Colden Common. They also stated that any impacts could be mitigated by additional planting (which could be secured via condition). Therefore, the only reason the appeal was dismissed was because there was no mechanism in place to secure the necessary nitrate and phosphate mitigation measures (to prevent significant effects on the SPA and SAC).

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Appendix: Appendix I. Summary of Appeal Decisions

SDNPA Consultees: Director of Planning, Legal Services.

