



**South Downs**  
National Park Authority

**Agenda Item 8**  
**Report PC22/23-28**

Report to	<b>Planning Committee</b>
Date	<b>9 March 2023</b>
By	<b>Director of Planning</b>
Title of Report	<b>Summary of appeal decisions received from 19 November 2022 – 22 February 2023</b>
Purpose of Report	<b>To update SDNPA Members on appeal decisions received</b>
<b>Decision</b>	

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**Recommendation:**

**I. To note the outcome of appeal decisions.**

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**I. Overview**

- I.1 The attached table (**Appendix I**), ordered by date of decision, provides Members with a summary and brief commentary on the appeal decisions received in the period. This covers both those appeals dealt with by the host authorities and directly by the South Downs National Park Authority.
- I.2 From the 19 November 2022 to 22 February 2023:
- 22 appeal decisions were received, of which 16 were dismissed and 6 were allowed.
  - 4 applications for an award of costs were made, of which 3 were refused and 1 was allowed (Oakleaves, School Lane, Lodsworth).
  - In response to a pre-action protocol letter dated 10 November the Authority agreed to a Consent Order to quash a decision taken by East Hampshire District Council on the Authority's behalf. This related to a certificate of lawfulness application at Selborne Post Office with the claimant having two grounds of challenge, namely i) the misconstruction of Class F2(a) and, ii) that the Plan accompanying the Certificate of Lawfulness outlines the entire landownership area of the premises including the separate residential garden. The delineation of the Plan, in this case, should have been for the building area only and this was an error.
- The first ground of claim would have been defended. However the second ground represents an error and on this basis and this basis alone the Authority consented to the decision being quashed which was authorised by the High Court on 16 December. On any subsequent application the correct plan would be used to rectify this error.
- I.3 The Authority's appeal performance in the financial year to date is good with 82% of appeals being dismissed.

**TIM SLANEY**

**Director of Planning**

**South Downs National Park Authority**

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Appendices: I. Summary of Appeal Decisions

SDNPA Consultees: Director of Planning, Legal Services