



Agenda Item 11
Report PC23/24-39

Report to	Planning Committee
Date	13 June 2024
By	Director of Planning
Title of Report	Summary of appeal decisions received from 27 January 2024 – 29 May 2024.
Purpose of Report	To update SDNPA Members on appeal decisions received.

Note

Recommendation: To note the outcome of the appeal decisions

- I. Overview
 - I.1 The attached table (Appendix 1), 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 27 January 2024 to 29 May 2024:
 - 38 appeal decisions were received, of which 30 were dismissed and 8 were allowed.
 - 2 applications for an award of costs were made against the Authority, of which 1 was refused and 1 was allowed.
 - I.3 The Authority's appeal performance for the 2023 / 24 financial year was 63% dismissed, this is slightly lower than in previous years. The appeal performance for the 2024 / 25 financial year to date is 94% dismissed.
 - I.4 Members may also recall resolving to refuse an application for the Queens Hotel in Selborne at Committee in 2021 for the following, '*Conversion and extension of the existing Queens building and barn to form 5no. Aparthotel suites (C1), a Field Study Centre and Tap Room (Mixed Class F.1 and Sui Generis) and 1 no. Detached dwelling (C3) within the grounds, with associated parking and landscaping*'. The application was refused for the following reasons:
 - 1) It has not been demonstrated that the proposed alternative community facilities to be provided, would be accessible, inclusive and available, and of an equivalent or better quality to those lost and subsequently it has not been demonstrated that there is no market demand for the existing use or an equivalent Community use (in the absence of evidence of a robust marketing campaign of at least 24 months). The proposal is therefore contrary to Policy SD43(2) of the Adopted South Downs Local Plan (2014-2033).

- 2) The proposals, by virtue of the new building, additions, increased parking provision, landscaping and access alterations, would amount to overdevelopment of the site, most notably in relation to Huckers Lane, and would therefore have an unacceptable impact on the landscape character of the area and the Conservation Area. The proposals would therefore be contrary to Policies SD4(1), SD5 and SD15(1) of the Adopted South Downs Local Plan and the NPPF.
- 1.5 The application was subsequently allowed on appeal, however a judicial review brought by a third party was successful and the appeal decision was quashed. The successful ground was that the Inspector had made a material error of fact in relation to trees on the site. The appeal is therefore back with the Planning Inspectorate for re-consideration. Officers will update Members in due course when new appeal decision has been reached by the Planning Inspectorate.

MIKE HUGHES

Director of Planning (Interim)

South Downs National Park Authority

Contact Officer: Kelly Porter
Tel: 01730 819314
Email: kelly.porter@southdowns.gov.uk
Appendices: Appendix 1 - Summary of Appeal Decisions
SDNPA Consultees: Director of Planning (Interim), Legal Services