

AM 749/26

**NEW FOREST NATIONAL PARK AUTHORITY
AUTHORITY MEETING – 15 OCTOBER 2026**

VERNON DENE UPDATE

Report by: Nigel Stone, Director of Resources & Operations (CFO) and
David Illsley, Head of Planning & Place

1 Introduction

- 1.1 This paper provides Members and the public with an update on the latest position with respect to the Vernon Dene site.
- 1.2 Should any professional legal or financial advice be sought during the meeting, by the way of the discussion or questions, it may be necessary for Members to vote to move into a Part II confidential session (without the public present) – the Monitoring Officer will advise if he feels this is necessary at any point.

2. Vernon Dene – Court of Appeal decision

- 2.1 As Members will be aware, the Authority won an initial High Court Judicial Review into its actions (primarily revoking a Certificate of Lawfulness for the site in 2023) on this matter in 2025, however this was then appealed to the Court of Appeal. In April 2026 the Authority was informed it had lost the case in the Court of Appeal and that we would therefore be liable for costs.
- 2.2 On 1 May 2026 the Authority held an extraordinary meeting to determine the potential way(s) to proceed after the judgement. Initial lessons learnt were discussed and an internal senior officers Planning & Place Forum has been established (and has met twice) to improve support and communications on key planning matters. Further resource reviews / benchmarking of our planning functions will be undertaken with support from the Planning Advisory Service. Following legal advice, it was decided not to appeal the courts' decision further and to negotiate on costs. The court has ruled the Authority's liability on costs to be 70% of the total legal fees of the owners throughout all the legal proceedings (High Court and Court of Appeal).
- 2.3 In September, the parties agreed a figure of £230,000 (including unreclaimable VAT) to settle the case in full. As agreed in May, this will initially be funded from our risk reserves, with the majority coming from the Planning Risk Reserve, and these funds will be replenished as soon as reasonably practicable. The Chief Financial Officer has instigated a formal review of the risks / financial reserves held, in light of this decision and more generally, and will report back to a future meeting (tied to the 2027/28 budget setting processes).

3. Vernon Dene – Enforcement Case

- 3.1 The wholly separate appeal by the owners of the Vernon Dene site against the enforcement action taken by the Authority is still ongoing. A multi-day hearing has recently been set by the Planning Inspector and scheduled for April 2027. This appeal will focus on the planning Enforcement Notice issued by the National Park Authority against the works undertaken at the site and is separate from the legal proceedings heard at the High Court and the Court of Appeal.

Recommendation

It is recommended that members note the contents of the report.

Equality and Diversity Implications:

There are no specific equality or diversity implications arising out of this report

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