



IN THE COURT OF APPEAL, CIVIL DIVISION

REF: CA-2025-003027



Edith Weston Parish Council

-v-

(1) Secretary of State for Housing, Communities and Local Government (2) Rutland County Council

CA-2025-003027

ORDER made by the Rt. Hon. Lord Justice Stuart-Smith

On consideration of the appellant's notice and accompanying documents, but without an oral hearing, in respect of an application for permission to appeal the order of HHJ Jarman (sitting as a Judge of the High Court) dated 7 November 2025.

Decision: Permission to appeal is **refused**.

Reasons

- Ground 1: the Judge did not stray into forbidden territory. He rightly concentrated on the question whether the error would have had any impact on the inspector's conclusion. The Judge was entitled to conclude that the mistake could not affect the overall conclusion. An appeal on this ground would have no real prospect of success.
- Grounds 2 and 3: even if Ground 2 is open to the appellant having not taken the point below, the Judge did not ignore Policy EW-TM01. Nor is it realistic to suggest that further consideration of Policy EW-TM01 could have changed the Simplex balance or the Judge's finding that the overall conclusion of the inspector could not have been affected. An appeal on these grounds would have no real prospect of success.
- Ground 4: this takes the Judge's words out of context. On a fair reading and proper understanding of what the Judge was saying in [26] he was adopting the very opposite of a mechanical or quasi-mathematical approach to weight: what he was saying is that the weight to be afforded was not significantly affected by the number of policies saying the same (or substantially the same) thing. An appeal on this ground would have no real prospect of success.
- There is no other compelling reason why an appeal should be heard.

Information for or directions to the parties

Court of Appeal Mediation Scheme (CAMS)

Where permission has been granted or the application adjourned:

a) Does the case fall within the Automatic Referral Scheme (see below)?

Yes/No (delete as appropriate)

Automatic Referral Scheme categories:

- | | |
|---|---|
| <ul style="list-style-type: none"> • All cases involving a litigant in person (other than immigration and family appeals) • Personal injury and clinical negligence cases; • All other professional negligence cases; • Small contract cases below £500,000 in judgment (or claim) value, but not where principal issue is non-contractual; | <ul style="list-style-type: none"> • Boundary disputes; • Inheritance disputes. • EAT Appeals • Residential landlord and tenant appeals |
|---|---|

b) If yes, is there any reason not to refer to CAMS mediation under the Automatic Referral Scheme?

Yes/No (delete as appropriate)

c) If yes, please give reason:

d) Cases outside the Automatic Referral Scheme: Do you wish to make a recommendation for mediation?

Yes/No (delete as appropriate)

Where permission has been granted, or the application adjourned

- time estimate (excluding judgment)
- any expedition

Signed: BY THE COURT

Date: 30 January 2026

Notes

- (1) Rule 52.6(1) provides that permission to appeal may be given only where –
 - a) the Court considers that the appeal would have a real prospect of success; or
 - b) there is some other compelling reason why the appeal should be heard.
- (2) Where permission to appeal has been refused on the papers, that decision is final and cannot be further reviewed or appealed. See rule 52.5 and section 54(4) of the Access to Justice Act 1999.
- (3) Where permission to appeal has been granted you must serve the proposed bundle index on every respondent within 14 days of the date of the Listing Window Notification letter and seek to agree the bundle within 49 days of the date of the Listing Window Notification letter (see paragraph 21 of CPR PD 52C).

Case Number: Error! Reference source not found. **CA-2025-003027**