

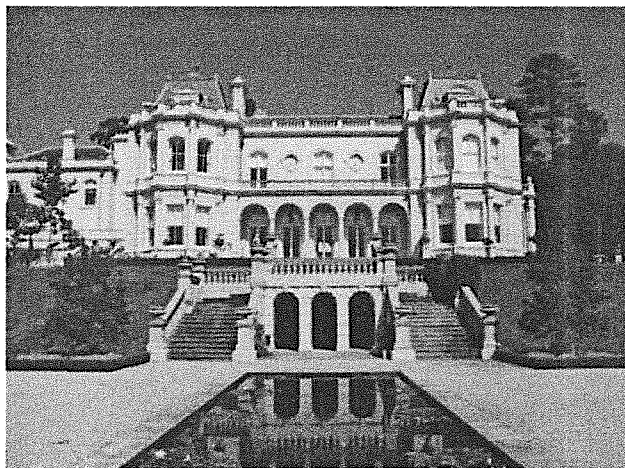
## Council's High Court challenge a 'criminal waste of taxpayers' money'

5:38pm Thursday 12th September 2013

By Alice Foster

Campaigners have condemned as a "criminal waste of taxpayers' money" a council's plan to challenge a High Court judge's decision to block the development of a hotel and golf course.

Mole Valley District Council (MVDC) has announced it will seek permission to appeal after the judge quashed planning permission it had granted to develop Cherkley Court, a historic estate near **Leatherhead**.



Mr Justice Haddon-Cave quashed planning permission last month after Cherkley Campaign brought a judicial review to stop plans by Longshot Cherkley Court to develop the former home of press baron Lord Beaverbrook.

Andy Smith, Surrey branch director for Campaign to Protect Rural England, said: "It's very disappointing that the council are making a grave error in pursuing this case and it's a criminal waste of taxpayers' money."

Mr Smith said he could not see any possible grounds for appeal and remained confident that the council was "on a hiding to nothing".

He said: "It was a definitive judgement from Mr Justice Haddon-Cave. I don't see where they are going."

Mr Smith highlighted the fact that councillors ignored their planning officers' advice not to grant planning permission.

Lib Dem Councillor Dave Howarth, who represents North Leatherhead, said the justification given for seeking leave to appeal was that the council is upholding local democracy.

Coun Howarth said: "I'm flabbergasted by this. It's a backdoor decision taken with no councillors. We have no idea how much it is going to cost and it is going to prolong the case so much longer.

"I feel really in the dark and I don't understand the rationale."



### Work carried out on the estate

Box Hill and Headley councillor David Preedy, a Lib Dem councillor who argued against the planning application in the first place, said he did not yet know how much legal action had cost.

Coun Preedy said: "My initial reaction is disappointment. I hope they are not spending good taxpayers money after bad."

Longshot Cherkley Court has already made an separate application for leave to appeal and welcomed the council's announcement.

Longshot had sought the advice of leading planning QC Christopher Katkowski, who said: "I am strongly of the view that the judge has reached a flawed decision here. I am confident that the Court of Appeal would overturn the decision."

Director Joel Cadbury, who is great-grandson of the chocolate company founder and son of the late tycoon Peter Cadbury, said their overall plan and vision remains unchanged.

Mr Cadbury said: "We are determined to fulfil the commitments made in our original planning application, which included on-going public access, 190 new jobs and the building of a world-class facility.

"I believe that we have demonstrated, with the works carried out to date, that our commitment to quality and our promises on the environment will be fulfilled.

"The majority of Mole Valley residents support us and we will deliver a product that Mole Valley can be proud of."



#### **A digger at work on the site**

In his judgement Mr Justice Haddon-Cave said the land had multiple layers of protection as it is in an area of outstanding natural beauty, in the greenbelt and includes a UK priority diversity habitat.

As a result he said potential developers had "an altogether higher cumulative fence to cross" and described the council's conclusion that the landscape would not be compromised as "perverse".

Responding to the argument that there was a public "need" for the proposed golf course, Mr Justice Haddon-Cave said: "Pure private 'demand' is antithetical to public 'need', particularly very exclusive private demand.

"Once this is understood, the case answers itself. The more exclusive the golf club, the less public need is demonstrated. It is a zero sum game."

#### **What do you think of the council's decision to appeal?**

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