

CO/ /2020

IN THE HIGH COURT OF JUSTICE
QUEEN'S BENCH DIVISION
PLANNING COURT

BETWEEN:

PHILIP SNAITH

Claimant

and

ELMBRIDGE BOROUGH COUNCIL

Defendant

and

MARCO AND KESIAH CROLA

Interested Party



CONSENT ORDER

UPON READING the Claim Form filed on behalf of the above-named Claimant
AND UPON READING the attached Statement of Reasons for the making of this
Order and the Consent Order

AND UPON the Claimant, Defendant and Interested Party indicating their consent
to the making of this order.

BY CONSENT

IT IS ORDERED that:

1. The application for permission to apply for judicial review be granted;
2. The claim for judicial review be allowed;
3. The decision of Elmbridge Borough Council to grant planning permission (ref. 2020/0153) on 1 June 2020, for "Detached two-storey house to the rear of Dalveen, associated access drive, 2m high gates and piers, hardstanding and landscaping to both houses following demolition of existing attached garage" at Dalveen, Sandy Lane, Cobham, Surrey KT11 2EP, be quashed;
4. The Defendant pay the Claimant's costs of the proceedings in the agreed sum of £7,516.83 (including VAT) and within 14 days of the Court sealing the Consent Order; and
5. There be no order of costs in respect of the Interested Party.

By the Court

Signed Y. Foster Dated 10/8/2020

Richard Buxton Solicitors (for the Claimant)

Signed A. Keefe Dated 27-07-2020

Elmbridge Borough Council (Defendant)

Signed Marco Gola Dated 7-08-2020

Signed Michelle Gola Dated 7/08/2020

Marco and Kesiah Gola (Interested Parties)

Approved.

A. Gola

4.9.20

STATEMENT OF REASONS FOR THE MAKING OF THE CONSENT ORDER

1. This statement sets out the agreed matters justifying the making of a Consent Order for the application for judicial review, the quashing of the Defendant's decision and the payment of the Claimant's costs by the Defendant (contingent upon the quashing of the planning permission and in the agreed sum).
2. On 1 June 2020 the Defendant Council granted planning permission for: "Detached two-storey house to the rear of Dalveen, associated access drive, 2m high gates and piers, hardstanding and landscaping to both houses following demolition of existing attached garage" at Dalveen, Sandy Lane, Cobham, Surrey KT11 2EP, under reference 2020/0153.
3. The Claimant challenged the Defendant's decision by way of a pre-action protocol letter dated 22 June 2020, which set out two grounds of claim.
4. The Defendant accepts that:

The Planning Committee was materially misled, as it was advised in its meeting that (as a matter of law) it could not depart from the findings of the Appeal Decision, or from its Previous Reasons for Refusal (Ground 1).
5. For the above reason, and without prejudice to the parties' positions in all other respects, the Defendant consents to the planning permission reference 2020/0153 being quashed.