

CHERKLEY CAMPAIGN LTD

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Dear Members and Supporters,

22nd January 2014

After our resounding victory in the High Court last summer, Cherkley Campaign Ltd is due to attend a two day hearing in the **Court of Appeal (at Royal Courts of Justice in the Strand) starting on 10th March 2014**. We shall be defending the judgment of Mr. Justice Haddon-Cave and his order to quash the planning permission for Longshot Cherkley Court Limited to commercially develop Cherkley Court and its estate.

When judgment was handed down in August, the High Court judge refused the Developers and Council leave to appeal. This was on the basis that they would have to succeed on all three grounds in order for his judgment to be reversed, and he did not see this as the likely outcome in the Court of Appeal.

However, the Court of Appeal has granted leave, possibly because Mole Valley District Council asked for clarification on the extent of their 'saved policies' and the scope of councillors' planning judgment. Following the controversial decision to pursue the action in the Court of Appeal, councillors held a special debate in November. It appears that the majority are prepared to run the risk of further proceedings. This could be as much about their aversion to paying our costs, as it is their desire to see Leatherhead Downs turned into yet another Surrey golf course and Cherkley Court developed as a luxury hotel and spa. An article in a September edition of the **Estates Gazette**, headlined **a judicial hole in one**, explained that although planning officers **advise** while democratically elected councillors **decide**, this does not give members a completely free hand. They depart from the recommendations of their expert advisers at their peril and only if it is justifiable to do so.

For example the nine councillors who rejected the advice of their own officers were criticised by the High Court judge for failing to identify even one 'very special circumstance' necessary to allow a major development in the Green Belt. With the Metropolitan Green Belt currently under threat it is vital that councillors properly interpret the planning policy when considering development proposals on greenfield sites in the Green Belt.

Mr. Justice Haddon-Cave overturned the grant of planning permission on the basis that it was legally flawed, contrary to the planning policy, failed to take account of material considerations and irrational. And he said that the case concerned the conflict between private developers and public campaigners and engaged fundamental principles of planning law through which the golden thread of public interest is woven. Given that the **Law Society Gazette** hailed this as a **landmark planning judgment**, it was bound to attract the attention of Lord Justice Sullivan, who gave the Council leave to appeal in October. We are in no doubt that there is great interest in our case and much rides on our continued success.

The current state of the Landscape

Many people have been shocked by the acres and acres of exposed chalk that are visible from the highways and public footpaths surrounding Cherkley. Longshot insisted on commencing construction of the golf course in April despite our pending judicial review. They were adamant that Cherkley Campaign would lose and they had to get going in order to satisfy the expectations of their investors and bankers. However, before David Mclay Kidd's team started the bulk earthworks, a financial undertaking was given to the Court to reinstate the landscape to its original landform and re-seed the wild flower meadows, in the event that we are ultimately successful. The long wait, before the judgment was handed down, meant that extensive earthmoving works took place on Cherkley's former farmland and paddocks before the construction was called to a halt in late August.

You can view a short film on YouTube showing the current state of Cherkley by clicking on this link - <http://www.youtube.com/watch?v=9tpPifvwHCY>

Area of Outstanding Natural Beauty Boundary Review

Far from 'safeguarding and enhancing' the landscape, as the developers claimed, the permission for a golf course has had further harmful consequences. A report commissioned by Surrey County Council, in preparation for Natural England's long anticipated boundary review of the Surrey Hills Area of Outstanding Natural Beauty, recommended that golf courses, even long established ones like Tyrrells Wood and Walton Heath, **cannot** be regarded as '**naturally beautiful**' countryside. Existing golf courses are therefore unsuitable for inclusion in the AONB and Cherkley has been removed as a candidate area. However, there is every reasonable expectation that Cherkley's AGLV will be included in the boundary extension **if** the appeal is dismissed. This would raise the status of the whole of the Cherkley Estate to that of a nationally important protected landscape as part of the Surrey Hills AONB. This was one of our main grounds for the judicial review and will be raised in the Court of Appeal.

We continue to be represented by Richard Buxton Solicitors and Douglas Edwards QC from Francis Taylor Building.

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Your continued support and interest is very much appreciated.

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