

Neighbours and the Law

THIRD EDITION

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NEIGHBOURS AND THE LAW

3rd Edition

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PREFACE

“Neighbours” disputes, in all their many guises, still frequently lead to complex, emotionally charged and protracted proceedings which, in turn, often call upon the furthest reaches of legal knowledge and law libraries. As a work for practitioners, the intention of the Third Edition of this book remains to provide a concise statement of the areas of law and procedure with which the lawyer, and increasingly other professional disciplines, are likely to be faced when dealing with such disputes. However, its contents are intended to serve as a guide and not a definitive source. Accordingly, the reader is reminded to refer to the relevant specialist works whenever more detailed information is required on a particular topic and/or to seek expert advice from the relevant practitioner!

Since the publication of the last edition in 1993 the many areas of law covered by this work, particularly concerning the involvement of the public and quasi-public agencies, have continued to grow. In addition, the requirements of the Civil Procedure Rules have added a significant number of new procedural, as well as, tactical considerations. The implications of the Human Rights Act 1998 are still being cautiously tested by the courts and some of the early pronouncements have been recorded in the text. The law is stated at September 18, 2001, when the proofs were returned to Sweet & Maxwell and we were forbidden from adding further material!

The writing of the Preface also enables me to acknowledge the hard work undertaken by my Norwich colleague, Graham Sinclair, who has fully reviewed and updated the private law sections of the Book. He spends far more of his professional time than I now do, dealing with this area of practice including alternative dispute resolution. He brings a fresh practitioner’s eye to such matters. We, jointly, express our thanks to Judge Peter Langan Q.C., until his recent promotion the designated civil judge for Chelmsford North, who read through the CPR section of Chapter 9 and made some helpful suggestions, all of which have been adopted. My London colleague, William Upton, as with the Second Edition, has helped me update the public law parts of the book. His particular expertise on environmental and human rights law is reflected in the level of detail that we have been able to include. I also express my personal thanks to Mike Radley, Head of Building Control Section at North Norfolk D.C. for reading through Chapter 8 and telling me that he, and his colleagues, wish now to be described as “building surveyors” and not “building inspectors”. However, as General Editor of this Third Edition, final responsibility for the contents still rests with me!

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