

Claimant
Mr James Squier, 1st
Date: 10 February 2020

Claim No: D00CT632

IN THE COUNTY COURT AT CANTERBURY

B E T W E E N:-

WILLIAM OFFLEY HINCHLIFFE FRIEND

Claimant/ Respondent

-and-

PETER MILES

Defendant/ Applicant

**WITNESS STATEMENT OF
JAMES WESTWOOD SQUIER**

I James Westwood Squier, Consultant Surveyor of Bidwells, Trumpington Road, Cambridge, CB2 9LD
DO SAY AS FOLLOWS:

1. I am a Fellow of the Royal Institute of Chartered Surveyors and have over 35 years' experience as a land agent. I have acted as surveyor to the Claimant, Mr Friend for approximately 20 years, providing advice on his property interests its use and development.
2. In about June 2010 I was instructed by Mr Friend to assist with the conduct of settlement negotiations relating to matters then in dispute with Mr Miles.
3. I have read the Witness Statement of Peter Miles dated 17 January 2020. I comment on this statement as follows, by reference to the paragraph numbers:
4. At paragraph 17 of his Witness Statement Peter Miles states that I advised him that he '*should not withdraw*' his '*objection to Mr Friend's application for the Registration of the road unless my easements for the Paddock and the Orchard were Registered*'. He also states that '*Mr Squier agreed to arrange for the Registration of those easements with Mr Friend's solicitors*'. I confirm that I was in contact with Mr Miles at around this time. That contact was in the context of the

negotiations that were ongoing at the time. Contrary to what is asserted in that Witness Statement I did not give that (or any other) advice to Mr Miles nor did I agree to arrange for the registration of those easements with Mr Friend's solicitors or anyone else.

5. I recall that at the time, when it was suggested by Mr Miles that I had advised him, I made it clear that I had not advised him and that he should take advice from his own professional advisors. There are on my file various emails that went back and forth confirming this but all discussions and documents produced were on a 'without prejudice' basis (as the negotiations were ongoing). For obvious reasons I have not exhibited without prejudice correspondence to this witness statement.
6. With regard to what is said at paragraph 18 of his Witness Statement, I confirm (as above) that there was no agreement that the '*easements for the benefit of the Paddock or the Orchard*' were to be registered against the title of the Blue land.
7. In case it is helpful, I also comment as to paragraph 21 of Miles' statement as follows:
 - 7.1. East Northdown Farm has for decades been the base for an intensive vegetable growing and packaging business, receiving produce from the surrounding farmland. Access by lorries to the pack houses and agricultural buildings was along East Northdown Road;
 - 7.2. As the industrial horticultural uses declined, the use of the buildings changed, as encouraged by Government policy and approved by the Local Planning Authority, such that commercial use traffic replaced industrial horticultural traffic using East Northdown Road;
 - 7.3. In my opinion it is not correct for Mr Miles to refer to '*his [Mr Friend's] nuisance activities*', bearing in mind the long established business use of the road for access to East Northdown Farm;
 - 7.4. Mr Friend had not in fact '*ceased the use of the road by commercial traffic*' as suggested by Mr Miles. However, Mr Friend has, since 2010, significantly reduced the business use of East Northdown Lane by creating a new alternative vehicular access to the East Northdown Farm buildings.

Statement of Truth

I believe the facts stated in my Witness Statement are true.

Signed

James Westwood Squier FRICS