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**PARTICULARS OF NUISANCE**

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(a) The Claimant is now in the course of erecting multiple industrial units on his property in close proximity to [REDACTED], that now interfere with the Claimant's enjoyment of his property. They are both visually overbearing and once in use will substantially increase the noise emanating from the Defendant's property – in what was a quiet rural environment when the Claimant purchased [REDACTED]

(b) The physical scale of the industrial units and the sheer number of those units are entirely unsuited to the Defendant's property and (in so far as it is relevant) it is the Claimant's case that most (if not all) were erected without planning consent or other regulatory permission. All the Defendant has ever had planning consent for were light weight polytunnels. The greater the number erected the greater the nuisance caused to the Claimant.

(c) The result of the large number of industrial units on the Defendant's property was accompanied by an equivalent and unacceptable increase in the use of the private road running between the parties' properties by heavy goods vehicles accessing the Defendant's property. The road is entirely unsuitable for such use and from time to time has been rendered almost impassable to the Claimant because of the deterioration of the road surface. The presence of such large vehicles on a narrow road is also a constant danger to other users. Whilst there is currently little use of the said road by commercial vehicles it has until very recently been used by up to 70 vehicles accessing the Defendants commercial units a day. It is therefore impossible to know whether and when the Defendant will simply revert to using this private road as the main access point for commercial vehicles to his property.

95. It is the Claimant's case the said acts of nuisance are more than sufficient to make out a right to claim for damages in relation to the diminution in value of [REDACTED]. When combined with the claims in relation to harassment the case is unanswerable.

96. The Defendant's acts of unlawful harassment and / or nuisance as aforesaid have resulted in significant damage to the value of the Claimant's property.

97. Under cover of a letter from Tim Mitford-Slade (a registered valuer at Strutt & Parker), dated the 1<sup>st</sup> August 2019, the effect of the nuisance / harassment on the value of [REDACTED] has been to diminish the value of that property by some 20%, from £1,125,000 to £900,000. A copy of that letter is annexed to these Particulars of Claim as Annex 3.





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Your Ref

TDH/FR0844/0013

Our Ref

CD1-138/001

Date

5<sup>th</sup> August 2019

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**LETTER OF CLAIM**

Dear Sirs

**Our Client:** [REDACTED]  
**Your Client: Mr William Friend**

We act for [REDACTED] of [REDACTED],  
[REDACTED] in relation to his claim against your client William Friend for  
breach of contract relating to the schedule to the Tomlin Order dated 15<sup>th</sup> July  
2013.

This letter is being sent to you in accordance with the Practice Direction on  
Pre-action Conduct and Protocols (the Pre-action PD) contained in the Civil  
Procedure Rules (CPR). In particular, we refer you to paragraphs 13 to 16 of  
the Pre-action PD concerning the court's powers to impose sanctions for failing  
to comply with its provisions. Ignoring this letter may lead to our client  
commencing proceedings against your client and may increase his liability for  
costs.

The breaches complained of are particularised in the enclosed draft  
proceedings.

Please confirm that your client will take proper and appropriate steps to ensure  
no relevant documents, including electronic documents that are in Mr Friend's  
control, are altered, lost, destroyed or disposed of pursuant to paragraph 7 of  
CPR Practice Direction 31B.

If you do not consider the amount set out in this letter to be due to our client, an  
acknowledgment to this letter should be provided within 14 days of receipt.  
Your full response to this letter should be provided no later than 21 days after  
the date of this letter. In the absence of a full response by that date, we are  
instructed to issue and serve proceedings without further notice.

Our client reserves all his rights, including the right to commence proceedings  
against Mr Friend (without further reference to you should that prove





**arpenter & Co Solicitors**

necessary) for breach of contract and to seek an order for damages plus interest and costs.

Yours faithfully

**Carpenter & Co**

Email: [chrisd@carpenterssolicitors.co.uk](mailto:chrisd@carpenterssolicitors.co.uk)