

Colin B Bennett

From: "Eugene Suggett" <EugeneS@london.ramblers.org.uk>
To: "Colin Bennett" <colinbbennett@palmeira.org.uk>
Cc: "Kate Ashbrook" <osshq@aol.com>; "Brian Reader" <gillian.reader@ntlworld.com>
Sent: 20 May 2005 17:46
Subject: RE:St James' Place

Dear Colin

I'm very sorry to say that the Legal Panel did not consider it possible to challenge the Inspector's decision. They regarded the council's use of the powers as improper but, as I feared they would, took the view that the time to make a legal challenge should have been at the time the council granted the planning permission for this "development" in the first place. The advice from the solicitor was that the Inspector's decision could not be faulted because the council had contrived it so that she could achieve no other result.

They agree that the legislation is wrong if it can be used in this way and they are now going to look at ways of remedying the legal state of affairs. This may be by way of judicial review of another case at the right time, or it may be by way of lobbying for an amendment to statute next time a legislative opportunity presents itself. The Panel is taking further legal advice about this.

I am sorry that this was the result, and I share your

disappointment because

I had hoped that it would be possible to challenge this particular decision.

At least your efforts will not have been wasted since they have prompted the

Panel to look at these other ways of amending the law.

With best wishes

Eugene

Eugene Suggett

Senior Policy Officer (Rights of Way)

The Ramblers' Association - A charity working for walkers
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-----Original Message-----

From: Colin Bennett [mailto:colinbbennett@palmeira.org.uk]

Sent: 20 May 2005 14:23

To: Eugene Suggett

Cc: Chris Maile; kate Ashbrook

Subject: Argus Article St James' Place

Dear Eugene