

Chairman's Report 2009 to 2010

In *Lakeman v Moat* (1911) and *Price v Bouch* (1987) the Estate Committee brought litigation. The committee succeeded in both cases. In *Price v Bouch* the trial judge Mr. Justice Millet made observations to the following effect:

For 90 years the mutual covenant has formed a private, local law, democratically administered by a committee elected by a majority of the owners. The present committee has the powers conferred on it by that deed. No dwelling houses or other buildings shall be erected unless the plans thereof have first been submitted to and approved by a majority of the committee. Clause 14 of the covenant was to enable the committee to preserve the character and amenity of the estate by withholding or granting permission. The mutual covenantors are bound by the decision of the committee whether it be a decision to grant or refuse approval, provided only that it is given honestly and in good faith and not for some improper purpose.

So clear are the provisions of the covenant and this judgement in establishing the authority of the Estate Committee that it is perhaps not surprising that since 1987 there has been no litigation whatsoever commenced either against or by the committee or any individual committee member.

During 2009/10 the committee established a Litigation Fund of £38,000. This has been ring-fenced for use in the event we are compelled to have recourse to litigation. We have received assurances of very substantial further financial support in such an event. Our undertakings are dependant on such financial support.

The Estate Committee undertakes that:

1. We will assiduously consider all applications submitted to us in a fair and transparent manner.
2. We shall act in good faith.
3. We shall advise and assist on request any applicant as to our procedures and the criteria we take in account in the exercise of our discretion to refuse or permit applications.
4. We shall on request provide written reasons for our decisions.

Finally, to reassure the vast majority of you who elected us to protect the character and amenity of the estate, and to put on notice those who may seek to adversely affect the character and amenity of the estate, we give the same simple undertaking:

5. We shall commence litigation against any proposed or actual building works we consider detrimental to the character and amenity of the estate.

Christopher Prince - Chairman.