INDIVIDUAL WINS NEGLIGENCE CLAIM AGAINST PRESIDENT-ELECT OF THE LANDSCAPE INSTITUTE

Monday 21 April, 2014

Devon Homeowner, Sue Wiles, has won a 6 year legal battle to gain compensation for admitted breaches of duty by Noel Farrer of Farrer Huxley Associates and Meathop Hall Estate Limited, and incoming President-Elect of the Landscape Institute.

In March 2002, Miss Wiles bought a run-down cottage in South Devon which was more than 200 years old and in obvious need of refurbishment. Miss Wiles instructed Noel Farrer of Farrer Huxley Associates and Meathop Hall Estate Limited, and Martin Boyd (an architectural technician and assistant to Mr Farrer) to draw up plans and a local builder was commissioned to do the works which were undertaken and completed based on the architectural technician's plans.

In 2007, Miss Wiles put the property on the market as she had plans to sell up and leave the area for work reasons. However, when two prospective buyers pulled out, citing adverse survey results, she commissioned her own survey which found that 'the works carried out for its conversion to a dwelling have left some structural elements and, in particular, the suspended timber floors and the roof structure in a below standard condition…' Her surveyors recommended, amongst other things, that 'considerable works be undertaken to strengthen the second floor structure and radical works to the roof to correct the racking or leaning over'.

When Miss Wiles contacted Mr Farrer for clarification, he suggested that any structural problems were the responsibility of the builder and denied liability. Despite concerted efforts by Miss Wiles to resolve without the need for legal proceedings, after 7 months she had no option but to appoint a solicitor to establish responsibility for the structural error and seek compensation for repairs to restore the house to a saleable, or rentable, condition.

A lengthy battle in the courts ensued and despite the conclusive findings of a single witness expert in July 2009, it was only in June 2012 that Mr Farrer would admit to the alleged breaches of duty. Despite the official decision of Judge O'Brien in November 2012, Mr Farrer then proceeded to take the case to the Court of Appeal where the appeal was dismissed in November 2013.

It is only in recent weeks that the matter has finally been settled and Miss Wiles can start the repair work needed to rectify the structural errors originally identified in 2002.

Sue Wiles said "This has unequivocally changed my life. What should have been resolved relatively swiftly stretched into 6 years of costly and emotionally draining litigation – all despite the conclusive findings of a single witness expert in 2009. I am indebted to my solicitor, Andrew Spencer at Cozens Hardy LLP in Norwich, and barrister, Justin Althaus of 1 Chancery Lane, who both believed in the core facts of the case and stood up for the rights of an average person against a powerful adversary who refused to accept liability. In my opinion, the legal process for professional negligence should be reviewed, with a maximum period enforced for litigation and clear agreement that the views of a single witness expert herald the start of practical negotiations. This was not the case for me, unfortunately, but I would like to see it addressed for others in my position. My challenge is now to strip the cottage back to where it was in 2002 and start afresh – this time with an architectural technician who follows the industry's Code of Conduct"

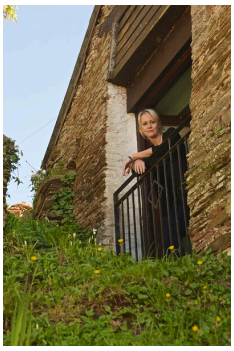
Mr Noel Farrer has been elected as the next President of the Landscape Institute which will come into effect on 1 July 2014.

For further information, you can view The Approved Judgement of H. H. Judge O'Brien, dated 12/11/2012, Norwich or contact the successful claimant, Sue Wiles, direct on 01548 581045 or via {suewiles843@hotmail.com}

Image: Sue Wiles, Wiles versus Farrer Huxley Associates and Meathop Hall Estate Limited. Copyright Original Image Photography.

Reference Material:
1. Landscape Institute (extract from Code of Conduct, dated May 2012)
2. Article from The Times Online by Lawrie Holmes (highlighting Mr Farrer's declared profession on or

Media:



Related Sectors:

Business & Finance ::
Construction & Property ::

Related Keywords:

Landscape Institute :: Professional Negligence :: Noel Farrer :: President-Elect :: Code Of Conduct :: Single Witness Expert ::

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{http://www1d.btwebworld.com/yourbusiness/timesmart/feat/times/wm1202/wm_feat_4.htm}

LANDSCAPE INSTITUTE – CODE OF CONDUCT (dated May 2012)
EXTRACT

Promoting professional competence

Standard 6:
Landscape Professionals should only undertake professional work for which they are able to provide proper professional and technical competence, and resources. Undertaking work refers to the duty arising when a contract is entered into and continues throughout the term of the contract. No contract normally exists when engaging in speculative work or taking part in a competition. You are expected to be competent to carry out work for which you have been engaged, or if you engage others, you are responsible for ensuring that they are competent to perform the task and are adequately supervised. You are expected to accurately represent your professional status and qualifications as well as those working for you in any capacity.

Standard 10:
Members of the Landscape Institute should only promote their professional services in a truthful and responsible manner and such promotion shall not be an attempt to subvert professional work from another member. When advertising your services you should not make untruthful or misleading statements, nor claim to be better than other professional members. Special expertise, however, may be properly claimed and referred to. Advertisements should conform, as appropriate, to the Advertising Standards Authority or any other body having oversight of advertising standards in the various types of media. The business style of a practice should not be misleading nor be capable of being confused with another practice or service. If you are aware that a client already has a contract for services provided by another member, you should not attempt to gain that contract.

Standard 12:
The Landscape Institute expects members to have adequate and appropriate Professional Indemnity Insurance. The need for cover extends to professional work undertaken outside your main professional practice or employment and to work undertaken by employees, sub-contractors or consultants. You are expected that both you and third parties have an appropriate level of cover commensurate with the work undertaken and to ensure that it includes run-off cover. If you are employed, you shall ensure as far as possible that Professional Indemnity Insurance cover, or other appropriate cover, is provided by your employer.

Standard 13:
The Landscape Institute expects that any complaints concerning the professional work of individual members or their practice should be dealt with promptly and appropriately. You are expected to have a written procedure for the prompt and courteous handling of complaints. A named individual should respond to complaints, which in the case of a firm or company should be a director or partner. If the named person is unable to resolve a complaint to the satisfaction of the complainant, they should refer it promptly to the senior partner or managing director. If, after reviewing the complaint, the senior partner or managing director is unable to resolve the complaint to the satisfaction of the complainant they should inform the complainant that members are subject to the disciplinary provisions of the Landscape Institute and that, if the complainant can demonstrate that a member has been guilty of unacceptable professional conduct or serious professional incompetence, disciplinary proceedings may follow. Where appropriate, you should consider offering alternative means of dispute resolution such as mediation or conciliation. You should handle complaints at every stage courteously, sympathetically and in a timely manner. You should also respond to all correspondence from the Landscape Institute concerning complaints and/or compliance with the Code in a timely manner and in accordance with the Institute’s disciplinary regulations.

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