

ORIGINAL

IN THE HIGH COURT OF JUSTICE

QUEENS BENCH DIVISION

CROWN OFFICE LIST

C.O.L. 1994 S

CO 3185 92

IN THE MATTER OF AN APPEAL UNDER SECTION 288 OF THE TOWN & COUNTRY PLANNING ACT 1990 AGAINST THE DECISION OF THE SECRETARY OF STATE FOR THE ENVIRONMENT DATED 20th SEPTEMBER 1994 ALLOWING APPEALS BY UNITED SYNAGOGUE ERUV COMMITTEE APPLICATIONS NUMBERS ERUV 1 AND ERUV 2

BETWEEN :-

JEFFREY SEGALL



- and -

THE SECRETARY OF STATE
FOR THE ENVIRONMENT

First Respondent

- and -

THE UNITED SYNAGOGUE ERUV
COMMITTEE

Second Respondent

NOTICE OF MOTION

In the matter of the Town & Country Planning Act 1990 and in the matter of the Town & Country Planning (Inquiries Procedure) Rules 1992 (Rule 17).

Take notice that the High Court of Justice sitting at the Royal Courts of Justice, Strand, London WC2, will be moved 21 days hereafter or so soon thereafter as Counsel for the Applicants may be heard for an Order quashing the decision of the First Respondent, issued by decision letter dated 20th September 1994 (hereinafter called "DL"), to allow the appeal of the Second Respondent against:-

- a) refusal of planning permission and
- b) failure to make decision, by the London Borough of Barnet in respect of applications for:-
 - (a) the erection of street furniture comprising groups of poles between which are suspended at high level a wire, to designate the perimeter of a nominated "Eruv" (ref. APP/N/5090/A/93/224571) and
 - (b) for a revised proposal involving a reduced number of poles (ref. APP/N/5090/A/93/229 477) and
 - (c) for an order that the First Respondent pay the cost of the Applicants.

AND further take notice that the Applicant is a person aggrieved by the said decision.

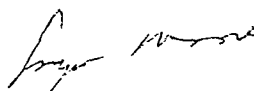
AND further take notice that the grounds of this Application are that the First Respondent exceeded his powers and failed to comply with the above mentioned Rule in that

1. The First Respondent accepted the conclusions of the Inspector, David Bushby, who held an Inquiry and prepared a report (hereinafter called "IR") after holding an Inquiry between 30th November 1993 and 30th December 1993. (See DL, paragraph 14).
2. The conclusions which the First Respondent accepted included conclusions about the issue of social harmony set out at paragraph 5.62, 5.63 and 5.64 of the DL and

conclusions about the relevance of the development plan set out at paragraph 5.6 of the DL.

3. The First Respondent failed to set out a rational, comprehensible approach in DL8, DL12, DL13 and DL14, to the issue of social harmony consistent with the statutory obligations of Section 54(a) of the above Act and his own policy as set out in paragraphs 28 and 30 of Planning Guidance Note 1.
4. The First Respondent failed to give proper consideration in DL12 to the other objections raised and in particular that the front boundary of the Applicant's house in Cricklewood Lane as well as the side boundary in Lyndale Avenue had been designated as forming part of the Eruv Boundary. By empowering the United Synagogue Eruv Committee to use the Applicant's property as part of the Eruv Boundary without the Applicant's consent and contrary to his declared objection such use would violate the Applicant's civil rights as follows:
 - (a) the Applicants' rights as a resident and property owner
 - (b) the Applicants' rights on grounds of conscience for the Applicant's property to be observed by the Applicant and others as religion free (Article 9.1 of the European Convention on Human Rights)
 - (c) the Applicant's right to respect for his home (Article 8 of the European Convention on Human Rights)

Dated this 15th day of NOVEMBER . 1994


Sayer Moore & Co
236 Neasden Lane
London NW10 0AA
Applicant's Solicitor

To: The Secretary of State for the Environment
c/o The Treasury Solicitor
Queen Anne's Chambers
28 Broadway
Westminster
London SW1H 0JS

And To: United Synagogue Eruv Committee
c/o Fibbens Fox Associates Ltd
31 The Broadway
Woodford Green
Essex IG8 0HQ