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Philip Petchey

Practice Profile



Year of call 1976

Philip Petchey enjoys unravelling what is complicated, obscure or dense (or all three) and his practice affords him the opportunity of doing so. Thus in *R (Newhaven Port and Properties) v East Sussex County Council* it was necessary to investigate the law relating to access to the seashore going back to Bracton as well as the power of a corporation in Scotland to grant a servitude, In *Evans v Wimbleton and Putney Conservators* he had to consider not only the powers of the Conservators under an obscure act of 1871 but also how those powers had been exercised in providing access to a hospital built on an island in the common. In *In re St Stephen Walbrook* the history of the installation of a painting by Benjamin West in the church in the eighteenth century had to be investigated as well as the circumstances of it being moved in the nineteenth century and removed in the twentieth. And so on. A grasp of the foundations in fact and law of the case under consideration cannot ensure success, but experience shows that it is a good starting point.

Cases of Note

In re St John the Baptist, Penshurst (Court of Arches)

R (Newhaven Port and Properties) v East Sussex County Council (Supreme Court)

In re St Stephen Walbrook (Consistory Court of London)

Evans v Wimbledon and Putney Commons Conservators (Court of Appeal)

Paddico (267) Limited v Kirklees MBC (Supreme Court)

R (Barkas) v North Yorkshire County Council (Supreme Court)

Oxfordshire County Council v Oxford City Council and Robinson (House of Lords)

R (Beresford) v Sunderland City Council (House of Lords)

Butler v Derby City Council (Divisional Court) (advertisements and human rights)

Cheltenham Builders v South Gloucestershire Council (High Court) (village greens)

R. v Sevenoaks District Council, ex parte Palley (High Court) (decision of local authority not to serve an enforcement notice subject to judicial review)

Dunster v First Secretary of State (Court of Appeal) (reasons for planning decision)

R. v Ecclesiastical Committee of the Houses of Parliament, ex parte Church Society (legal challenge to ordination of women)

R. v Bishop of Stafford, ex parte Owen (judicial review of decision of Bishop not to renew term of office of team vicar)

Gill v Davies (injunction to restrain ordination contrary to canon law)

Barnes v Derby Diocese Board of Finance (powers of Church Commissioners under the Pastoral Measures)

In re Blagdon Cemetery (Court of Arches) (exhumation)

Meddick v Shiplake Parish Council (Reading County Court) (whether requirement to maintain fencing under enclosure award capable of enforcement)

Experience

Philip Petchey has always sought to maintain a broad practice, spanning many areas of Chambers expertise. So in planning he appeared in a broad range of cases ranging from a statue of St Walter Raleigh to a superstore. He appeared for Eurotunnel in the promotion of the Channel Tunnel and then for the Government in the promotion of the High Speed Rail Link. He appeared for Network Rail on its proposals to enhance the Thameslink service.

Recently a lot of his practice has concerned town and village greens. There have been seven cases concerning town and village greens in the House of Lords/Supreme Court and he has appeared in five of them. He appeared for the Open Spaces Society as intervener in the litigation over the skateboard park beneath the Queen Elizabeth Hall. He advises and appears in footpath cases; these raise many of the same issues as village greens and are also decided within the framework of a complicated statutory code overlaid upon complicated common law provisions.

He regularly advises on and appears in ecclesiastical cases, both those concerning alterations to churches and also clergy discipline.

Human rights law impinges on all the areas on which he advises and, from time to time, he has had to advise on difficult applications of the Convention to fields in which he practices.

Qualifications & Appointments

- MA (Oxon)
- Chancellor of the Diocese of Southwark

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