



Andrew Marsden

Barrister (Call Date: 1975)



Clients

Solicitors, Public Authorities (County, District, Borough and Parish Councils) and Chartered Town Planners. Andrew also has significant Direct Professional Access practice (direct to the public), both in London and regionally.

Areas of practice

During a career of over 40 years, Andrew has worked in almost all areas of civil law. He has a particular specialism in property disputes, including:

- landlord and tenant law (business tenancies, residential and agricultural)
- constructive trusts
- adverse possession ('squatters' rights')
- contested wills and family inheritance
- easements such as rights of way, drainage and light
- professional negligence in conveyancing, planning and valuation matters.

He is one of the few regional members of the Planning and Environmental Bar Association, regularly advises in planning matters (including enforcement) and appears at inquiries for developers and local planning authorities.

Andrew also has a niche practice in family finance (divorce, cohabitee's rights, inheritance

claims). As one of the region's handful of divorce specialists, he has always believed that his understanding of wider civil property issues and company law has proved an advantage against opponents with narrower practices.

His ethos

Much of his time is now spent at mediations. He is a firm believer in the principle that effective written presentation of cases and a firm hand in negotiations will normally achieve a good settlement for clients without the ruinous cost of contested hearings. However, he still appears frequently in court and considers that a well-advised client should not be made to settle at all costs.

Background

Andrew joined East Anglian Chambers in 1977 after a pupillage at what is now Henderson Chambers in the Temple. Initially he practised in all areas of civil and family litigation, but for the last 20 years has concentrated on the following areas.

Two thirds of his practice comprises commercial disputes, mainly boundaries, easements, planning, environmental and building matters. He is a member of the Planning and Environmental Bar Association, and has represented both developers and planning authorities at public enquiries for 30 years. However, his practical experience in general contractual and tortious disputes permits him to accept instructions wherever expertise in advocacy and tactics are pre-requisites.

The other third of his practice concerns family finance (including property rights of unmarried couples, Inheritance etc Act claims and contested probate). In this area, he receives instructions from solicitors in all three of the region's counties. He is a member of the Family Bar Association.



Court and tribunal experience

Court of Appeal

High Court (all divisions)

Business and Property Courts (Property, Trusts and Probate List)

County Court (particularly at Central London in Chancery Business)

Tribunals (particularly in land registration and landlord and tenant matters)

Planning Inquiries

Qualifications/Education

MA (Oxon) Jurisprudence 1976

Memberships/Appointments

Assistant Recorder (1998)

Recorder (2000): licensed to sit in criminal, civil and family work

Planning and Environmental Bar Association

Family Bar Association

Cases

- *Smith v Braintree District Council* [1990] 2 AC 215, HL (bankruptcy and rating)
 - *MFI v Colchester Borough Council* (superstore proposal defeated)
 - *Mason v Ipswich Borough Council*, CA (delegated powers of local authority officers)
 - *T v T* [1996] 2 FLR 640 (setting aside consent orders for ancillary relief)
 - *R v Watson (deceased)* [1999] 1 FLR 878 (qualifying as a 'cohabitant' under the Inheritance (Provision for Family and Dependants) Act 1975)
 - *Allen v Thurrock Borough Council* 1998 (successful defence of carbon monoxide poisoning claim)
 - *Crowfield Airfield v Mid Suffolk District Council* (first ever local inquiry into a discontinuance order)
 - *Mid-Suffolk District Council v Clarke* (second ever IPPC permit inquiry)
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