

2. **Which Convention Rights does the Claimant say that the Defendant has acted in breach of?**

Section 1(10) of the Human Rights Act 1998 defines convention rights as Articles 2 to 12 and 14 of the Convention of Human Rights and Articles 1 to 3 of the First Protocol.

Article 8.1 says "*Everyone has the right to respect for his private and family life, his home and his correspondence*".

This is a qualified right, the qualification of that right is found under Article 8.2 which reads "*There shall be no interference by a public authority with the exercise of this right except such as in accordance with the law and is necessary in a democratic society in the interests of national security, public safety or the economic well being of the country, for the prevention of disorder and crime, for the protection of rights and freedoms of others*"

It is accepted that there is a need for some regulation of the use of the Claimant's property in order to preserve the Article 8 rights of neighbours. However, it is submitted that there has been an unlawful interference with the Claimant's Article 8 rights through the investigative process and the subsequent decisions made.

3. **The Investigative Process and the breach of the Claimant's Article 8 rights**

The Enforcing Planning Control: Good Practice Guide 1997 sets out best practice with regard to "investigation, negotiation, drafting and procedure, appeals, prosecution, stop notices, injunctions, default action and other aspects of the system". It advises (paragraph 2.1) "at the outset, thorough investigation of the facts of any allegedly unauthorised development is vital to effective enforcement of planning control. The planning history of the relevant parcel of land must be established as accurately as practicable, using all available sources..."