

## News

# LAWYER AUTHORS ARTICLE IN 'ESTATES GAZETTE' ON SUPREME COURT DECISION, RUNNER-UP IN PLA COMPETITION

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BCLP Associate Phil Spencer authored an article published July 15 by *Estates Gazette* (subscription required) on whether the recent Supreme Court decision in *Fearn* opened the floodgates for claims in nuisance based on overlooking. "By the time *Fearn* reached the Supreme Court, the question for determination was a narrow one, confined to whether the lower courts had erred in denying the claimants a remedy under the tort of private nuisance," he wrote. "The majority judgment reviewed the existing law and found it had been incorrectly applied to the facts and a remedy was therefore due."

Phil's article was chosen as the runner-up in the Property Litigation Association's 2023 Alan Langleben Memorial Blog Competition, which was praised as "thoughtful and wide-ranging."

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### **Phil Spencer**

London

[phil.spencer@bclplaw.com](mailto:phil.spencer@bclplaw.com)

[+44 \(0\) 20 3400 3119](tel:+442034003119)

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