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The House of Lords has allowed an appeal from the decision of the Court of Appeal in *Yeoman's Row Management Ltd v. Cobbe* [2006] EWCA Civ 1139: see *Yeoman's Row Management Ltd v. Cobbe* [2008] UKHL 55, [2008] 1 WLR 1752. In the House of Lords Scott expressed (at [29]) his provisional view that proprietary estoppel cannot be invoked in order to render enforceable an agreement that s.2 has declared to be void. However, his observation was obiter and Lord Walker, who gave the other leading speech, reserved his view on the issue (at [93]). Subsequent case law has not resolved the doubt. In *Hutchison v. B & DF Ltd* [2008] EWHC 2286 (Ch), [2008] All ER (D) 41 (Oct) Peter Smith J followed the approach of Lord Scott and held that an owner of land could not be estopped from asserting that an agreement was void for want of compliance with s.2. On the other hand, in *Herbert v. Doyle* [2008] EWHC 1950 (Ch), [2008] All ER (D) 40 (Aug), [15] Mark Herbert QC, sitting as a Deputy Judge of the High Court, concluded that, notwithstanding the dicta of Lord Scott, it remained the case that, if all the requirements are otherwise satisfied for a claim based on proprietary estoppel to succeed, a claim will not fail solely because it consists of an agreement which does not comply with s.2