

Landmark Chambers

Barrister CV

Jenny Wigley KC (Joint Head of Chambers)



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Jenny Wigley KC (Joint Head of Chambers)

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Jenny's practice is focused on planning and environmental law and non-domestic rating (local government tax).



Expertise

Planning, Environment, Rating and Valuation, Public and Administrative

Contact Practice Managers

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Practice Summary

Jenny appears regularly in planning inquiries and in the High Court, Court of Appeal and Supreme Court in judicial review and statutory review claims including those related to climate change, adequate consultation, legitimate expectation, water, heritage, Habitats Regulations, EIA, SEA, air quality, s.106 obligations and conditions, the GPDO, enforcement, interpretation of policy and adequacy of reasons.

Of notable interest, Jenny represented the successful claimant in the statutory review challenge to all the Green Belt allocations in the Leeds Site Allocations Plan. She also recently represented a community interest group in four successful High Court challenges relating to the protection of a local playing field.

Jenny represents developers, public interest groups, campaign groups, local authorities and central government agencies. She is currently advising a large unitary local authority in defending refusals of applications by HS2 under Schedule 17 of the High Speed Rail (London – West Midlands) Act 2017. She is also representing National Highways in the High Court in statutory reviews of highway schemes. Additionally, she advises in relation to DCOs. Jenny has also recently represented hotel owners

and Government contractors in successful High Court injunction proceedings (both defending against an application for a planning injunction and obtaining an injunction against protesters) relating to the emergency housing of asylum seekers.

On the non-domestic rating side, her practice includes cases in the Valuation Tribunal, Upper Tribunal (Lands Chamber) and the Higher Courts, including in the landmark Divisional Court cases concerning empty rates relief (***Makro, Kenya Aid, Digital Pipeline, Pall Mall and Public Health England***). She recently represented the ratepayer in a case concerning the valuation of museums (***Hughes (VO) v. Tyne & Wear Museums and Archives*** [2022] UKUT 206 (LC)) and she represented the Valuation Officer in the leading case concerning the valuation of tenant's fit-out works in commercial offices (***Bunyan (VO) v. Acenden Limited*** [2023] UKUT 17 (LC)).

Jenny was formerly a solicitor at Stephenson Harwood.

Planning

Ranked in the Directories consistently as a leading silk (and previously a leading junior), Jenny Wigley is a 'force to be reckoned with' (Chambers and Partners, 2023). She is "a formidable High Court advocate" (Chambers and Partners, 2023).

She regularly appears in the Senior Courts in judicial review claims and statutory challenges. Her cases include two recent successes in the Court of Appeal (***R (oao Whitley Parish Council) v. North Yorkshire CC*** [2023] EWCA Civ 92 and ***R (oao Wingfield) v. Canterbury CC*** [2020] EWCA Civ 1588), two successful Local Plan challenges (***Aireborough NDF v. Leeds CC*** [2020] EWHC 1461 (Admin) and ***Jopling v. Richmond upon Thames LBC*** [2019] EWHC 190 (Admin)), an appearance in the Supreme Court (***R (oao Wright) v. Resilient Energy Severndale Ltd*** [2019] UKSC 53) and countless more recent judicial reviews and statutory reviews in the High Court (scroll down for more examples).

Jenny is currently advising a large unitary local authority in defending refusals of applications by HS2 under the High Speed Rail (London – West Midlands) Act 2017. She is representing National Highways in relation to statutory reviews of highways schemes and she frequently provides advice in relation to DCO schemes. She is also representing the Ministry of Justice in s.78 appeals promoting two new prisons.

She appears in planning inquiries, examinations and hearings relating to all aspects of development and enforcement for developers, local authorities and other interested persons. She has recently acted in High Court injunction proceedings relating to housing asylum seekers in hotels. She is advising in relation to the promotion of a 600 dwelling site through the local plan process. She has been successful in representing a Parish Council at a three week Inquiry as the sole party opposing an appeal for 800 houses in Essex on primarily transport grounds. She has appeared for a local planning authority in an inquiry successfully resisting the conversion of a listed public house to residential use, a case involving complex viability and heritage issues. She also acted for a developer in gaining planning permission for 150 houses on appeal in one of the first post-NPPF cases in which planning permission was granted notwithstanding the presence of a five year housing land supply and the site's location outside the settlement boundary.

In addition to the many reported cases in which she has appeared in the High Court and Court of Appeal (scroll down below for more examples), Jenny has succeeded in achieving quashing orders by consent and other favourable settlements for both claimants and developers in many more judicial review and statutory review cases. She has appeared many times for claimants

(public interest groups, campaign groups and noisy industries), local authorities and developers in judicial review and statutory review claims including, in particular, those related to climate change, adequate consultation, legitimate expectation, heritage, water, Habitats Regulations, EIA, SEA, air quality, s.106 obligations and conditions, interpretation of policy and adequacy of reasons. She has also appeared in a number of cases concerning the interpretation of the GPDO and the NPPF.

Jenny has written a number of articles on planning, rating and the council tax in both the legal and property trade press. She provides oral representation and advice, both written and in conference, on all aspects of judicial review, planning, rating and the council tax, compulsory purchase, highways and local government.

Environment

Jenny is experienced in advising and representing clients in the Senior Courts in cases relating to environmental impact assessment, habitats, air quality, water, pollution, ecology and climate change. She is well versed with issues relating to nutrient neutrality and water neutrality. Many of the High Court challenges she has undertaken involve complex scientific concepts relating to these matters.

Rating and Valuation

Jenny Wigley KC has a strong practice in the field of non-domestic rating (local government tax). She regularly appears for rate payers, local authorities and the valuation officer in the Valuation Tribunal, Upper Tribunal (Lands Chamber) and the Senior Courts, including in the recent landmark Divisional Court cases concerning empty rates (***Makro***, ***Kenya Aid***, ***Digital Pipeline***, ***Pall Mall*** and ***Public Health England*** – see cases below). One of her cases was for a football club and concerned the important issue of whether relegation from the Premier League can constitute a ‘material change of circumstances’ for rating purposes. She recently represented the ratepayer in a case concerning the valuation of museums (***Hughes (VO) v. Tyne & Wear Museums and Archives*** [2022] UKUT 206 (LC)) and she represented the Valuation Officer in the leading case concerning the valuation of tenant’s fit-out works in commercial offices (***Bunyan (VO) v. Acenden Limited*** [2023] UKUT 17 (LC)).

Her cases of note in this field include:

- ***Dawn Bunyan (VO) v. Acenden Limited*** [2023] UKUT 17 (LC) (the leading case on valuation of office fit-out)
- ***Stephen Hughes (VO) v. Tyne & Wear Museums and Archives*** [2022] UKUT 206 (LC) UTLC
- ***R (oao Secretary of State for Health, PHE) v. Harlow DC*** [2021] EWHC 909 (Admin)
- ***Wigan Football Co Ltd v. Roberts (VO)*** [2019] RA 41
- ***My Community Space v. Ipswich BC*** [2018] EWHC 3313 (Admin)
- ***Student Union Lettings Ltd v. Leicester City Council*** [2018] RA 175
- ***City of York Council v. Sykes (VO)*** [2017] UKUT 230 (LC)

- ***South Kesteven DC v. Digital Pipeline Ltd*** [2016] EWHC 101 (Admin)
- ***Sleekmade Ltd v. Sheffield City Council*** [2015] EWHC (Admin) (17 November 2015)
- ***Pall Mall Investments (London) Ltd v. Gloucester City Council*** [2014] EWHC 2247 (Admin), [2014] PTSR 1184, [2014] RA 395
- ***Lidl (Uk) GmbH v. Ryder (VO)*** [2014] RA 23
- ***Kenya Aid Programme v. Sheffield City Council*** [2013] EWHC 54 (Admin) Div, [2014] QB
- ***Makro Properties Limited v. Nuneaton & Bedworth BC*** [2012] EWHC 2250 (Admin)
- ***Webster v. Yorkshire Water Services Ltd*** [2009] RA 317
- ***Thames Water plc v. Peter Handcock (VO)***, Lands Tribunal, 16 September 2008
- ***Baker (VO) v. Citibank NA*** [2007] RA 93

Jenny co-edited the main rating text book, *Ryde on Rating and the Council Tax*, for 20 years from 2003 to 2023 and she has edited the rating chapter in *Atkins Court Forms* and the *Encyclopaedia of Forms and Precedents*.

During her time as a solicitor, Jenny practised in the commercial and property litigation department of city firm, Stephenson Harwood, where she also had conduct of the firm's rating practice. During that time, she worked on the law changing case of ***Benjamin (VO) v. Anston Properties*** (which led to the Government introducing the Rating (Valuation) Act 1999) and the case of ***Coventry & Solihull Waste Disposal Co v. Russell (VO)*** ([1999] 1 WLR 2093) in the House of Lords.

Public and Administrative

Jenny represents clients in public law matters relating to planning, the environment and non-domestic rating law. She is very experienced in all aspects of Judicial Review and frequently appears in the Senior Courts for claimants, defendants and interested parties. She also appears in injunction proceedings relating to protests. Recently she represented Government contractors and hotel owners in obtaining an injunction against anti asylum seeker protesters who were blocking access to a hotel.

Qualifications

- MA (Hons) (Cantab) (Jesus College, Cambridge)

Recommendations

"Jenny has provided excellent client care and advocacy skills, understood the commerciality of the argument and showed an ability to grasp a complex case." "She has a very sound understanding of her subject, is an excellent advocate and a pleasure to work with."

Rating and Valuation, Chambers and Partners, 2024

"Jenny Wigley managed things really well and guided the client right through the process." "Jenny has a plain way of speaking with the court - no pomposity and very genuine, which plays well in the court." "Her ability to immediately absorb, understand and articulate technically challenging evidence from the team was second to none." "Jenny Wigley deals with complex and sophisticated points of law with ease, which, combined with her excellent client manner, makes her a joy to work with."

Planning, Chambers and Partners, 2024

"Jenny is technically exceptional – her eye for detail and ability to analyse huge amounts of information and hone in on the relevant points is second-to-none. She's practical, approachable, clients love her. She is great on her feet, firmly and determinedly holds her own even in front of unsympathetic judges and wins the day."

Planning, Legal 500, 2024

"Great attention to detail and ability to methodically argue a case."

Local Government (including Rating), Legal 500, 2024

"Jenny Wigley is a force to be reckoned with. She is a formidable High Court advocate." "She is immensely approachable and goes the 'extra mile', identifying issues that may have been overlooked by the wider team." "She is delightful, personable and a very persuasive advocate."

Planning, Chambers and Partners, 2023

"She is a very fluent and solid advocate." "She is thoroughly lovely to work with, calm and has a positive way of working. Jenny came over really well in the case and argued it very well."

Rating and Valuation, Chambers and Partners, 2023

"Jenny is a brilliant advocate. She is incredibly clever and has a very sharp intellect, she is quick to pick up on issues and is particularly good on hugely detailed and complex issues. She is particularly adept at making those complex issues digestible and accessible both in court and for clients, indeed clients love her."

Planning, Legal 500, 2023

"Her ability to get to grips with huge amounts of really detailed information is really quite awesome." "Jenny's advice is always very succinct and to the point. She is reliable and easy to deal with."

Planning, Chambers and Partners, 2022

"Her knowledge of the subject is encyclopedic. She is an excellent advocate and has a great eye for detail. She is definitely the counsel you want on your side."

Rating and Valuation, Chambers and Partners, 2022

"Jenny is brilliant to work with. She has a down to earth style, with clients and instructing solicitors. Jenny has a real eye for detail and is not afraid of delving into the minutiae of a case. She is always efficient and sticks to deadlines. Jenny is a solid advocate, calm and measured."

Planning, Legal 500, 2022

"She is particularly good on her feet, has facts at her fingertips and deals well with searching questions from the Bench and the other side." "She really gets into the detail."

Planning, Chambers and Partners, 2021

"She's a good advocate who's also good on paper and expresses herself in a clear, persuasive way." "She understands what her clients want, works hard and is successful in her efforts on their behalf."

Rating and Valuation, Chambers and Partners, 2021

"Carries out a very forensic and sound analysis of knotty issues." "She is responsive, diligent and client-friendly."

Planning, Chambers and Partners, 2020

Cases and inquiries

07 03 24	Secretary of State Grants Development Consent Order for the A66 Northern Trans-Pennine Project
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31 01 24	Permission granted for new Buckinghamshire Prison
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17 01 24	Planning Court hands down judgment in important case for drop-in planning permissions
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27 07 23	Asylum hotel accommodation: Injunction News
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20 07 23	High Court dismisses challenge to on-shore gas exploration project
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02 06 23	Completion of the Public Examination into the Development Consent Order for the A66 Northern Trans-Pennine Project
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31 03 23	Judicial review challenge to A428/A1 Black Cat roundabout road scheme refused permission
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14 03 23	R (oao Better Streets for Kensington and Chelsea) v. Kensington & Chelsea RLBC [2023] EWHC 536 (Admin)
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03 02 23	Court of Appeal upholds planning permission for pulverised fuel ash extraction
25 01 23	How do tenant's fit out works affect rateable value?
17 01 23	Planning permission quashed for mistake of fact - Harrison v. SSLUHC [2023] EWHC 16 (Admin)
16 12 22	Caravan Site Licensing - Tallington Lakes Ltd v. South Kesteven DC [2022] UKUT 334 (LC)
08 12 22	R (oao Better Streets for Kensington and Chelsea) v. Kensington & Chelsea RLBC [2022] EWHC 3500 (Admin)
04 08 22	R(Save North St Albans Green Belt) v St Albans District Council [2022] EWHC 2087 (Admin)
03 08 22	Stephen Hughes (VO) v TYNE & WEAR MUSEUMS AND ARCHIVES [2022] UKUT 206 (LC) UTLC
29 07 22	R (oao Village Concerns) v. Wealden DC [2022] EWHC 2039 (Admin)
06 07 22	Permission for housing on sports ground ruled unlawful
21 04 22	Dee & Dee v. SLUHC [2022] EWHC 2166
25 01 22	Council's refusal to list local sports field as an asset of community value was unlawful, rules High Court
10 08 21	Community Group another step closer to saving local playing field
30 07 21	High Court dismisses challenge to Cherwell Local Plan review
04 06 21	Community group one step closer to saving local playing field
29 04 21	Legal challenge to South Oxfordshire Local Plan rejected for second time
27 04 21	Choiceplace Properties Ltd v SSHCLG [2021] EWHC 1070 (Admin)
16 04 21	In a win for ratepayers, the High Court clarifies the law on empty rates mitigation
11 02 21	Legal Challenge to Cherwell Plan granted permission to proceed
27 11 20	Court of Appeal answers the question: When must an unsuccessful litigant accept 'No' for an answer?
06 08 20	Court orders remittal of all Leeds Green Belt housing allocations

08 06 20	Successful Legal Challenge to Leeds Site Allocations Plan
15 01 20	Unincorporated Associations have capacity to bring public law claims
14 11 19	Gliding Club's successful challenge to approval of a residential barn conversion under the GPDO may have potentially significant implications under the Human Rights Act
16 10 19	High Court quashes planning permission for Waste Transfer and Treatment Facility in Widnes
12 09 19	Inspector dismisses appeal for up to 150 dwellings in Newport, Saffron Walden
26 07 19	High Court sheds further light on the duty to give reasons for grants of planning permission and disagrees in part with the recent decision in Pagham PC v. Arun DC
26 07 19	Dismissal of 'salami slicing' style judicial review challenge to planning permission for 370 houses
26 07 19	Supreme Court to consider meaning of "material planning consideration"
08 02 19	High Court quashes removal of Local Green Space designation in London Borough of Richmond's Local Plan
20 12 18	Noise effects from adjacent industrial premises lead High Court to quash residential planning permission
03 12 18	My Community Space v Ipswich BC [2018] EWHC 3313 (Admin)
18 09 18	Good Energy Generation Ltd v SSCLG [2018] EWHC 1270 (Admin)
22 08 18	High Court quashes reserved matters approval for 321 houses in Ledbury
24 07 18	Wigan Football Company Ltd v Richie Roberts (Valuation Officer)
12 07 18	Grand Union Investments v. Dacorum BC [2014] EWHC 1894 (Admin), [2014] JPL 10 1188
04 06 18	Webster v. Yorkshire Water Services Ltd [2009] RA 317
04 06 18	Wind farm developer's planning obligations found to be immaterial
31 05 18	Vale of Whitehorse DC v. Secretary of State for Communities and Local Government [2009] EWHC 1847 (Admin)
30 05 18	R (o a o Lee Valley Regional Park Authority) v. Broxbourne BC [2015] EWHC 185 (Admin)

30 05 18	Lidl (UK) GmbH v Ryder (VO) [2014] RA 23
30 05 18	Gerber v Wiltshire Council [2015] EWHC 524 (Admin), JPL [2015] 9, 1021
30 05 18	R (o a o) Prideaux v. Buckinghamshire CC [2013] EWHC 1054 (Admin)
30 05 18	Stroud DC v. Secretary of State for Communities and Local Government [2015] EWHC 488 (Admin)
30 05 18	Kenya Aid Programme v. Sheffield City Council [2013] EWHC 54 (Admin) Div, [2014] QB 62
30 05 18	Kendall v Rochford District Council [2014] EWHC 3866 (Admin), [2015] Env LR 21
30 05 18	Abbotskerswell Parish Council v. Teignbridge DC and Secretary of State [2014] EWHC 4166 (Admin), [2015] Env LR 20
30 05 18	Makro Properties Limited v. Nuneaton & Bedworth BC [2012] EWHC 2250 (Admin)
30 05 18	R (o a o Oldfield) v Secretary of State CLG [2014] EWCA Civ 1446, [2015] Env LR 9
29 05 18	R (o a o Corrie) v. Suffolk CC [2014] EWHC 2490 (Admin)
29 05 18	R (oao Carlyle) v. Hastings BC [2016] EWHC 1482 (Admin)
29 05 18	R (Langton) v Forest of Dean District Council [2015] EWHC 2648 (Admin)
29 05 18	Robinson v SSCLG and others [2016] EWHC (Admin)
29 05 18	South Kesteven DC v Digital Pipeline Ltd [2016] EWHC 101 (Admin) Div
29 05 18	Gerber v Wiltshire [2016] EWCA Civ 84; [2016] 1 WLR 2593
29 05 18	Thornhill Estates Ltd v Secretary of State for Communities and Local Government [2015] EWHC 3169 (Admin)
29 05 18	Franks v. Secretary of State for Communities and Local Government [2015] EWHC 3690 (Admin)
29 05 18	Sleekmade Ltd v. Sheffield City Council [2015] EWHC (Admin)
29 05 18	R (o a o Forest of Dean (Friends of the Earth)) v. Forest of Dean District Council [2015] EWCA Civ 683
29 05 18	R (o a o Devon Wildlife Trust) v. Teignbridge DC [2015] EWHC 2159 (Admin)

29 05 18	Pall Mall Investments (London) Ltd v. Gloucester City Council [2014] EWHC 2247 (Admin), [2014] PTSR 1184, [2014] RA 395
29 05 18	R (o a o The Police and Crime Commissioner for Leicestershire) v Blaby District Council [2014] EWHC 1719 (Admin)
29 05 18	R (Royston Potter) v Amber Valley BC [2014] EWHC 888 (Admin)
29 05 18	Forestry Commission v. SSCLG [2015] EWHC 1848 (Admin)
29 05 18	City of York Council v Sykes (VO) [2017] UKUT 230 (LC)
29 05 18	R (o a o Gibson) v. Harrow DC [2013] EWHC 3449 (Admin)
29 05 18	R (o a o Baggus) v. Forest of Dean DC [2013] EWHC 4394 (Admin)
29 05 18	R (o a o Barr) v. North Somerset Council [2015] EWHC 1735 (Admin)
29 05 18	R (o a o Loader) v. Rother District Council [2015] EWHC 1877 (Admin)
25 05 18	PS v Greenwich RBC [2016] EWHC 1967 (Admin)
25 05 18	R (oao Loader) v Rother DC [2016] EWCA Civ 795
25 05 18	Student Union Lettings Ltd v Leicester City Council [2018] RA 175
24 05 18	R (oao Leckhampton Green Land Action Group Limited) v Tewkesbury BC and Redrow Homes Limited [2017] EWHC 198 (Admin)
24 05 18	R (oao Wright) v Forest of Dean DC [2016] EWHC 1349 (Admin)
24 05 18	Muller Property Group v SSCLG and Cheshire East [2016] EWHC 3323 (Admin)
24 05 18	Germane Properties Ltd v Mansfield DC and another
24 05 18	Forest of Dean DC & Resilient Energy v. Wright [2017] EWCA Civ 2102
08 05 18	Supreme Court grants permission to Resilient Energy to appeal on the question of whether a community benefit fund can be a material planning consideration
27 01 09	JG Ipswich LLP v. Secretary of State CLG [2009] EWHC 91 (Admin)

02 12 08	R (o a o Batey) v. Boston BC [2008] EWHC 3516 (Admin)
16 09 08	Thames Water plc v. Peter Handcock (VO), Lands Tribunal
19 03 08	R (on the application of Nigel Roberts and others) v. Secretary of State for Communities & Local Government [2008] EWHC 677 (Admin)
17 01 08	UK Coal Mining Ltd v. North Warwickshire Borough Council [2008] EWHC 23 (Admin)
11 06 07	R (oao Ling (Bridlington) Ltd) v. East Riding of Yorkshire Council [2006] EWHC 1604 (Admin); [2007] J.P.L 396
11 06 07	R (on the application of Leicestershire County Council v. Secretary of State for Communities & Local Government & UK Coal Mining Ltd [2007] EWHC 1427
07 02 07	Baker (VO) v Citibank NA [2007] RA 93
02 11 04	R (o a o Wall) v. Brighton & Hove CC [2004] EWHC 2582 (Admin), Times November 16, 2004
28 09 04	Persimmon Homes (Wales) Ltd v. Rhondda Cynon Taff CBC [2005] RVR 59

Publications

Joint Editor of Ryde on Rating and the Council Tax (2003 - 2023)

Contributor to Atkins Court Forms (rating section)

Contributor to Encyclopaedia of Forms and Precedents (rating section)

Articles in the JPEL and Planning Magazine