

# Landmark Chambers

## Barrister CV

Joe Thomas



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# Joe Thomas

Call: 2019

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Joe is a specialist planning, environmental and public law barrister with particular expertise in planning law, education law, immigration law and public inquiries.

## Expertise

Planning, Environment, Public and Administrative



## Contact Practice Managers

### Richard Bolton

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### Charlotte Hockney

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## Practice Summary

Joe has represented Claimants, Local Authorities, Parish Councils, Community Groups and Property Developers. Joe has been repeatedly instructed to appear unled in the High Court, Upper Tribunal, Court of Protection and Special Educational Needs and Disabilities Tribunal.

Joe is regularly instructed to appear in planning inquiries alongside and against established silks. Joe has appeared in large-scale planning inquiries both led and unled including the increase of flights at Luton airport, large scale developments on the Green Belt and the construction of residential towers in London. Joe has particular experience cross-examining expert witnesses with specific experience with cross-examining experts on daylight and sunlight impacts, landscape and visual impact assessments, highways as well as viability assessments.

Joe has been repeatedly instructed to assist with high-profile public inquiries.

Particular highlights from Joe's unled practice before the High Court and Upper Tribunal include:

- ***R(Strack) v Secretary of State for the Environment, Food and Rural Affairs v Laing Homes*** [2023] EWHC 655 (Admin): Judicial Review regarding the identity of rights-holders for Town and Village Greens and how that feeds into an application for deregistration and exchange. This case considered the interpretation of Government Policy as well as the nature and extent

of the relevant inhabitants right to undertake nature conservation. Joe represented the Claimant (n.b. this case is due to be heard by the Court of Appeal in January 2024).

- ***R(Wells) v Welwyn Hatfield Borough Council*** [2022] EWHC 3298 (Admin): Judicial Review into extent of Local Authorities' duty of inquire when making planning decisions, specifically whether they are required to undertake site visits to adjoining premises before making planning decisions. This case considered the law on legitimate expectation, mistakes of facts, *Tameside* duty of inquiry as well as *Wednesbury* unreasonableness. Joe represented the successful Local Authority.
- ***TC and BW v London Borough of Islington*** [2021] UKUT 196: Appeal to the Upper Tribunal concerning into the extent that First-tier Tribunals must make reasonable adjustments for parents to participate in hearings before the First-tier Tribunal. Joe represented the parents pro-bono.

Particular highlights from planning inquiries include:

- ***Land at Marshcroft – East of Tring*** (APP/A1910/W/22/330992): A “called-in” appeal against refusal for planning permission for an exceptionally large windfall development outside the plan process (1,400 dwellings) on the Green Belt. Key areas in dispute were the extent of the impact of the proposed development, the proper approach to the ‘very special circumstances’ under the National Planning Policy Framework, and the extent of harm to landscape and visual receptors. Joe represented the Combined Objectors group unled.
- ***Land to the North of Bradmore Way, Bradmore Way, The Brookmans Estate, Brookmans Park*** (APP/C1950/W/22/3307844): An appeal against refusal for planning permission for a housing estate within the Green Belt for 125 dwellings. Key areas of dispute were the impact upon the Green Belt and the number of ‘purposes’ impacted as well as the extent of harm on landscape and visual impact. Joe represented the successful Combined Objectors group unled.
- ***17-37 William Road, London NW1 3ER*** (APP/X5210/W/21/3284957) An appeal against planning permission for a 15-storey tower for purpose built student accommodation. Key issues included the impact of the development on daylight and sunlight, fire safety, design and heritage. Joe represented the London Borough of Camden (led by Sasha Blackmore).
- ***Expansion of flights from Luton Airport from 18 million passengers per annum (mppa) to 19 million passengers per annum***: A “called-in” appeal for variation of conditions to retrospectively approve an increase in passenger numbers from Luton airport. The key areas of dispute were carbon emissions, noise impacts and enforcement. Joe represented the Combined Objectors group unled.
- ***Land east of Elsenham, to the north of the B1051, Henham Road*** (APP/C1570/W/19/3243744). An appeal against refusal of outline planning permission for 350 dwellings, one form primary school and Early Years and Childcare setting. The key areas of dispute were highways impacts, landscape and visual impact and the application of policy in the context of an absence of five years housing supply. Joe represented the successful developers (led by James Maurici KC).

Particular highlights from Joe’s work for public and private inquiries include:

- ***Infected Blood Inquiry*** – Joe was part of the team of counsel representing the Department of Health; Joe assisted in the preparation of an extensive witness statement concerning the context for clinical policy decisions taken in the 1970s and 1980s (led by Eleanor Grey KC).
- ***Westminster School*** – Following ‘everyone’s invited’, Joe undertook research, analysis and drafted parts of the final report and recommendations concerning reviews of policies, training and development of curriculum for sex and relationships education (led by Fiona Scolding KC).

- **Post Office Horizon IT inquiry** – Joe is a member of the counsel team representing Post Office Limited. Joe has assisted in reviewing witness statements, undertaking detailed research into extant policies and practices and providing input into drafting submissions (led by Kate Gallafent KC and Simon Henderson)

Joe is passionate advocate of equal opportunities and access to the bar. Joe regularly undertakes pro-bono representations through Advocate. He has also regularly provided strategic advice to community and campaign groups on a pro-bono basis.

Joe is a contributory editor to Garner's **Environmental Law** and previously contributed to the **Journal of Planning & Environment Law** and **Planning** magazine. He is also a contributor to the **Health and Social Care Insight** which is a monthly newsletter covering the latest update on developments in health and social care law from Landmark Chambers.

Prior to becoming a barrister, Joe successfully completed the Teach First leadership development program. Joe is a school governor at two schools.

## Planning

Joe accepts instructions in all areas of planning and environment law, advising potential claimants, local planning authorities, parish councils, planning consultants and developers. Joe has represented Claimants, Local Authorities, Parish Councils, Community Groups and Property Developers.

Joe contributed to the planning elements of the Supported Housing (Regulatory Oversight) Act 2023

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Joe has also had experience appearing before inquiries for the deregistration and exchange of Town and Village Greens.

Joe has regularly provided advice or assistance on the following topics:

- Prospects of Judicial Review (for both Claimants and Local Authorities)
- Permitted Development Rights
- Conservation areas, assets of community value and heritage impacts
- Daylight and Sunlight impacts including the application of BRE Guidance
- Traffic Management Orders
- Section 106 agreements
- Dormant planning permissions

- Enforcement
- Strategic Environmental Assessments
- Environmental Impact Assessments (including screening decision)
- Appropriate Assessments under the Habitats Regulations.

Joe has appeared at numerous planning inquiries. Particular highlights include:

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Joe has also provided pro-bono strategic guidance to community groups including the successful #fightthetower campaign resisting a large office development adjacent to Brixton Conservation Area.

Joe is a contributory editor to Garner’s **Environmental Law** and previously contributed to the **Journal of Planning & Environment Law** and **Planning** magazine.

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Joe is a contributory editor to **Garner’s Environmental Law** and previously contributed to the **Journal of Planning & Environment Law** and **Planning** magazine.

## Public and Administrative

Joe accepts instructions in all areas of public law; Joe has extensive experience bringing and defending judicial reviews.

Joe has appeared before the Court of Protection and regularly provides advice on social care law and the law of the NHS including applications for NHS continuing healthcare. Joe is a contributor to the next edition of **NHS Law and Practice**.

Joe regularly advises potential claimants seeking compensation for unlawful detention.

Joe makes regular appearances before the First-tier Tribunal (Special Educational Needs and Disability) and Upper Tribunal successfully representing both parents and local authorities. Joe has extensive experience cross-examining expert witness in education appeals including occupational therapists, educational psychologists and speech and language therapists. As well as the law of special educational needs, Joe regularly advises Local Authorities on school exclusions, admissions, discipline, school funding and financing and the appropriate provision of part-time education.

Particular highlights of Joe’s education and public practice include:

- **TC and BW v London Borough of Islington** [2021] UKUT 196: Appeal to the Upper Tribunal concerning into the extent that First-tier Tribunals must make reasonable adjustments for parents to participate in hearings before the First-tier Tribunal. Joe represented the parents pro-bono.

- Representing a pupil with complex needs pro-bono before the First-tier Tribunal on multiple issues and securing provision in their Educational and Healthcare Plan in line with his identified needs.
- Advising a local authority involved in multi-faceted dispute regarding whether adequate funding had been provided to an Academy and whether that discharged their onerous duty under s.42 of the Children and Families Act 2014.
- Advising a local authority on the financial implications of a so-called “cancelled” permanent exclusion, where the parent withdraws the pupil prior to the meeting of the Governing Body to confirm the permanent exclusion.
- Advising a recipient of a complex reverse indemnity clause within a compensation order following catastrophic injuries to a young person and the interaction of the overlapping social and healthcare regimes.

Joe has extensive experience undertaking work in public and private inquiries including those that garner substantial media coverage. Particular highlights from Joe’s work for public and private inquiries include:

- **Infected Blood Inquiry** – Joe was part of the team of counsel representing the Department of Health; Joe assisted in the preparation of an extensive witness statement concerning the context for clinical policy decisions taken in the 1970s and 1980s (led by Eleanor Grey KC).
- **Westminster School** – Following ‘everyone’s invited’, Joe undertook research, analysis and drafted parts of the final report and recommendations concerning reviews of policies, training and development of curriculum for sex and relationships education (led by Fiona Scolding KC).
- **Post Office Horizon IT inquiry** – Joe is a member of the counsel team representing Post Office Limited. Joe has assisted in reviewing witness statements, undertaking detailed research into extant policies and practices and providing input into drafting submissions (led by Kate Gallafent KC and Simon Henderson)

## Qualifications

- University of Oxford (Jesus College) – BA History (Modern) and English
- Open University – BA Law – 1<sup>st</sup> Class
- Teach First Leadership Program – Outstanding

## Cases and inquiries

25 04 24	Strack: Court of Appeal confirms inspector fell into error when he assumed that the public have right to use Town and Village Greens
22 03 24	Planning permission on the Green Belt quashed
20 03 24	Secretary of State refuses permission for major development for Land East of Tring in the Green Belt



15 12 22 William Road, Euston

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14 03 22 Westminster School

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## Publications

Joe is a contributor to the Landmark Chambers' *Health and Social Care Insight*, a newsletter that covers the latest update on developments in health and social care law. Joe's latest article is entitled 'Strasbourg awards damages to social care worker for accusations of professional misconduct by a Family Court Judge'

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*The Planner*: 90 homes allowed despite 8.3-year housing supply

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*The Planner*: 'Very special circumstances' in green belt housing scheme

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*Judicial Review*: The Need for Procedural Rigour in Judicial Review Cases: *Judicial Review*: Vol 26, No 1 (tandfonline.com)

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LinkedIn article: The Tyranny of Adjectives—how limited is limited harm?

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LinkedIn article: The passive voice is not to be used—a further plea to barristers, inspectors and witnesses

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LinkedIn article: What part does Planning play in planning decisions? We need to talk about Part 9 of the NPPF

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LinkedIn article: The perils of double counting when Planning

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