

JUNIOR PLANNING TEAM

Introduction

Sasha White QC

Chair, Landmark Planning Group



It is a pleasure to introduce Landmark Chambers' team of junior tenants – those up to 10 years call. I hope this brochure provides a useful synopsis of the talent which we are fortunate enough to offer at the junior end of the Landmark planning practice.

It goes without saying that Landmark members all come from strong academic backgrounds. The intellectual resources that the junior members bring to Chambers are amply illustrated here. There is substantial competition each year for the pupillages offered by Chambers, and we are lucky enough to be able to pick the very best of each year's crop of newly-qualified barristers. Many have post-graduate qualifications, and a number have worked as Judicial Assistants to the Supreme Court justices.

Pupillage at Landmark provides a grounding in the practice of environmental law, property litigation and public law as well as planning. Junior tenants therefore begin to work in planning as part of a set of interconnected practice areas. During the pupillage year, they are exposed to an intense stream of work with their supervisors, often working on major appeals, legal challenges and advice. As well as technique and knowledge, pupils become accustomed to a certain distinctive emphasis on quality, innovation and accessibility that characterises the planning practice here.

By asking a pupil to become a member of Landmark, a judgement has been made by Chambers that the new member is of sufficiently high calibre to develop a silk's practice in due course. The successful outcome of that investment in new members continues to be the bedrock of Landmark's unrivalled planning practice. In rare cases, a junior tenant whose practice has begun and flourished at another set may move and find a natural home at Landmark.

The current group of junior tenants, whose details are found in this brochure, continue to build upon those traditions. They are all of extremely high intellectual calibre. They bring a range of academic accomplishments to their practices, and combine them with evolving expertise and a commercial awareness that comes from exposure to major cases. They have been involved in some of the most important cases of the past few years both as junior counsel being led by more senior members of Chambers and on their own, and offer advocacy and advisory services across the full range of planning practice, acting for public bodies, developers, NGOs and other bodies.

I hope you find the brochure helpful and informative. For further assistance, contact Landmark's team of Practice Managers.



Environment/Planning
Set of the Year 2020

Contents



Richard Clarke
p - 4



Andrew Parkinson
p - 5



Andrew Byass
p - 6



Leon Glenister
p - 7



Heather Sargent
p - 8



Alistair Mills
p - 9



Yaaser Vanderman
p - 12



Matthew Dale-Harris
p - 13



Matthew Fraser
p - 14



Luke Wilcox
p - 15



Anjoli Foster
p - 16



Admas Habteslasie
p - 17



Hannah Gibbs
p - 20



Matthew Henderson
p - 21



Ben Fullbrook
p - 22



Nick Grant
p - 23



Joel Semakula
p - 24



Alex Shattock
p - 25



Kimberley Ziya
p - 26



Joe Thomas
p - 27



Richard Clarke

Year of call: 2009

- 2006 LLB, First Class – Southampton University
- 2008 BCL – University of Oxford
- 2009 BVC
- 2009–2011 Employed barrister – Government Legal Department

Richard is an experienced court and inquiry advocate whose practice covers all areas of planning and environmental law. He advises and represents a broad range of clients including developers, local authorities, community and environmental groups.

R (Whitby) v (1) Secretary of State for Transport (2) Network Rail [2015] EWHC 2804 (Admin); [2016] EWCA Civ 444

Acted for Network Rail resisting this judicial review claim against the decision of the Secretary of State to make the Network Rail (Ordsall Chord) Order authorising railway works as part of the northern hub. Successfully resisted the claim in both the High Court and Court of Appeal. The claim was made primarily on heritage grounds as the works had an impact on listed railway bridges.

The Bittern Public House, Southampton

Acted as sole counsel for Southampton City Council at a four day inquiry, successfully resisting the grant of permission to redevelop a public house, listed as an asset of community value, into a fast food restaurant. The planning issues included the viability of the existing public house use and the transport impacts of the proposed development.

Solar Park at Wroughton Airfield

Acted as sole counsel for Swindon Borough Council at a seven day planning inquiry to determine whether planning consent should be granted for a 200 acre, 40MW solar park located within an Area of Outstanding Natural Beauty.

The Hollow, Bath

Successfully acted for Bath & North East Somerset Council at a five day inquiry to determine whether planning permission should be granted for 20 dwellings and associated works on a hillside location. The main issues at the inquiry were the heritage impacts of the scheme, its design and ecological impacts.

Get in touch

+44 (0)20 7430 1221

rclarke@landmarkchambers.co.uk



Andrew Parkinson

Year of call: 2010

- 2007 BA, First Class, History – University of Oxford
- 2009 GDL – Distinction
- 2010 BVC – City University
- 2013 LLM, Environmental Law and Policy, Distinction – UCL

Andrew was called to the Bar in 2010. He represents developers, local authorities, and a variety of interested parties at inquiry, in the High Court and in the Court of Appeal. He was ranked 5th in a recent survey of the top-rated planning barristers under the age of 35 (*Planning Magazine*, 2016).

Housing/Neighbourhood Plans (NP)

Work (led and un-led) includes: appearing at planning inquiries where one of the main issues is conflict with emerging or made NP (e.g. successfully resisted development of 210 dwellings in Chapel-en-le-Frith due to conflict with NP). Challenges to NPs (e.g. successful challenge of the Haddenham NP). High Court challenges to appeal decisions relating to NPs (e.g. successful challenge to remitted Secretary of State decision in Woodcock Holdings).

Examinations in Public (EiP)

Andrew has appeared at a number of Examinations in Public. Recent work includes: (i) Advising and appearing for Buckinghamshire County Council at the EiP into its Minerals and Waste Core Strategy (ii) Appearing for a main objector at the EiP into Wycombe District Council's Delivery and Site Allocations plan (iii) Appearing for a participant opposing a proposed new town in the Horsham District Planning Framework.

Infrastructure

Experience in providing advice and representation in relation to large-scale infrastructure projects, including TWA Orders and NSIPs under the Planning Act 2008. Recent work (led and un-led) includes: (i) Appearing for the main objector to the Ordsall Chord (a new railway line in Manchester) at a 3 week TWA Inquiry and subsequent Court of Appeal case (ii) Appearing in the High Court and Court of Appeal in a judicial review of the Thames Tideway Tunnel DCO.

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+44 (0)20 7430 1221

aparkinson@landmarkchambers.co.uk



Andrew Byass

Year of call: 2010

- 1996 LLB — University of Western Australia
- 2003 LLM — University of Melbourne

Andrew acts for developers, local authorities and central government in housing, infrastructure, retail and other planning, compulsory purchase and environmental law matters. *The Legal 500 (2019)* describes him as being a “delight to have on a team, he provides commercial nous”. He is a top-rated planning junior in *Planning Magazine*. Prior to switching to the bar in 2010, Andrew worked as a solicitor for the Government Legal Department and, before that, for the US law firm Paul Hastings LLP.

Infrastructure

Andrew has acted in a range of infrastructure matters, from advising the Department for Transport on the Airports National Policy Statement (“ANPS”) and acting in the challenge to the ANPS, to advising on a prospective challenge to the second Road Investment Strategy (which commits to funding £27.4 billion of works in the period 2020 – 2025), to representing Highways England in relation to surveying powers available in connection with the promotion of development consent orders.

Housing

Andrew has acted for a range of major national housebuilders and local authorities in respect of housing matters. His experience includes tall building schemes in London, and rural housing schemes on the edges of settlements or in brownfield locations. Recent work includes advising on a 311-unit scheme on a former university campus in Wales.

Compulsory Purchase

Recent work includes representing the London Borough of Hounslow in Upper Tribunal proceedings to determine the appropriate compensation for land acquired to facilitate the development of a new football stadium for Brentford FC, and successfully securing the confirmation of a compulsory purchase order for a major mixed-use scheme above Seven Sisters underground station (involving human rights and equality duty matters owing to the impact upon a local market).

Retail

Tollgate West, Colchester: securing permission following a called-in inquiry for a major mixed-use development of leisure, retail and other uses in a part in-centre and part edge-of-centre site at Tollgate District Centre. Other retail experience includes promoting a retail scheme for six large retail units and four F&B units on an edge-of-centre site at Kingswood District Centre, Hull.

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+44 (0)20 7430 1221

abyass@landmarkchambers.co.uk



Leon Glenister

Year of call: 2011

- LL.M (Master of Law) — Churchill College, University of Cambridge
- MA (Law) — Churchill College, University of Cambridge
- ADR Group Accredited Mediator

Leon is well-known in the environmental and planning field. In the last year or so, he has appeared in seven reported planning High Court decisions (including appearing unled in the Court of Appeal) and appeared at three inquiries. He acts for developers, objectors, LPAs and the Secretary of State.

Section 288 challenges and judicial reviews

Leon has appeared in several cases involving the 'tilted balance' – in *Eastleigh BC v Secretary of State for Housing, Communities and Local Government* [2019] EWHC 1862 (Admin) the Court considered where there is an excess of 5YHLS, and in *Green Lane Chertsey (Development) Ltd v Secretary of State for Housing, Communities and Local Government* [2019] EWHC 990 (Admin) the Court considered the requirement to consider the HLS.

He was successful in a judicial review of a Council's decision to grant planning permission to a neighbour where such would cause a noise nuisance (*R (Kerswell) v LB Lewisham* [2019] EWHC 754 (Admin)). He has also acted for residents challenging a Council's decision to demolish and regenerate their homes on the basis of unlawful consultation (*R (Bokrosova) v London Borough of Lambeth* [2015] EWHC 3386 (Admin); *R (Plant) v Lambeth London Borough Council* [2016] EWHC 3324 (Admin)).

He has also appeared in a challenge to an Inspector's decision to proceed by written representations rather than an inquiry (*R (North Norfolk District Council) v Secretary of State for Housing, Communities and Local Government* [2018] EWHC 2076).

Enforcement

Leon acted in the High Court and Court of Appeal in *Oates v Secretary of State for Housing, Communities and Local Government* [2018] EWCA Civ 2229, in relation to the scope of the Mansi doctrine. He recently appeared in *Meisels v Secretary of State for Housing, Communities and Local Government* [2019] EWHC 1987 (Admin), a challenge to an enforcement notice issued against a Hackney synagogue.

Inquiries

Leon recently appeared for a Rule 6 Party in a 4 day inquiry relating to a 69 house development in Cheltenham. He also appeared, led by Christopher Katkowski QC, for a developer in relation to the redevelopment of canalside office buildings in Kings Cross. He has previously appeared for HSE in an inquiry relating to the opening of the Silvertown Tunnel, and for a LPA follow refusal to discharge a planning condition.

Get in touch

+44 (0)20 7430 1221

lglenister@landmarkchambers.co.uk



Heather Sargent

Year of call: 2011

- 2011 Bar Professional Training Course — Kaplan Law School, London
- 2010 Master of Philosophy in Law — University of Oxford
- 2009 Bachelor of Civil Law, Distinction — University of Oxford
- 2008 BA, Jurisprudence - Law with Law Studies in Europe (French) — University of Oxford

Heather is listed as one of the top five planning juniors in the *Planning Law Survey 2020*. *Chambers & Partners (2020)* describes her as "excellent all round and a star of the future" and notes her experience in high-level judicial review and statutory challenge work. She is also ranked in the *Legal 500 (2020)* as "highly rated – silks fight over her"; "she does the work of barristers five years more senior".

Housing

Heather's inquiry experience includes appearing for the appellant at the inquiry into a 1,200 dwelling scheme proposed for Peel Hall, Warrington and promoting a scheme for 2,068 houses in the Green Belt (Wisley Airfield, Surrey). Examination-in-public work includes acting for developer clients in relation to the Guildford, Wealden, Tandridge and Welwyn Hatfield Local Plan EiPs and for one of the London boroughs at the New London Plan EiP. Heather also has significant experience of advising on viability in relation to schemes in London and in 2019 acted for Cargiant to successfully resist the OPDC's efforts to allocate the firm's land for housing.

Infrastructure

Heather is advising Gatwick Airport on its proposed development consent order application to bring its standby runway into routine use. Other infrastructure experience includes: promoting a new motorway service area at inquiry; advising on the proposed new National Policy Statement for post-2025 nuclear power; and advising on EIA of a biomass plant.

Compulsory purchase

Heather is acting as sole counsel for the acquiring authority on a > £20m road scheme. Previous CPO experience includes acting successfully for the acquiring authority at the inquiries into the Tunbridge Wells Borough Council (Calverley Square) CPO 2018 and the London Borough of Enfield (Alma Estate Regeneration) CPO 2016; and appearing in the Upper Tribunal in a CPO compensation claim.

Court work

Heather's recent experience includes defending two judicial review challenges to the revised National Planning Policy Framework; defending the Airports National Policy Statement (which provided policy support for a third runway at Heathrow); and successfully defending the Guildford local plan from a High Court challenge, on behalf of the promoter of a former Green Belt site.

Heather is the creator of "Planning Law Tea Break", a series of short videos offering insight on planning, environmental and compulsory purchase law: www.planninglawteabreak.co.uk

Get in touch

+44 (0)20 7430 1221

hsargent@landmarkchambers.co.uk



Alistair Mills

Year of call: 2011

- 2007 BA, First Class, History — University of Oxford
- 2009 GDL — Distinction
- 2010 BVC — City University
- 2013 LLM, Environmental Law and Policy, Distinction — UCL

Alistair obtained a Double First in Law at Cambridge on the BA, and was graded Distinction on the Oxford BCL. He was awarded Oxford's Eldon Law Scholarship in 2011. He is an External College Lecturer in Law at Magdalene College, Cambridge. His book: *Interpreting the NPPF: The New National Planning Policy Framework* was published by Bath Publishing in late 2018.

***R (Historic England) v Milton Keynes Council* [2019] JPL 28**

Alistair appeared (unled) for the successful local planning authority in defending its grant of planning permission for redevelopment of a railway works site. The claim raised issues concerning the duties arising from the Planning (Listed Buildings and Conservation Areas) Act 1990, and the duty to give reasons arising from the EIA regime.

***R (Shirley and Rundell) v Secretary of State for Housing, Communities and Local Government* [2019] EWCA Civ 22**

This case concerned a judicial review of the Secretary of State's refusal to call in a planning application for major development to the south-east of Canterbury. The Appellants argued that, given the role of the Secretary of State under the Air Quality Standards Regulations 2010, he had a particular duty to call in the application under s.77 of the Town and Country Planning Act 1990. This argument was rejected. The Secretary of State's discretion under s.77 is broad, and the wording of the Regulations did not require a call in. Neither was the Secretary of State's decision irrational. The Court of Appeal considered the remedy for breach of Article 13 of the Air Quality Directive was the preparation and implementation of an air quality plan. Alistair appeared for the successful Secretary of State, led by James Maurici QC.

***Jones v Mordue* [2016] 1 WLR 2682**

Alistair successfully appeared (unled) for the appellant in this important Court of Appeal case concerning the 'special regard' duty in s.66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990. The facts related to a wind turbine which affected the setting of a listed building. This case is one of considerable significance for those seeking to bring or defend challenges on heritage grounds, and has been cited a number of times.

Outside court

Alistair is Junior Counsel to Durham County Council in the promotion of the County Durham Plan, which complements his experience of assisting those objecting to draft Development Plan Documents. He has appeared in s.78 appeals, both at inquiries and hearings. His inquiry experience extends beyond s.78 appeals to the water abstraction licensing and rights of way contexts.

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+44 (0)20 7430 1221

amills@landmarkchambers.co.uk



“

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expert, and willing to go more
than the extra mile.

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Yaaser Vanderman

Year of call: 2012

- LLM — Harvard Law School
- BCL, Distinction — Keble College, Oxford University
- MA (Hons), Law, Double First — Clare College, Cambridge University

Yaaser has been recognised as one of the top planning juniors under 35 in *Planning Magazine's Law Survey* in both 2018 and 2019. He is also on the Attorney General's C Panel of Counsel. Yaaser's practice covers the breadth of planning and environmental work with a particular focus on infrastructure work. He has been instructed to appear at all levels, including appearing in the Supreme Court three times in 2019.

Heathrow expansion

Yaaser acted for the Second Interested Party, Arora Group in this judicial review of the proposed expansion to Heathrow Airport in the form of a third runway. There were various challenges to the proposal, including on noise, air pollution and climate change grounds.

East-West Rail (2019)

Yaaser acted for Network Rail in a 24-day planning inquiry in relation to the reinstatement and upgrading of the train line between Oxford and Cambridge, including new stations and platforms on the route. This is a £1bn project. It involves various issues including:

- Ecology;
- Other environmental impacts;
- Transport impacts;
- Engineering and construction issues; and,
- Compulsory acquisition.

Lambeth LBC v Secretary of State for Housing, Communities and Local Government (2019)

Yaaser acted for the developer in this seminal case in the Supreme Court. Following in the footsteps of *Trump*, the issue was whether an entirely new condition could be implied into a planning permission.

Fracking

R (Preston New Road Action Group) v Secretary of State for Housing, Communities and Local Government and Cuadrilla: Yaaser acted for the developer in this Court of Appeal challenge to the first horizontal fracking wells in the UK. The claim involved, amongst other things, air quality issues, whether Environmental Impact Assessment was flawed, and whether the development complied with the local plan.

Housing

Yaaser has acted for the Government on various challenges to large residential schemes in the Central Bedfordshire area. In addition, he acted for Crantock Parish Council in a challenge to a large residential scheme in Cornwall: *R (Crantock Parish Council) v Cornwall City Council* (2018).

Get in touch

+44 (0)20 7430 1221

yvanderman@landmarkchambers.co.uk



Matthew Dale-Harris

Year of call: 2012

- 2009 BA (Hons), First, History — Durham University
- 2010 MSt, Distinction, Late Antique History, Art and Archaeology — Oxford University
- 2011 Graduate Diploma in Law, Distinction — Oxford Brookes

Matthew is an experienced court and inquiry advocate whose practice covers all areas of planning and environmental law. He advises and represents a broad range of clients including developers, local authorities, community and environmental groups.

He has a particular interest in infrastructure work and is currently instructed by Gatwick Airport as part of their team of counsel advising in relation to their promotion of a second runway at Gatwick and the upcoming National Policy Statement on a third runway at Heathrow.

Ealing Filmworks Scheme, CPO Inquiry

Matthew acted (with Neil King QC) for LB Ealing and Land Securities promoting a CPO of a derelict site on the Broadway. The inquiry lasted two weeks and resulted in the confirmation of the order. He has also provided written advice in relation to CPO procedure and appeared (again with Neil King QC) for objectors to the Brentford FC new stadium CPO.

R (Friends of the Earth) v Welsh Ministers

Matthew acted for Friends of the Earth in the High Court on an environmental law challenge to the decision of the Welsh Government to build a new stretch of the M4 motorway around Newport. The primary grounds of challenge related to the application of the SEA Directive and to the Government's statutory biodiversity duties. He also frequently appears and advises in relation to judicial review challenges across planning law. He continues to advise Friends of the Earth in relation to fracking consents.

Cheshire East Local Plan, Examination in Public

Recently appeared over a number of sessions for local residents concerned by Cheshire East Council's plans to release significant tranches of Green Belt around Macclesfield. Involved issues of OAN, Green Belt release policy, as well as the correct approach to housing land supply at plan level. Matthew's inquiry work runs the gamut of s.78 appeals, enforcement inquiries, and village green inquiries. He is also experienced in planning hearings and appears frequently in the criminal courts in relation to planning crime.

Get in touch

+44 (0)20 7430 1221

mdharris@landmarkchambers.co.uk



Matthew Fraser

Year of call: 2013

- 2010 BA, Philosophy, Politics and Economics — University of Oxford
- 2012 LLM, Distinction — Birkbeck College
- 2013 BPTC, Outstanding — City University

Matthew has been consistently ranked among the top barristers in planning law under the age of 35 in *Planning Magazine's* 2018, 2019 and 2020 Legal Surveys. His advocacy and advisory practice extends to all areas of planning law. Some of his recent court cases and inquiries are set out below.

Dover DC & China Gateway International Ltd v CPRE Kent [2018] 1 W.L.R. 108

Leading case in the Supreme Court concerning the duty on local authorities to give reasons for planning decisions (acting for the developer with Matthew Reed QC).

Monkhill Ltd v Secretary of State for Housing, Communities and Local Government [2020] J.P.L. 175

Meaning of policies providing a “clear reason for refusal” in National Planning Policy Framework para. 11(d) (appeal to Court of Appeal pending).

Peel Investments (North) Ltd v Secretary of State for Housing, Communities and Local Government [2020] J.P.L. 278

Meaning of “out-of-date” in National Planning Policy Framework para. 11(d) (appeal to Court of Appeal pending).

Tower Hamlets LBC v Secretary of State for Housing, Communities and Local Government [2020] P.T.S.R. 111

Interpretation of National Planning Policy Framework para. 196 on harm to heritage assets.

R (Advearse) v Dorset Council [2020] EWHC 807 (Admin)

Judicial review of decision to grant planning permission for major development in the Dorset AONB.

Xyan Holdings v Secretary of State for Housing, Communities and Local Government [2019] EWHC 2907 (Admin)

A s.288 challenge raising issues of interpretation of affordable housing policy in the London Plan and local plan.

Planning Hearings and Inquiries

Over the past few years, Matthew has appeared in over 25 planning inquiries and hearings, representing both local authorities and developers. His experience includes a significant number of housing appeals, a called-in application for major retail development, and several enforcement appeals.

Get in touch

+44 (0)20 7430 1221

mfraser@landmarkchambers.co.uk



Luke Wilcox

Year of call: 2013

- 2005 MA, Music — Oxford University
- 2011 GDL, Distinction — BPP Law School
- 2013 BPTC, Outstanding — BPP Law School

Old Hunstanton Parish Council v Secretary of State for Communities and Local Government [2016] EWCA Civ 996

First case in which the courts have considered the interpretation of local and national planning policies on rural exceptions housing. Appeared as sole counsel for the successful parish council in both the Planning Court and the Court of Appeal.

Newbigin (VO) v SJ&J Monk [2017] 1 WLR 851

Significant rating case concerning the scope and operation of the assumption that property is in a state of reasonable repair. Appeared in the Supreme Court on behalf of the Joint Interveners, the Rating Surveyors Association and the British Property Federation (with Dan Kolinsky QC).

Faraday Developments Ltd v West Berkshire DC [2016] EWHC 2166 (Admin)

High Court challenge to the execution by West Berkshire Council of a £125 million development agreement for the comprehensive regeneration of land in Newbury. The case raised issues of s. 123 best value, EU law (public procurement and State aid) and the scope of the Aarhus costs regime. Appeared in the High Court for the successful local authority (with David Elvin QC).

Cardtronics (UK) Ltd v Pembrokeshire CC (Divisional Court, January 2018)

Appeal in the context of eligibility for business rates relief. Concerned the proper interpretation of the term “electronic communications apparatus” in the Telecommunications Code, which had never previously been considered by the Courts. Sole Counsel for the successful appellant.

Get in touch

+44 (0)20 7430 1221

lwilcox@landmarkchambers.co.uk



Anjoli Foster

Year of call: 2014

- Bar Professional Training Course, Outstanding — University of Law, Birmingham
- Bachelor of Civil Law, Distinction — Keble College, Oxford
- BA, Law, First Class — Keble College, Oxford

Anjoli is ranked as one of the ‘top planning juniors’ and ‘top planning juniors under 35’ in the *Planning Magazine Law Survey 2020*. She regularly appears in public inquiries and in the Planning Court, and advises on all areas of planning and environmental law. Anjoli acts for a broad range of clients including developers, central and local government, public interest groups and individuals.

Housing

Anjoli regularly appears in public inquiries concerning large housing schemes, acting for both national and local housebuilders and local authorities. Recently she has successfully acted as sole counsel in housing inquiries in Mid Suffolk and Babergh. She has also successfully promoted major housing schemes in Norfolk and Windsor (led by Christopher Katkowski QC) and in Bromley and Fulham (led by Sasha White QC).

Energy

Anjoli has particular experience in energy developments. Last year she acted as sole counsel in a three-week public inquiry in relation to the development of an energy-from-waste plant in Sussex, and this year she is currently acting in a major public inquiry relating to proposals for a gasification plant in Sunderland. She is also currently involved in a legal challenge regarding review of the National Policy Statements on Energy, in light of the UK’s targets on carbon.

Court work

Anjoli has appeared in a number of planning judicial reviews and statutory appeals. Her recent cases include *Benson v Secretary of State* (one of the very rare cases where the Court has ordered that cross-examination of a Planning Inspector take place), *I and Countryside Properties* (a highly topical case concerning a local authority’s assessment of “deliverability” in calculating five-year housing supply) and *Visao Ltd v Secretary of State* (relating to a Planning Inspector’s duty to give reasons when disagreeing with a statutory consultee). She also appeared in *Chesterton Commercial (Bucks) Ltd v Wokingham DC* (with Sasha White QC), which is the latest authority on the scope of a local authority’s power to decline to determine planning applications under section 70C of the Town and Country Planning Act 1990.

Enforcement

Anjoli regularly appears in planning enforcement inquiries and advises on enforcement matters. Recent examples include appeals against listed building enforcement notices in Kensington and Chelsea and Westminster (relating to works carried out to listed buildings) and appeals against enforcement notices in Hackney, Maldon and Basildon (relating to changes of use).

Get in touch

+44 (0)20 7430 1221

afoster@landmarkchambers.co.uk



Admas Habteslasie

Year of call: 2014

- 2013 LLB, First Class — University College London
- 2015 LLM — Harvard Law School
- 2016 BPTC — BPP Law School

Admas has a busy planning practice acting for developers, local authorities and central government in planning inquiries (s.78, enforcement and CPO) and challenges in the High Court, appearing both led and unled. He has significant experience of post-Rosewell inquiry procedure.

Prior to commencing tenancy at Landmark, Admas spent the 2015/16 judicial year as a judicial assistant to the President of the Supreme Court, Lord Neuberger, where he worked on the case of *Trump International Golf Club Scotland Limited v The Scottish Ministers*.

Heathrow third runway challenge

Acting for the Department for Transport in the challenge to the Airports National Policy Statement, which involves multiple claimants and a broad range of planning, public, and environmental law grounds of challenge (with James Maurici QC).

Land north of Bolney, Mid Sussex

Appearing (with Sasha White QC) for the developer in a two-week appeal relating to a proposal for care/assisted living facilities and dwellings in an Area of Outstanding Natural Beauty in West Sussex.

Keypoint, Swindon

Appearing (with James Maurici QC) for Swindon Borough Council in a s.78 appeal against the refusal of planning permission for an Energy for Waste plant in Swindon; this was the first appeal to consider the Secretary of State's new waste strategy for England, Our Waste, Our Resources.

Commonwealth Games 2022 CPO, Perry Barr, Birmingham

Appearing (with John Hobson QC) for Birmingham City Council in the CPO inquiry in relation to the compulsory acquisition of 27.6 ha of land in Perry Barr, Birmingham, for the Commonwealth Games 2022 and legacy redevelopment.

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+44 (0)20 7430 1221

ahabteslasie@landmarkchambers.co.uk



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Hannah Gibbs

Year of call: 2015

- 2013 BA, French and History, First Class — Durham University (University College)
- 2012 Institut d'Etudes Politiques de Paris (Sciences Po), Bilingual Exchange Programme Diploma (cum laude)
- 2014 GDL — City University
- 2015 BPTC, Outstanding — City University

Hannah was called to the Bar in 2015 and joined Landmark Chambers as a tenant in 2016.

She practises in all areas of planning, environmental and public law. She advises and acts for developers, individuals, local authorities, local residents' groups, NGOs and other interested parties. She has substantial experience in High Court proceedings, informal appeal hearings, inquiries and magistrates' court enforcement proceedings.

Her broad public law and local government practice gives her a strong foundation in all aspects of judicial review. As such, Hannah is well placed to deal with planning judicial reviews and statutory challenges (including section 288 challenges) as sole counsel or led.

Hannah represented North Yorkshire County Council as junior counsel in the Court of Appeal and High Court in *Samuel Smith v North Yorkshire CC* [2018] EWCA Civ 489, an important case on Green Belt policy in the NPPF. She is currently acting in the Supreme Court proceedings led by Dan Kolinsky QC.

Hannah regularly acts for clients in planning appeal hearings and inquiries, some of which have concerned major residential, regeneration and infrastructure projects. Her recent notable inquiries (as junior counsel) include the Howbury Park Strategic Rail Freight Interchange (led by Tim Mould QC), the Whitechapel Estate, and the Sainsbury's Foodstore in Whitechapel (both led by Reuben Taylor QC).

Get in touch

+44 (0)20 7430 1221

hgibbs@landmarkchambers.co.uk



Matthew Henderson

Year of call: 2016

- 2014 BA, English Language and Literature — University of Oxford
- 2015 GDL — City University
- 2016 BPTC — BPP

Matthew is a planning specialist and represents developers, local authorities and a range of other parties (including individuals, community groups, parish councils and residents associations) in all areas of planning law. Matthew's planning practice is broad, including both town and country planning and infrastructure planning under the Planning Act 2008. In 2020, Matthew was ranked in *Planning Magazine's* top 20 planning juniors under the age of 35.

R(ADVEARSE) v Dorset Council [2020] EWHC 807 (Admin)

Matthew represented the claimant, a local community organisation in a judicial review of a decision to grant planning permission concerning the approach to the assessment of heritage impact and changes in national planning policy relating to development in the AONB.

London Borough of Lambeth v Secretary of State for Housing, Communities and Local Government [2019] UKSC 33

Matthew represented the London Borough of Lambeth, led by Matthew Reed QC, in an appeal to the Supreme Court concerning the approach to the interpretation of planning permissions and the extent to which it is possible to imply terms into a planning permission.

McLennan v Medway Council [2019] EWHC 1738 (Admin)

Matthew represented the local planning authority in a judicial review concerning whether the impact of a proposed development on a neighbour's solar panels was a material planning consideration.

HB (LCS) Limited v Chorley BC [2018] EWHC

Matthew represented the defendant (with Simon Pickles) in this Part 8 claim concerning a dispute over an overage provision in a s. 106 agreement. Key issues included the interpretation of the overage clause and whether an alternative dispute resolution clause was engaged.

Matthew has particular experience of public inquiry work. Recent examples include: two appeals concerning residential development in Milton Keynes and the issue of five year housing land supply; an appeal against the refusal of planning permission for an energy from waste facility in Cambridge; an appeal against the refusal of planning permission for high value development of three homes adjacent to the St John's Wood Conservation Area; an appeal concerning enabling development and heritage assets in Cheshire East; three appeals concerning residential development and the issue of five year housing land supply in the East Riding of Yorkshire; and numerous enforcement appeals concerning residential development.

In addition to town and country planning, Matthew's practice also includes infrastructure planning under the Planning Act 2008. Recent examples of this work include: advising a promoter on the incorporation of arbitration clauses into a development consent order for an offshore wind farm; advising the Secretary of State on the drafting of a development consent order for an offshore wind farm; and advising on proposed amendments to a development consent order (with David Elvin QC).

Get in touch

+44 (0)20 7430 1221

mhenderson@landmarkchambers.co.uk



Ben Fullbrook

Year of call: 2016

- 2016 Bar Professional Training Course, Outstanding — BPP University
- 2015 Graduate Diploma in Law, Distinction — BPP University
- 2010 M.St, History, Distinction — University of Oxford (Hertford College)
- 2009 BA, History, First Class — Durham University (St Aidan's College)

Ben has a broad planning and environmental law practice, including advisory and court work. He has represented and advised developers, community organisations and non-governmental organisations. Recent work includes:

High Court

***Finney v Welsh Ministers* [2019] EWCA Civ 1868**

This was one of the leading planning cases of 2019. It related to the interpretation application of s.73 of the Town and Country Planning Act 1990. Ben successfully represented the Appellant as sole counsel in the Court of Appeal. The Respondent has sought permission to appeal from the Supreme Court.

***R (Langton) v Secretary of State for the Environment, Food and Rural Affairs* [2019] EWCA Civ 1562**

This case involved a challenge to the Secretary of State's policy on badger culling, raising important points about the Conservation of Species and Habitats Regulations and particularly *People Over Wind*. Ben appeared on behalf of the appellant, led by Richard Turney. This case is now pending an application to the Supreme Court for permission to appeal.

Planning Inquiries/Hearings

80 Dunsmere Road (2019)

Ben appeared as sole counsel for the appellants at this inquiry, which involved a successful planning appeal against an enforcement notice.

Land north east of Eagles Farm, Sevenoaks (2018)

Ben acted as sole counsel for a successful Rule 6 party at this multi-day inquiry, which considered an application to construct a gypsy/traveller site in the greenbelt.

St Peters' Church, Norwich (2018)

Ben acted as sole counsel for a local interested party at this hearing into a proposed housing development in Norwich City Centre. Ben was instructed to make submissions in respect of viability and the application of NPPF2.

21 Buckle Street (2018)

Ben appeared as a junior to Christopher Katkowski QC (on behalf the appellant) at a planning inquiry relation to the construction of a multi-storey apart-hotel in Tower Hamlets. The appeal, which was successful, raised a number of issues, including hesitate, loss of light, the application of the BRE Guidelines and townscape.

Get in touch

+44 (0)20 7430 1221

bfullbrook@landmarkchambers.co.uk



Nick Grant

Year of call: 2016

- 2013 LLB, First Class — University College London
- 2015 LLM — Harvard Law School
- 2016 BPTC — BPP Law School

Nick joined chambers in April 2019, following completion of a third six during which he was supervised by Myriam Stacey and Charles Banner QC. Prior to joining Landmark, Nick spent a year as a Judicial Assistant to Lady Justice Arden in the Court of Appeal, taught Environmental Law at UCL and, while studying for his LLM, was judicial assistant to three judges in the Massachusetts Department of Environmental Protection, advising on zoning and environmental protection cases. He is developing a broad advisory and advocacy practice. Recent work includes:

Infrastructure & CPO work

Led by James Maurici QC and Andrew Byass, Nick was part of the Department for Transport's team in the challenge to the third runway at Heathrow (*R (Plan B Earth) v Secretary of State for Transport* [2020] EWCA Civ 214). He is also regularly instructed by the Department for Transport to advise on public, planning, property and compulsory purchase issues arising from the HS2 programme.

Energy

Nick acted, unled, for a Rule 6(6) party in a three-week inquiry into an energy from waste facility in Horsham, Sussex (APP/P3800/W/18/3218965). He is also currently advising residents on a number of planning and private law issues arising from the operation of an electricity generating plant.

Housing

Nick, led by David Elvin QC, appeared with Luke Wilcox representing the Newmarket Horseman's Group, resisting permission for a new mixed-use development including 400 homes near Newmarket (APP/H3510/V/14/2222871).

Planning Enforcement

Representing the appellants in a multi-day planning enforcement inquiry and appeal against a refusal to grant a certificate of lawful use at 30 Arcus Road (APP/C5690/C/18/3206481 and APP/C5690/X/18/3204048).

Get in touch

+44 (0)20 7430 1221

ngrant@landmarkchambers.co.uk



Joel Semakula

Year of call: 2017

- 2017 Bar Professional Training Course, Outstanding — BPP University
- 2016 BA, Law (Senior Status), Ranked First in Course — University of Oxford, Mansfield College
- 2012 BA, Political Science and Economics, First Class — University of North Carolina at Chapel Hill (USA)

Joel joined Chambers in 2020 following completion of pupillage during which he spent three months supervised by Richard Turney. Prior to starting pupillage, Joel worked in the global litigation team of an oil major between 2018 and 2019, where he advised on environmental and decommissioning claims. Joel hopes to develop a varied practice covering all aspects of planning and environmental law.

High Court Work

Joel is instructed in a judicial review challenge mounted by a local parish council against a Certificate of Lawful Existing Use or Development for a motocross track in an AONB. As a pupil, Joel gained experience of and assisted with a wide range of planning matters including the Heathrow airport expansion challenges in the Court of Appeal.

Infrastructure

Joel is instructed (led by Richard Turney) by the relevant highways authority and planning authority to advise on issues arising out of the DCO of the Aquind Interconnector between France and England. This builds on Joel's experience as a pupil where he assisted with the public examinations into the DCO of Esso's Southampton to London jet fuel pipeline.

Environment & Energy

Joel was instructed to advise (led by Alex Goodman) a local parents' group on a claim in respect of a number of Experimental Traffic Orders made by a local council where carrying out the orders would lead to further breaches of NO₂ legal limits and further exacerbate air quality concerns in the area. As a pupil, Joel gained experience of environmental law issues including EIA and environmental negligence claims.

Advisory Work

Joel has been instructed to provide advice in a number of planning matters. This includes advising on whether a development constituted change of use or operational development and whether there had been "deliberate concealment" in the obtaining of a permitted development permission. As a pupil, Joel gained experience of planning inquiries and enforcement appeals.

Get in touch

+44 (0)20 7430 1221

jsemakula@landmarkchambers.co.uk



Alex Shattock

Year of call: 2018

- 2018 Doctor of Philosophy (PhD), International Law — Cambridge University
- 2017 BPTC — University of Law
- 2013 LLM, Ranked 1st in year — London School of Economics
- 2012 BA, Law — Oxford University

Alex's practice covers all areas of planning and environmental law.

At Landmark

Recently Alex represented objectors at London City Hall in front of the Mayor Sadiq Khan, opposing a large development of several residential tower blocks (up to 16 storeys high) along the M1 motorway. He has advised clients on planning issues such as enforcement time limits and has worked on a variety of planning briefs considering issues such as habitats, wildlife law and the GPDO.

During his pupillage Alex assisted with a variety of High Court, Court of Appeal and Supreme Court planning cases. He has considered issues such as material planning considerations, compulsory purchase, waste disposal, the Wheatcroft Principles, section 106 obligations and Flood Risk Assessments. He has also provided assistance at several public inquiries and examinations.

Previous experience

Alex previously worked at HMP Hewell, a secure prison in Worcestershire, and at the Law Commission of England and Wales. At the Law Commission he was a member of the Planning Law in Wales project, where he worked with leading planning stakeholders including the Home Builders Federation, RICS, the RSPB, the Planning Officers Society and the Welsh Government. He also worked on the Law Commission's Automated Vehicles (Driverless Cars) law reform project, where he researched cutting-edge legal and moral issues relating to the built environment, future vehicle design and artificial intelligence.

Alex comes from an academic background and has substantial research experience in difficult and politically sensitive areas of law. He has a doctorate in international law from Cambridge. He also has law degrees from Oxford and the LSE, and has won several prizes and scholarships, including full funding for his PhD.

Get in touch

+44 (0)20 7430 1221

ashattock@landmarkchambers.co.uk



Kimberley Ziya

Year of call: 2018

- BA, Law with French Law — University of Oxford, Lady Margaret Hall
- BPTC — University of Law, London

Kim joined chambers in 2019 following completion of pupillage during which she spent three months supervised by Robert Walton QC. Kim hopes to develop a varied practice covering all aspects of planning and environmental law. She is also an Assistant Editor of the Planning Encyclopaedia.

High Court Work

Kim is instructed (led by David Forsdick QC) in two judicial review challenges mounted by a local resident against planning permissions granted by his local authority. Both have recently obtained permission from the High Court.

Housing Inquiries

Kim was instructed (led by Sasha White QC) in a successful appeal by the developer of a housing scheme in a Conservation Area following a 6-day public inquiry. She is currently instructed in another housing appeal (also with Sasha) due to take place later this year.

Advisory Work

Kim has been instructed to provide advice in a number of planning and environmental law matters. This includes advising on the lawfulness of a release of pine martens in the Forest of Dean of draft Neighbourhood Plan policies setting high sustainability standards for new developments.

Pupillage

While a pupil Kim gained experience of and assisted with a wide range of planning matters. She attended major public inquiries, including West Hendon CPO3 and North London Business Park, and numerous court hearings including the judicial review of the NPPF by Friends of the Earth and Talk Fracking.

Get in touch

+44 (0)20 7430 1221

kziya@landmarkchambers.co.uk



Joe Thomas

Year of call: 2019

- BA, Law, First Class — Open University
- BA, History (Modern) and English— University of Oxford, Jesus College
- BPTC — BPP Law School

Joe joined Chambers in 2020 following completion of pupillage during which he spent three months supervised by Zack Simons. Joe also spent part of his pupillage being supervised by David Elvin QC. Joe hopes to develop a varied practice covering all aspects of planning and environmental law.

Joe has recently been instructed to assist James Maurici QC in a large planning inquiry.

At Landmark

While a pupil, Joe gained experience of and assisted with a wide range of planning matters, including:

- Written advice on planning and environmental issues such as the interaction of the planning regime with the Forestry Act 1967, the calculation of Benchmark Land Value for vertical extensions, the application of the EU Waste Directive where potential waste materials are lent to customers before being reused.
- Drafted defence and summary grounds on various planning and environmental issues such as whether a large supermarket chain had met the sequential test within the NPPF and whether a Local Authority had provided adequate reasons for their decisions supporting the supermarket; whether a planning inspector had correctly dealt with previous decisions; the status of quashed decisions as a material consideration.
- Assisting with planning inquiries and hearings, such as a large multistage housing estate in Bedfordshire and the Tandridge Local Plan Examination in Public.
- Sitting with David Elvin QC and assisting with research for the interaction between the law enabling major infrastructure projects and the existing regime for water sewerage and supply.

Get in touch

+44 (0)20 7430 1221

jthomas@landmarkchambers.co.uk



Contact

London

Registered Office
180 Fleet Street, London EC4A 2HG
DX: 1042 (LDE)
T: +44 (0)20 7430 1221

Birmingham

4th Floor, 2 Cornwall Street, Birmingham B3 2DL
T: +44 (0)121 752 0800

clerks@landmarkchambers.co.uk

Ben Connor, Practice Director

E: bconnor@landmarkchambers.co.uk
T: +44 (0)20 7421 2483

Kevin Squires, Senior Practice Manager

E: ksquires@landmarkchambers.co.uk
T: +44 (0)20 7421 1351

Richard Bolton, Practice Manager

E: rbolton@landmarkchambers.co.uk
T: +44 (0)20 7421 1392

Michael Gooch, Practice Manager

E: mgooch@landmarkchambers.co.uk
T: +44 (0)20 7421 1305

Jason Allen, Practice Manager

E: jallen@landmarkchambers.co.uk
T: +44 (0)20 7421 1306

