

Landmark Chambers

Barrister CV

Stephen Morgan



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Stephen Morgan

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Stephen specialises in planning and related fields of law.



Expertise

Planning, Environment

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Practice Summary

Stephen specialises in planning and related fields of law including villages greens, highways and common land. His work covers the whole range of planning matters and developments of all of natures and scales, including currently a new settlement of up to 10,000 dwellings in South East England.

Stephen adopts a strategy led, solution seeking approach to assist his private and public sector clients. Those he works with include many developers, land owners, housebuilders, minerals and waste operators, local residents and he also works frequently with local authorities and parish councils. To seek to provide the best possible assistance to his clients, he seeks to keep up to date on all decisions and relevant happenings, along with emerging procedural, legal and policy changes.

Stephen's practice as a specialist planning barrister also includes extensive experience of village greens, highways, advertisements, heritage assets and compulsory purchase and compensation. His work covers hearings, inquiries, criminal and civil courts, including advising and appearing in judicial review and statutory challenge proceedings.

Stephen's experience covers the whole range of residential, retail, leisure/community and commercial developments (including urban extensions as well as major regeneration schemes), as well the other specific types of development and projects, including major infrastructure projects and in particular waste and energy facilities; his work covers the regulatory aspects (under the various regimes and Directives) as well as the planning issues. He has for several years for example been acting for the

promoter of a new settlement of up to 10,000 houses together the extensive associated infrastructure in the south-east of England, which has required many technical as well as planning solutions.

Stephen's work spans all planning and related aspects including – developing strategy before and after the necessary consents are sought; in relation to development plan proposals; advising on responding to officers and other consultees; getting around objections; considering conditions or covenants to cover concerns; legal agreements; assisting in written representations as well as hearings, including appearances and in preparing for and appearing at inquiries.

Stephen is very familiar with and enjoys the challenge of “technical” aspects of development such as highways, noise, air quality, dealing with nitrates from residential schemes, contamination and archaeology. He also has extensive experience in design issues in relation to the whole range of development types.

This work covers not just planning application appeals and call-ins but also enforcement notice appeals, certificate of lawfulness appeals, listed buildings enforcement notices.

Stephen's village green work involves him in advising commons registration authorities and sitting as an inspector; advising and appearing at inquiries on behalf of applicants and objectors; he has also appeared in the High Court and Court of Appeal in relation to these matters.

As well as promoting schemes, Stephen has also always worked with local authority teams – including in relation to applications, appeals and formulation and promotion of development plans, which he has done throughout his career.

Planning

Stephen's experience, both as adviser and advocate, covers the range of planning and related topics, including major infrastructure projects and in particular waste and energy facilities; his work covers the regulatory aspects (under the various regimes and Directives) as well as the planning issues. This also includes extensive experience of village greens, highways, advertisements, heritage assets and compulsory purchase and compensation. This work is for both the private and public sectors. It covers hearings, inquiries, criminal and civil courts, including advising and appearing in judicial review and statutory challenge proceedings.

Stephen's experience covers the whole range of residential, retail, leisure/community and commercial developments (including urban extensions as well as major regeneration schemes), as well the other specific types of development and projects. His work spans all aspects including – developing strategy before and after the necessary consents are sought; in relation to development plan proposals; advising on responding to officers and other consultees; getting around objections; considering conditions or covenants to cover concerns; legal agreements; assisting in written representations as well as hearings, including appearances and in preparing for and appearing at inquiries. Stephen is very familiar with the “technical” aspects including the sequential approach in terms of town centre development as well that in respect of flooding as well as other technical aspects of development such as highways, noise, air quality, contamination and archaeology. He has also has extensive experience in design issues in relation to the whole range of development types. As well as promoting schemes, Stephen has also always worked with local authority teams – including in relation to applications, appeals and formulation and promotion of development plans.

This work covers not just planning application appeals and call-ins but also enforcement notice appeals, certificate of lawfulness appeals, listed buildings enforcement notices. Stephen's village green work involves him in advising registration authorities and sitting as an inspector; advising and appearing at inquiries on behalf of applicants and objectors; he also appears in the High Court in relation to these matters.

Stephen's experience covers the whole range of residential, retail, leisure/community and commercial developments (including urban extensions as well as major regeneration schemes), as well the other specific types of development and projects. His work spans all aspects including – developing strategy before and after the necessary consents are sought; in relation to development plan proposals; advising on responding to officers and other consultees; getting around objections; considering conditions or covenants to cover concerns; legal agreements; assisting in written representations as well as hearings, including appearances and in preparing for and appearing at inquiries. Stephen is very familiar with the "technical" aspects including the sequential approach in terms of town centre development as well that in respect of flooding as well as other technical aspects of development such as highways, noise, air quality, contamination and archaeology. He has also has extensive experience in design issues in relation to the whole range of development types. As well as promoting schemes, Stephen has also always worked with local authority teams – including in relation to applications, appeals and formulation and promotion of development plans.

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Commercial/Retail

Involved in Inquiry in 2020 for a mixed housing and edge-of-centre retail scheme in Cheshire in 2020. Advised on retail developments recently in London and the Midlands. Stephen previously being involved in many retail schemes including being part of team promoting major redevelopment in Birmingham. Important because of competing schemes; edge of centre, regeneration, design and viability issues. Also promoted Lidl edge of Centre scheme at Coventry, important because again it involved important sequential test issues but also the provision of a new factory for an important City employer.

Development Plans and other planning policy

Stephen has always advised on and appeared at Local Plan examinations – both promoting them and representing objectors. Recent examples include the Chelmsford Local Plan 2020, the Area Plan for the East on the Isle of Man Bath and North East Somerset Local Plan Partial Review adopted on 19 January 2023. He has also been involved in numerous neighbourhood plans, at all stages and for those promoting, objecting and the local planning authority in many different areas of England.

Housing

Involved for both promoters and local planning authorities in numerous housing schemes of all scales and natures. These include everything from urban redevelopments on difficult sites with complex contamination, air quality and heritage issues, to urban extensions including in the Green Belt, AONB and other sensitive areas. Stephen acted for the promoter of the largest residential allocation in the Area Plan for the East 2020 on the Isle of Man, appearing at the Local Plan Inquiry as well as advising strategically in preparation for this.

Minerals and Waste

Recent cases included advising on an extensive and longstanding sand quarry in the south of England and in respect of previous and future ROMP requirements and the interaction with existing permission and conditions involving a full understanding of the relevant legislation and guidance. They also including advising in the proposed extension of an existing mineral workings in Northumberland and avoiding a threatened judicial review in respect of what constitutes inappropriate development in the green belt in terms of plant and machinery associated with the workings.

Planning Appeals, Inquiries and Hearings

Involved in the formulation of strategies, layout and promotion of major settlements/urban extension in Kent, South Wales, Lincoln and Wellingborough

For over 8 years Stephen has been acting for the promoter of a new settlement in Kent, being involved in the original formulation of the strategy for this project; through the Core Strategy stages and now at the planning application stage. Along the way, Stephen addressed numerous technical, policy and strategic issues. The scheme has now achieved a resolution to grant planning permission.

This and the other projects are all important as they raise issues of sustainability and addressing climate change as the policy on these emerges and becomes stricter. The South Wales proposed settlement also centred upon the retention and utilisation of an important listed building, the old Courtaulds Factory. The Lincoln case involved detailed consideration of flooding issues related to alternative sites.

Stephen has also been involved in more recent years in other significant and similar proposals in Rutland, South Kesteven, Essex and Cambridgeshire.

Planning Enforcement and Injunctions

Stephen's recent enforcement cases include a metal recycling use in the green belt in Bedfordshire as well as a complex minerals and waste operation in the south of England where the local authority were working alongside the Environment Agency to address, noise, contamination and other issues arising from the unauthorised use in a former quarry. Stephen's experience covers many enforcement cases over the years, including developments there have been departures from approved plans, large scale scrap uses, breaches of condition, stop notices, injunctions and related prosecutions.

Village Greens, Commons and Manorial Rights

He has acted as the Inspector, appointed by the Commons Registration Authority (CRA) in over 20 applications for registration of land as a village green and am currently doing so in two ongoing inquiries involving complex issues. Stephen advised on situations relating to deregistration and exchange of village green land, where the deregistration and replacement land changes have not been made. He also advised in situations where development has taken place on the village green and issues of whether this is in accordance with a Village Green Regulation Scheme made under the Commons Act 1899.

Stephen acted for the registration authority in the very important Court of Appeal case on trigger events - ***Wiltshire Council v Cooper Estates Ltd Strategic land Ltd*** [2019] EWCA Civ 840.

Similarly, he represented the CRA in ***Allaway v Oxfordshire County Council*** [2016] EWHC 2677 (Admin), in which one aspect that arose was whether the inspector had properly acknowledged some of the claimed use was more akin to rights of way usage than village green use. That issue had also arisen in the important case of ***R (Laing Homes Ltd) v Buckinghamshire County Council and Secretary of State for the Environment, Food and Rural Affairs*** [2003] 3 PLR 60, in which I had also acted for the CRA.

Environment

Experience in relation to several energy from waste facilities, including many lengthy public inquiries. Recently advised in relation to biofuel facility in south Wales as well as energy and waste facilities being important considerations in relation to the new settlement proposal in Kent. Stephen has also promoted a waste and minerals local plan in the south-east.

Qualifications

- LLB (Hons) at Warwick University
- M.A. in environmental planning (MRTPI course) from Nottingham University in 1981

Recommendations

"Stephen is a pleasure to work with, highly accessible, very thorough and provides clear and concise advice. Stephen's advocacy skills are excellent and, in particular, he strikes up a great rapport with planning inspectors."

Planning, Legal 500, 2024

"He is extremely effective in addressing what is required." "He did an excellent job, he was very tenacious and kept our morale up." "He deserves to be a KC because the quality of his advice and his representation is already at that level."

Planning, Chambers and Partners, 2023

"Stephen has a thorough understanding of planning and environmental law; he makes his advice and advocacy accessible and understandable when explaining matters to consultants and clients alike."

Planning, Legal 500, 2023

"Stephen is a pleasure to work with. He is calm, reliable and has good client management."

Planning, Chambers and Partners, 2022

"Stephen very much works as a team member and is incredibly enjoyable to work with, flexible in his approach to receiving instructions and extremely supportive of his expert witnesses. He has led and guided us through some important enquiries."

Planning, Legal 500, 2022

"He is extremely thorough, ensures that nothing is overlooked and operates with clarity and courteous conviction." "Stephen has a down-to-earth, pragmatic approach and his preparation is meticulous."

Planning, Chambers and Partners, 2021

"He is dedicated and thorough."

Planning, Chambers and Partners, 2020

"Stephen has built up a very thorough understanding of the complexities of statistical arguments relating to housing land supply; retail impact assessments and economic need without losing sight of the bigger picture of how those arguments can be used as part of an overall case."

Legal 500

Cases and inquiries

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| 05 07 18 | Major retail schemes |
| 05 07 18 | Advising London Borough on application of the Procurement Directive and the Public Contracts Regulations 2006 (S.I 2006 No.) to regeneration schemes including affording housing developments and section 106 agreements generally |
| 05 07 18 | Compulsory Purchase |
| 05 07 18 | Edgware Road - Major redevelopment near to Paddington Green Police Station |
| 05 07 18 | Liquid gas importation and storage facility - David Holgate QC leading Stephen Morgan for the promoter |
| 05 07 18 | Energy case in particular involved in preparation for a major liquid gas importation and storage facility |

05 07 18 Village Green Cases

05 07 18 Work on the Isle of Man

05 07 18 Promoted a road closure and stopping up order on behalf of a South Wales authority (Merthyr) to enable the carrying out of a very extensive and contentious land reclamation scheme

07 06 18 Wandsworth LBC v. Secretary of State & Tesco Stores (2003) 09 EG 196
