

Landmark Chambers

Barrister CV


Stephen Whale



Contact us

clerks@landmarkchambers.co.uk

+44 (0) 20 7430 1221



Stephen Whale

Call: 1999

swhale@landmarkchambers.co.uk

Stephen has an extensive practice in all aspects of planning and environment law, local government law, highway law, public law and licensing law.

Expertise

Planning, Environment



Contact Practice Managers

Kevin Squires

020 7421 1351

ksquires@landmarkchambers.co.uk

Jason Allen

020 7421 1306

jallen@landmarkchambers.co.uk

Noel Pudney

020 7421 1398

Npudney@landmarkchambers.co.uk

Practice Summary

Stephen is one of the highest ranked juniors for Planning in the country in both the Legal 500 and Chambers and Partners.

Stephen has an extensive practice in all aspects of planning and environment law, local government law, highway law, public law and licensing law. He regularly advises and represents developers, local authorities, interest groups, government agencies and the Secretary of State. Stephen has a great deal of experience at planning inquiries and hearings, as well as DCO examinations, together with all court levels from the magistrates' court up to the Supreme Court. He is licensed to accept direct instructions by way of Public Access. Stephen has many reported cases to his name. He has been highly ranked in the leading directories for both Planning and Licensing over many years. Stephen is the author of the enforcement section in the Encyclopaedia of Planning Law.

Stephen was called to the Bar by Gray's Inn in 1999. He was appointed to the Attorney General's Panel of Junior Counsel between 2007 and 2020, culminating in five years on the A Panel.

Planning

Stephen's experience embraces all aspects of the planning process, including the formulation of planning proposals and plans, planning applications, prior approval, permitted development, enforcement, certificates of lawfulness, environmental impact assessment, section 106 obligations, listed buildings and conservation areas, scheduled monuments, Article 4 directions, Council committee meetings, inquiries and hearings, judicial review challenges and statutory challenges in the High Court and above.

Stephen represents clients in criminal law proceedings in connection with enforcement notices, tree preservation orders and listed buildings. His workload has concerned a wide range of development proposals, including for housing, retail, airports, waste treatment, strategic rail freight interchanges and windfarms. Stephen advises on compensation for compulsory purchase as well as appearing in the Lands Chamber of the Upper Tribunal in connection with the same.

Examples of large-scale proposals with which Stephen has recently been involved or is currently involved include HS2, the M4 smart motorway DCO, the A180/A160 DCO in Lincolnshire, the A556 DCO in Cheshire, the Thames Tideway Tunnel DCO in London, the A21 in Kent, the £6bn redevelopment of London Bridge Station, compulsory purchase to facilitate the new stadium for Tottenham Hotspur FC, proposed oil exploration in the Surrey Hills, aviation expansion at Farnborough Airport and Dunsfold Aerodrome, the Radlett strategic rail freight interchange and numerous proposals for large-scale housing development. At the other end of the spectrum, Stephen's recent work has included advising on a planning application for eight flats, advising a parish council on a Local Plan Examination, a judicial review challenge to planning permission for a new dwelling, drafting submissions for a planning appeal under Written Representations and advising on a listed building consent.

Environment

Stephen has a particular interest and expertise in rural and agricultural planning law and similar matters. Recent examples include: grouse moor enforcement appeal (Yorkshire); certificate of lawfulness for shooting estate (Hampshire); forestry buildings and prior approval (Dartmoor); rights of common on golf club land (Sussex); bridleway diversion (Surrey); footpaths across equine stud farm (Hampshire); curtilage development in Green Belt (Essex); affordable housing in a hamlet (Somerset); oil exploration in an AONB (Surrey); grazing rights on registered common land (Dartmoor); agricultural barn conversion (Northumberland). Stephen is an active member of the Agricultural Law Association.

Highways, Footpaths and Rights of Way

Stephen has a wealth of experience on highways and similar matters, including: major motorway and A-road schemes (A63, M4, A180/A160, A556, A21); traffic regulation orders (including *Trail Riders Fellowship v Hampshire CC* [2019] RTR 39; *Trail Riders Fellowship v Devon CC* [2013] EWHC 2104 (Admin)); proposals to create, divert or extinguish public footpaths and bridleways; England Coast Path. He has appeared at DCO examinations, roads inquiries and rights of way inquiries on many occasions.

Environment

Stephen's experience embraces all aspects of the planning process, including the formulation of planning proposals and plans, planning applications, prior approval, permitted development, enforcement, certificates of lawfulness, environmental impact assessment, section 106 obligations, listed buildings and conservation areas, scheduled monuments, Article 4 directions, Council committee meetings, inquiries and hearings, judicial review challenges and statutory challenges in the High Court and above.

Stephen represents clients in criminal law proceedings in connection with enforcement notices, tree preservation orders and listed buildings. His workload has concerned a wide range of development proposals, including for housing, retail, airports, waste treatment, strategic rail freight interchanges and windfarms. Stephen advises on compensation for compulsory purchase as well as appearing in the Lands Chamber of the Upper Tribunal in connection with the same.

Examples of large-scale proposals with which Stephen has recently been involved or is currently involved include HS2, the M4 smart motorway DCO, the A180/A160 DCO in Lincolnshire, the A556 DCO in Cheshire, the Thames Tideway Tunnel DCO in London, the A21 in Kent, the £6bn redevelopment of London Bridge Station, compulsory purchase to facilitate the new stadium for Tottenham Hotspur FC, proposed oil exploration in the Surrey Hills, aviation expansion at Farnborough Airport and Dunsfold Aerodrome, the Radlett strategic rail freight interchange and numerous proposals for large-scale housing development. At the other end of the spectrum, Stephen's recent work has included advising on a planning application for eight flats, advising a parish council on a Local Plan Examination, a judicial review challenge to planning permission for a new dwelling, drafting submissions for a planning appeal under Written Representations and advising on a listed building consent.

Local Government

Stephen has advised a very large number of local authorities over the years, including in their capacities as local planning authority, highway authority (including traffic regulation orders), registration authority (commons and village greens), order making authority (definitive statements and maps) and licensing authority (premises licences). He also routinely represents those opposed to or involved with local authorities for one reason or another. Stephen's recent work in this field has included advice on CIL payments, planning injunctions, criminal proceedings for uprooting trees, a reserved matters application for a sports lake and a proposed football training academy on Metropolitan Open Land. Stephen has acted as a village green Inspector.

Qualifications

- Inns of Court School of Law
- College of Law

- University of Birmingham

Recommendations

"Stephen provides sound pragmatic advice without flannel. His style of advocacy reflects this no-nonsense approach in that he is direct, sets out his arguments clearly so that they are easily understood, and free of ambiguity."

Planning, Legal 500, 2023

"He is very experienced and gives sensible advice."

Planning, Chambers and Partners, 2022

"He's very down to earth and very human and engaging as an advocate." "He's a safe pair of hands, knowledgeable, practical and very reassuring in front of clients."

Chambers and Partners, 2021

"Stephen has always provided high quality and practical advice which deals with the clients requirements and provides them with a good understanding as to the best way forward."

Legal 500, 2021

"Provides high-quality and practical advice." "He is a down-to-earth and robust advocate with a thorough grasp of his cases."

Planning, Chambers and Partners, 2020

"His advocacy is understated and efficient." "Widely regarded as an impressive advocate."

Legal Directories

"An intellectual heavyweight: accessible and personable." "Extremely articulate and affable, with a very quick grasp of the issues." "He is accessible and has the ability to provide very clear written advice for clients."

Legal Directories

"He is great at instilling client confidence in a no-nonsense, unstuffy way."; "vast experience of advising on large infrastructure projects"; "excellent and well liked by clients"; "totally unflappable"; "well liked by judges and inspectors"; "outstanding"; "excellent as he's very persuasive and comes across very well"; and "very good in conference because he sets out issues clearly and concisely."

Legal Directories

Cases and inquiries

26 04 23	Deemed planning permission survives owner's subsequent offence for non-compliance with enforcement notice
24 02 23	Hayle Town Council v Cornwall Council and Burrington Estates (Hayle) Ltd and Progress Land (Hayle 3) Ltd
12 08 22	"Britain's biggest man cave": Gloucestershire accountant behind bars
17 05 22	Seeing the elephant: Inspector's curtilage decision quashed
12 10 21	De-registration of parcel of common land in Durham city centre
28 06 21	Gloucestershire accountant handed suspended jail sentence and ordered to strip "Britain's biggest man cave"
28 05 21	Elephant & Castle redevelopment clear to proceed
18 06 20	Covid-19's impact on future housing delivery: "postulation"
08 06 20	A short but interesting judgment on Aarhus Convention costs caps in the Planning Court
05 03 20	NPPF 79e: A modern country house of exceptional quality
14 02 20	Emerging Local Plan helps scupper proposal for up to 210 dwellings just outside Wetherby
19 07 19	Court of Appeal rules on challenge to traffic regulation order
01 07 19	Planning permission granted for Green Belt equestrian operation
04 06 19	A63 Hull DCO hearings get underway
04 02 19	Barlow judgment approved
21 01 19	Trail Riders Fellowship v Hampshire County Council [2018] EWHC 3390 (Admin)
22 11 18	Court orders demolition of £1m "man cave"
13 08 18	Planning permission granted on appeal for 103 student accommodation units in Reading
17 07 18	Exeter Road, Topsham
13 07 18	Secretary of State approves M4 smart motorway scheme
13 07 18	Dartmoor National Park Authority wins "off-grid community" case

13 07 18	Worthing seafront inquiry
13 07 18	M4 smart motorway development consent order examination: initial hearings
13 07 18	Mr Fidler and the house behind the straw bales: latest news
13 07 18	Development consent granted for A160/A180 Port of Immingham improvement, Lincolnshire
13 07 18	Outcome of A21 inquiries
13 07 18	Redhill Aerodrome inquiry takes off
13 07 18	DCO examination hearings into A556 road scheme get underway
13 07 18	Fishing and footpaths
13 07 18	Sutherland House, Sutton
13 07 18	A21 Inquiries
13 07 18	Willow Farm, Norfolk
13 07 18	Melbourne Road, Teddington
13 07 18	Dunsfold Park
13 07 18	Priors Marston, Warwickshire, footpath inquiry
13 07 18	Hennings v East Sussex County Council
13 07 18	Fairlawne Estate, Kent
13 07 18	Pinewood Studios, Buckinghamshire
13 07 18	TAG Farnborough Airport Ltd
13 07 18	River Club, Kingston-upon Thames
13 07 18	Old Bexley Equestrian Centre
13 07 18	Kaur v Southampton City Council
13 07 18	Devine v Ealing London Borough Council

13 07 18	West Northamptonshire Development Corporation Inquiry
13 07 18	George Wimpey Southern Ltd v Arun District Council
13 07 18	Coventry Airport Inquiry
13 07 18	South Downs National Park Inquiry (2004 and 2007)
13 07 18	Hithermoor Waste Disposal Inquiry
26 06 18	Planning permission granted on appeal for 117-bed purpose built student accommodation building in Falmouth, with costs
26 06 18	Essex eco-village given the green light
26 06 18	Queens Park Rangers win latest match
26 06 18	Croydon Lane cemetery inquiry
13 06 18	R (Persimmon Homes (South East) Ltd and another) v Secretary of State for Transport [2005] EWHC 96 (Admin); [2004] 04 EG 167 (CS)
11 06 18	Villa Grisebach Auktionen Organisations GmbH v Micky Tiroche Fine Arts Ltd
07 06 18	Refrigeration Norwest (Chester) Ltd v R M Unwin UKEAT/0394/04/RN
07 06 18	Lambiris v Specialist Training Authority [2003] EWCA Civ 609; [2003] 2 CMLR 38
07 06 18	R (Crichton and another) v Wellingborough Borough Council [2002] EWHC 2988 (Admin); [2004] Env LR 11
05 06 18	Darrell Hair v International Cricket Council (2007)
05 06 18	Bromley LBC v Secretary of State for Communities and Local Government [2007] EWHC 2480 (Admin)
05 06 18	R (Ogilvy) v Secretary of State for the Home Department [2007] EWHC 2301 (Admin)
05 06 18	R (Catt) v Secretary of State for Communities & Local Government & Anor [2008] EWHC 1042 (Admin)
05 06 18	Woodhouse School v Webster [2008] UKEAT 0459_07_2404
05 06 18	Uttlesford District Council v English Heritage [2007] EWHC 816 (Admin)
05 06 18	Hammersmatch Properties Ltd v First Secretary of State and another [2005] EWCA Civ 1360; [2006] JPL 843

04 06 18	Connolly & Ors v Secretary of State for Communities and Local Government [2009] EWCA Civ 1059
04 06 18	River Club v Secretary of State for Communities and Local Government [2009] EWHC 2674
04 06 18	R (Carroll) v Luken Beck Partnership Ltd & Anor [2008] EWHC 104 (Admin)
04 06 18	Wind farm developer's planning obligations found to be immaterial
31 05 18	Erdogan v Gravesham Borough Council
31 05 18	Barlow v Highways Agency [2010] UKUT 121 (LC)
31 05 18	Royal Borough of Kingston v Secretary of State for Communities and Local Government [2009] EWHC 1121
31 05 18	R (Schlesinger) v Secretary of State for Communities & Local Government & Anor [2009] EWHC 973 (Admin)
31 05 18	R (X (Iran)) v Secretary of State for the Home Department [2009] EWHC 809 (Admin)
31 05 18	R (De Oliveira) v Secretary of State for the Home Department [2009] EWHC 347 (Admin)
31 05 18	Woodhouse School v Webster
31 05 18	R (Berwood Homes Ltd) v London Borough of Bromley [2008] EWHC 3243 (Admin)
31 05 18	Yasotharan v Spelthorne Borough Council
31 05 18	R (Connolly) v London Borough of Havering [2008] EWHC 2873 (Admin)
31 05 18	Aylesford School v Grosvenor [2008] UKEAT 0001_08_0310
30 05 18	Grazing, piscary, turbary and estovers
30 05 18	Europa Oil & Gas Ltd v Secretary of State for Communities and Local Government [2014] J.P.L. 21
30 05 18	Trail Riders Fellowship v Devon County Council
30 05 18	Delaney v Secretary of State for Communities & Local Government and Basildon Borough Council
30 05 18	Court of Appeal rules on Luton airport parking policy
30 05 18	Court of Appeal decides that there is still a Green Belt in Castle Point, Essex
30 05 18	Judgment in Spurs compulsory purchase case

30 05 18	Secretary of State for Communities & Local Government v Proudfoot Properties
30 05 18	Parratt v Secretary of State for Justice and another [2013] EWHC 17 (Admin)
30 05 18	Success for Taylor Wimpey in the Court of Appeal
30 05 18	Collins v Secretary of State for Communities and Local Government & Anor [2012] EWHC 2760 (Admin)
30 05 18	Court of Appeal overturns judgment in Redhill
30 05 18	Proudfoot Properties v Secretary of State for Communities and Local Government & Anor [2012] EWHC 2043 (Admin)
30 05 18	R (The Manchester Ship Canal Company Ltd & Anor) v Environment Agency [2012] EWHC 1643 (QB)
30 05 18	Bramall v Secretary of State for Communities and Local Government & Anor [2011] EWHC 1531 (Admin)
30 05 18	R (Barnsley Metropolitan Borough Council) v Secretary of State for Communities and Local Government & Ors
30 05 18	R (London Borough of Hillingdon) v Secretary of State for Communities & Local Government [2012] EWHC 1557 (Admin)
30 05 18	Golding v Secretary of State for Communities and Local Government & Ors [2012] EWHC 1656 (Admin)
30 05 18	Rencher-Paine v Secretary of State for Communities and Local Government & Anor
29 05 18	Court of Appeal rules on rights of common over registered common land
29 05 18	Mulvena and Smith v Secretary of State for Communities and Local Government [2015] EWHC 3494 (Admin)
29 05 18	Mr Fidler must demolish house or go to jail for contempt of court
29 05 18	Gallagher Properties Ltd v Secretary of State for Communities and Local Government [2016] EWHC 674 (Admin)
29 05 18	Court of Appeal restores AZ's planning permission
29 05 18	High Court rejects multiple challenges to Gypsy and Traveller policy, directions and decisions
29 05 18	Tottenham Hotspur CPO confirmed

29 05 18	High Court orders Mr Fidler to demolish unauthorised house
29 05 18	Exeter City Council v. Secretary of State for Communities and Local Government [2015] EWHC 1663 (Admin)
24 05 18	Challenge to QPR Training Facilities on Metropolitan Open Land Fails
24 05 18	High Court dismisses Stoke Poges Free School challenge
24 05 18	Court of Appeal rules that Secretary of State appeal decisions lawful even where prior recovery direction unlawful
24 05 18	"up to 6" does not meet 5: Court of Appeal quashes Somerset planning permission
24 05 18	Mr Fidler's "castle" demolished
08 05 18	Court of Appeal rules on meaning of "isolated" in NPPF 55
08 05 18	Court of Appeal upholds planning permission for new QPR training ground and academy facility
23 12 09	Kent International Gateway
23 07 09	Daventry Housing Appeals Inquiry
14 10 03	R (Mount Cook Land Ltd and another) v Westminster City Council [2003] EWCA Civ 1346; [2004] JPL 470
26 11 02	R (Medway Council and others) v Secretary of State for Transport [2002] EWHC 2516 (Admin); [2003] JPL 583