

Landmark Chambers

Barrister CV

Andrew Parkinson



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Andrew Parkinson

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Andrew's practice focusses on planning and environmental law principally related to housing, infrastructure, commercial/retail development and CPOs.



Expertise

Planning, Environment

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Planning

Andrew specialises in planning and environmental law focussing on housing, commercial and energy-related schemes. He frequently appears at Inquiries and has appeared in Court at all levels up to the Supreme Court.

Practice Summary

Andrew is a specialist planning barrister with particular expertise in housing, commercial and energy development. The directories describe him as *"a superb advocate, with excellent cross-examination skills"* providing *"written advice of the highest order"* (Chambers and Partners), having *"a complete mastery of the details of a case"* and being *"extremely popular with clients"* (Legal 500).

Andrew's planning practice includes both Inquiry and Court-based work. He has an extensive client-base, including some of the UK's leading developers and housebuilders, land promoters, landowners, Central Government and a number of local authorities. He is a member of the Attorney General's "B" Panel of Counsel.

Some of the schemes Andrew has acted on recently include:

- **Leverhulme Vision:** Seven co-joined appeals for 788 new homes in the Green Belt. Appeared for the developer (with Christopher Boyle KC) at the Inquiry which spanned over seven weeks.
- **Chiswell Green:** Co-joined Green Belt appeal for 721 new homes, recovered by the Secretary of State. Appeared for the local planning authority at the Inquiry.
- **Holborn Studios:** Acting for the developer (with Sasha White KC) for this commercial-led development in London.
- **Many greenfield planning appeals:** Regularly acts and appears at Inquiry for both developers and local planning authorities in edge of settlement planning appeals, particularly in the Green Belt, settlement gaps, and those raising landscape/heritage/highways issues.
- **High Street West Regeneration:** Advising and appearing for the local planning authority in various challenges relating to this major mixed-use regeneration scheme (including almost 3,000 new homes).

As well as this Inquiry work, Andrew also has a busy Court practice including numerous un-led appearances in the High Court and Court of Appeal. Notably, this has included:

- **Compton Parish Council v Guildford Borough Council** [2019] EWHC 3242 (Admin) the leading case on “exceptional circumstances” for Green Belt release (for Martin Grant Homes).
- **Barton Park Estates v SSHCLG** [2022] PTSR 169: Court of Appeal decision clarifying the I’m Your Man principle and the proper approach to determining whether there has been a material change of use (for the Secretary of State).
- **R. (Juden) v London Borough of Tower Hamlets** [2021] EWHC 1368 (Admin): the leading case on the correct interpretation of NPPF policies protecting veteran trees (for the Claimant).
- **R. (on the application of Friends of the Earth Ltd and others) v Heathrow Airport Ltd** [2020] UKSC 52: Supreme Court challenge to a third runway at Heathrow Airport (for Friends of the Earth).
- **Davison v Elmbridge Borough Council** [2019] EWHC 1409 Admin: the leading case on the materiality of quashed planning decisions (for the Claimant).

Compulsory Purchase and Compensation

He is regularly instructed in relation to Compulsory Purchase Orders. He advised the Kew Society in relation to the Brentford Stadium CPO and has previously advised leaseholders in relation to the Aylesbury Estate CPO and North Yorkshire County Council in relation to the A684 Bedale, Aiskew and Leeming Bar Bypass CPO. In the High Court, he recently acted for a successful objector to a CPO, which was quashed for failure to comply with the duties in the Equality Act 2010.

Development Contribution: Section 106 and CIL

Andrew has advised and given a number of recent talks on the recent affordable housing threshold changes; the vacant building credit; affordable housing appeals under s. 106BC; and the impact of reg. 122 and 123 of the CIL regulations. He appeared in **Oxfordshire County Council v SSCLG** [2015] EWHC 186 (Admin) on section 106 monitoring fees and regulation 122 (led by Nathalie Lieven KC).

Energy

Andrew has advised and appeared in relation to a number of energy projects and plans. Notable work includes:

- Appearing for successful objectors at two planning appeals into proposed solar farms in Devon. Issues included landscape impact (both direct and cumulative) and heritage impact on the setting of a Grade II listed building.
- Successfully challenging, twice, the decision of East Dorset District Council to grant planning permission for a large solar farm in Mapperton. The first challenge succeeded for failure to give adequate reasons in a screening opinion which found that the development was not EIA development. The second challenge succeeded for failure to interpret the key development plan policy on renewable energy and failure to apply section 38(6) of the PCPA 2004: see ***Butler v East Dorset District Council*** [2016] EWHC 1527 (Admin).
- Advising and appearing for Buckinghamshire County Council at the Examination in Public into its Minerals and Waste Core Strategy, which was subsequently found to be sound.
- Planning inquiry into a proposal for a recycling facility for construction and demolition waste near Chichester.
- Assisted Rhodri Price Lewis KC in Veolia's successful challenge to the refusal of planning permission for an Energy Recovery Facility at New Barnfield, Hertfordshire (see ***Veolia ES (UK) Ltd v SSCLG*** [2015] EWHC 91 (Admin)).
- Advising in relation to a potential challenge to nuclear waste dumping in the Blackwater Estuary.

Andrew is the editor of an "Objector's Guide to Fracking" (published with Leigh Day) and is author of the Garner's Environmental Law chapters on climate change, energy efficiency of buildings and energy efficiency of products.

Infrastructure

Andrew has experience in providing advice and representation in relation to large-scale infrastructure projects, including TWA Orders and NSIPs under the Planning Act 2008. Notable work includes:

- Appearing for the main objector to the Ordsall Chord (a new railway line in Manchester which forms a key part of the Northern Hub) at a 3 week TWA Inquiry.
- Advising and appearing for Thames Blue Green Economy (unled in the High Court, led by Robert McCracken KC in the Court of Appeal) in its judicial review of the Thames Tideway Tunnel DCO: see ***Thames Blue Green Economy v SST*** [2015] EWCA Civ 876.

Heritage

Andrew regularly advises on heritage issues. He appeared in ***Whitby v SST*** [2016] EWCA Civ 444, a case concerning the correct interpretation of paragraph 133 of the NPPF in appeals where a development results in substantial heritage harm. He also appeared in ***Butler v East Dorset District Council*** [2016] EWHC 1527 (Admin) where he succeeded in challenging a planning permission for failure to interpret development plan policies relating to heritage assets. He has successfully appeared at a number of planning appeals where a main issue has been the heritage impact of the development.

Highways, Footpaths and Rights of Way

Andrew has considerable experience in advising and appearing in relation to DMMOs and other highways issues. Notable work includes:

- Appearing at five DMMO inquiries in the past 12 months, one of which lasted over 2 weeks.
- Appearing for TfL in the High Court successfully resisting an application for interim relief, involving issues under s. 130 and s. 143 Highways Act 1980.
- Acting for TfL defending a judicial review in relation to the Greater London Low Emission Zone.
- Stopping up orders in the Magistrates Court.

Neighbourhood Planning

Andrew has experience at all stages of the neighbourhood plan process, for both developers, LPAs and neighbourhood planning groups. Notable work includes:

- High Court challenges to adopted neighbourhood plans, including a successful challenge to the adoption of the Haddenham Neighbourhood Plan, led by Christopher Boyle KC (see commentary [here](#)), which resulted in planning permission being granted by the Secretary of State in the concurrent recovered appeal.
- Section 288 challenges to appeal decisions relating to NPs, including a successful challenge to the remitted decision of the SSCLG in Woodcock Holdings for failure to give adequate reasons following Hopkins Homes (led by Christopher Boyle KC): see **Woodcock Holdings v SSCLG** [2015] EWHC 1173 (Admin).
- Appearing at planning inquiries on both sides, where one of the main issues is the weight to be attached to an emerging NP, or conflict with an adopted plan. For a recent example see APP/H1033/W/15/3136353 – permission refused following conflict with the Chapel-en-le-Frith Parish Neighbourhood Plan.
- Advising qualifying bodies preparing neighbourhood plans on compliance with the basic conditions.

Planning Enforcement and Injunctions

Andrew regularly appears at enforcement inquiries, s.289 appeals in the High Court, and enforcement prosecutions in the Magistrates and Crown Courts. Notable work includes:

- Four s. 174 inquiries concerning agricultural-residential conversions in the Green Belt, both for local authorities and appellants.
- An inquiry against the refusal of a CLEUD in respect of a mobile home.
- A successful s. 289 appeal concerning the correct interpretation of Part 1, Class B of the GPDO 2008 (roof extensions).
- Two successful appeals for local planning authorities on the basis of concealment of breaches of planning control.

Residential

Andrew has acted for developers, local authorities and third parties in a range of housing appeals. Notable work includes:

- Acting for Lord Derby in relation to a recovered planning appeal for 400 houses in Newmarket, including at a 3 week planning inquiry and in a subsequent successful High Court challenge – ***Moulton Parish Council v SSCLG*** [2017] JPL 1144 (led by Christopher Boyle KC), and unled at a subsequent examination in public into Forest Heath’s emerging Single Issue Review.
- Acting for Croudace Homes in relation to a recovered planning appeal for 265 homes in Thatcham, Berkshire (led by Christopher Boyle KC).
- Advising the RSPB regarding a proposed development of 5000 new dwellings at Lodge Hill, Kent.
- Acting for successful objectors at inquiries into residential development in Mid-Sussex and the Peak District (both 4 day inquiries).
- Advising and appearing for successful objectors to a proposed 10,000 dwelling new town in Horsham and Mid Sussex at the examination into the Horsham District Planning Framework.
- Appearing for RBKC in a 4 day planning inquiry into a proposed office-residential plus double-storey basement development in Kensington, which resulted in the basement element of the proposal being rejected.
- Successful High Court challenges to the grant of planning permission for two gypsy developments: see ***Cooper v Ashford Borough Council*** [2016] EWHC 1525 (Admin) and ***R (XY) v Maidstone Borough Council*** [2016] EWHC 1436 (Admin) and for residential development in the Green Belt: see ***Boot v Elmbridge Borough Council*** [2017] 2 P. and C.R. 6.

Environment

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Qualifications

- Oxford University, 2007: degree in History (first class)
- 2007-2009: Graduate Diploma in Law (Distinction)
- City University, 2009-2010: Bar Vocational Course
- UCL: LLM in Environmental Law and Policy (Distinction)

Recommendations

"Andrew is an excellent planning barrister, very commercial, and he listens to the client's needs and budget requirements."

Planning, Chambers and Partners, 2024

"Andrew is a superb planning barrister. Andrew gets to the nub of a case quickly, he is extremely hard working and provides excellent legal advice. Andrew is a highly effective advocate. He prepares meticulously, his presentation of complex matters is outstanding and his cross-examination skills and submissions are second-to-none. Andrew's efficient and thorough approach is clearly appreciated by public inquiry inspectors and High Court judges, together with his clients."

Planning, Legal 500, 2024

"Andrew's written advice is of the highest order. He is a superb advocate, with excellent cross-examination skills, and is very attuned to the requirements of High Court judges and public inquiry inspectors." "Andrew is a safe pair of hands for complex work."

Planning, Chamber and Partners, 2023

"Andrew quickly acquires a mastery of complex, technical evidence, has a superb grasp of all aspects of planning law, and his written advice is of the highest order."

Planning, Legal 500, 2023

"Andrew is extremely popular with clients, who express appreciation for the outstanding service he provides, including his clear, concise, commercially focused advice. He is a successful advocate, with excellent cross-examination skills, a complete mastery of the details of a case with his efficient, thorough, and engaging approach."

Planning, Legal 500, 2023

"He is very able to identify the key issues that inspectors and other parties need to deal with and gives clear and concise advice."

Planning, Chamber and Partners, 2022

"Andrew is an exceptionally talented planning barrister. He is a flawless advocate with formidable cross-examination skills. Andrew is very diligent and quickly acquires a mastery of technical evidence. High Court judges and public inquiry inspectors clearly appreciate Andrew's efficient, thorough approach. Andrew has excellent strategic and tactical skills. His written advice is of the highest order."

Planning, Legal 500, 2022

Cases and inquiries

03 02 23 Court of Appeal upholds planning permission for pulverised fuel ash extraction

13 12 21 High Court considers correct interpretation of a Planning Permission

05 12 19 Guildford Local Plan challenges rejected

04 11 19 High Court to hear Guildford Local Plan challenges

17 10 19	Heathrow expansion judicial review hearings to begin in the Court of Appeal
15 10 19	Heathrow expansion judicial review hearings to begin in the Court of Appeal
12 07 18	49 Hough Lane
12 07 18	Henwick Park, Thatcham
12 07 18	47 Huntworth Mews
12 07 18	Nixton Homes, York
12 07 18	Former Poultry Unit, Beckford
12 07 18	Forest Heath Single Issue Review
12 07 18	North Hertfordshire Local Plan
12 07 18	Hays Mill Oast
12 07 18	Arch 88, Blackfriars Road
12 07 18	Sheriff Hutton
12 07 18	Tadcaster DMMO
12 07 18	Land off Larch Avenue, Nettleham, Lincs
12 07 18	Holy Cross Stables, Wormley
12 07 18	Land to the West of Long Lane, Chapel-en-le-Frith
12 07 18	Brooder House, Hampshire
12 07 18	Lower Blackmore Farm
12 07 18	South End, Kensington
30 05 18	Oxfordshire County Council v SSCLG [2015] EWHC 186 (Admin)
30 05 18	Thames Blue Green Economy v SST [2015] EWCA Civ 876
29 05 18	Woodcock Holdings v SSCLG [2015] EWHC 1173 (Admin)

29 05 18	Skelmersdale Ltd v West Lancashire BC [2016] EWHC 109 (Admin)
29 05 18	Distinctive Properties v Secretary of State for Communities and Local Government [2015] EWCA Civ 1250
29 05 18	Dennehy v SSCLG CO/1166/2016
24 05 18	Moulton Parish Council v SSCLG [2017] EWHC 1047 (Admin)
24 05 18	R (XY) v Maidstone Borough Council [2016] EWHC 1436 (Admin)
24 05 18	Cooper v Ashford Borough Council [2016] EWHC 1525 (Admin)
24 05 18	Butler v East Dorset District Council [2016] EWHC 1527 (Admin)
24 05 18	Lisle-Mainwaring v Kensington and Chelsea RLBC
24 05 18	Robb v South Cambridgeshire DC [2017] EWHC 594 (Admin)
24 05 18	Relta v GLA [2017] EWHC 671 (Admin)
19 02 18	R (o.a.o. Mawbey) v Lewisham LBC [2018] EWHC 263 (Admin)
14 11 17	Rogers v Wycombe District Council [2017] EWHC 3317 (Admin)
19 07 17	RSPB and others v Secretary of State for Justice [2017] EWHC 2309 (Admin)
14 03 17	R (on the application of Lisle-Mainwaring) v RBKC
14 04 15	Hatchfield Farm, Newmarket