

Landmark Chambers

Barrister CV

Luke Wilcox



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Luke Wilcox

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Luke Wilcox has an established practice, specialising in planning, rating and valuation, highways and property law.



Expertise

Planning, Property, Public and Administrative, Rating and Valuation

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Practice Summary

Luke has an established practice, specialising in planning, rating and valuation, highways and property law.

As a planner, Luke appears regularly both in public inquiries and in legal challenges in the Courts (including appearing unled against silks). He acts for developers, LPAs and the Secretary of State. He has particular experience in housing, heritage, highways and valuation/viability matters in the planning field.

Luke is recognised as one of the leading rating practitioners in the country. He has appeared four times in the Supreme Court, advises and acts for clients from multinational corporations to central government departments, and regularly lectures at national rating events. He also practices in related taxation fields where property valuation issues arise.

Luke maintains a busy property practice, with a particular expertise in property valuation matters (primarily rent review) and cases concerning rights of way (both public and private).

Planning

Luke's practice encompasses the full spectrum of planning and environmental law. He appears regularly at inquiries and examinations in public, and in the Courts, on behalf of developers, local authorities and the Secretary of State.

Notable highlights include:

- Representing a major housebuilder in an inquiry for several hundred new homes on land allocated for inclusion in the Green Belt in the emerging local plan (with Sasha White KC).
- Representing Gazeley in an inquiry for the development of over 300,000m² of strategic B8 distribution warehousing on a site which contained a Scheduled Monument (with David Elvin KC).
- Representing Broxbourne LBC in a significant housing inquiry in 2022
- Representing Bromley LBC in a planning inquiry relating to residential development in the Metropolitan Green Belt.
- Representing Leeds City Council in a four-day inquiry concerning a proposed new mosque.
- Appearing in the examination in public into a number of emerging local plans around the country, including Hart DC, the North Essex Authorities, and Tonbridge and Malling BC.
- Representing the developer in an inquiry concerning a significant mixed-use redevelopment (including almost 500 new homes) in Camberwell (with Neil Cameron KC).

On the environmental law side, Luke is an expert in the Habitats Regulations. He represented Natural England in the significant Court of Appeal case of *Wyatt v Fareham* (with David Elvin KC), and acted for the successful local authority in the *Jurston Farm* test case about the post-Brexit applicability of the Habitats Regulations (with Christopher Boyle KC). In addition, Luke has particular experience and interest in planning and rights of way cases in National Parks, and is regularly instructed to represent National Park Authorities in both England and Wales in such disputes.

Luke's practice includes wider local government law related to land. He acted for West Berkshire DC in the High Court in a major (£125 million) High Court challenge raising issues of s. 123 best value, EU Public Procurement law and the scope of the Aarhus costs regime (with David Elvin KC). He regularly advises both private companies and government bodies on public procurement issues associated with the acquisition of land. He has advised a number of other clients, including developers and community groups, in respect of the issues arising from public land acquisition (including of surplus NHS land).

Luke's experience includes CPO and compensation. He has advised landowners facing compulsory purchase, and has advised on the operation of s. 203 of the Housing and Planning Act 2016 and its legislative predecessors (an area in which his CPO and property practices overlap). He regularly represents clients in CPO compensation disputes, where his extensive experience of property valuation is brought to bear.

Luke has extensive experience of rights of way law (both public and private), and has appeared at several public inquiries for the modification of definitive highways maps and the diversion of highways (including in National Parks). He represented the Ramblers Association in a complex High Court challenge concerning the relationship between the law of prescription, criminal

trespass and statutory capacity to dedicate, and has represented a major utilities company in disputes around the existence of historic highways over its development land.

Luke is an assistant editor of the Planning Encyclopaedia (with particular responsibility for the chapters on the Control of Advertisements Regulations), and a contributor to "The Aarhus Convention – a Guide for UK Lawyers" (edited by Charles Banner).

Environment

On the environmental law side, Luke is an expert in the Habitats Regulations. He represented Natural England in the significant Court of Appeal case of *Wyatt v Fareham* (with David Elvin KC), and acted for the successful local authority in the Jurston Farm test case about the post-Brexit applicability of the Habitats Regulations (with Christopher Boyle KC). In addition, Luke has particular experience and interest in planning and rights of way cases in National Parks, and is regularly instructed to represent National Park Authorities in both England and Wales in such disputes.

Property

Luke has an extensive and varied property practice. He advises on matters including residential and commercial landlord and tenant disputes, restrictive covenants, easements, the interpretation and rectification of deeds, land registration, adverse possession, boundary disputes, forfeiture, dilapidations, and the law of commons and village greens.

Luke has a special expertise in valuation law, and regularly advises and represents clients involved in disputes about rent review clauses, as well as in 1954 lease renewal cases where there are disputes about the rent. He represented the successful tenant in the Court of Appeal rent review dispute of *Monsolar IQ Ltd v Woden Park Ltd* (with Toby Watkin KC).

Luke has particular experience of rights of way issues (both public and private), and the implications of such issues for planning and rating disputes. He is currently acting for a number of clients engaged in disputes over the existence and extent of such rights, in both public and private law contexts. He regularly appears in rights of way inquiries.

Luke particularly welcomes instructions in matters with both property law and public/planning law aspects.

Public and Administrative

Luke is instructed on public law challenges in a range of contexts, including planning and environmental law, local government powers and duties, human rights, public procurement and State aid/subsidy control law. He regularly appears in the courts and tribunals at all levels in these fields.

Luke has assisted other members of Chambers in many public and constitutional law matters at all levels, up to and including the Supreme Court. He has particular experience in the law concerning decisions of ombudsmen, and acted for the Health Service Ombudsman in *Miller and Howarth v Health Service Commissioner for England*, a major judicial review raising important issues about complaints concerning GPs' clinical judgment (with James Maurici KC) in both the High Court and the

Court of Appeal.

Luke both advises and lectures on public procurement and subsidy control issues as they relate to property acquisition and ownership. His clients include local authorities and Government departments.

Before coming to the Bar, Luke developed considerable expertise in parliamentary and constitutional matters. He has lectured widely in these areas, and in 2013 he was a member of the United Nations panel of external experts on constitutional reform in Bosnia and Herzegovina.

Rating and Valuation

Luke's primary specialism is the law of rating, in which he is widely acknowledged as one of the leading experts in the country. He has a very extensive practice in this field, regularly advising ratepayers (from small business owners to multinational companies to public bodies), local authorities, and the VOA on all aspects of rating law and practice.

Luke's current caseload ranges across the full spectrum of courts and tribunals, from the Valuation Tribunal to the Supreme Court (where he has appeared four times). Highlights include:

- Acting for the ratepayer (unled) in the Court of Appeal case of ***Avison Young Ltd v Jackson*** (VO), about the tribunals' power to order temporary alterations to rating lists.
- Advising and representing a number of significant landowners on the valuation of multi-storey car parks associated with shopping malls. Luke acted for Blackrock in the Upper Tribunal test case on this issue, successfully establishing that the VOA's practice of using the shortened valuation method was inappropriate for such properties.
- Acting for a range of ratepayers in disputes about heavy industrial sites, including cement works, steel works, power stations, power distribution networks, and the largest mechanical and biological waste treatment site in the country.
- Representing the Rating Surveyors Association and the British Property Federation in the Supreme Court case of ***Newbigin (VO) v S J & J Monk*** (with Dan Kolinsky KC).
- Representing Iceland Foods Ltd (with Dan Kolinsky KC) in the Supreme Court in an important case concerning the rating of plant and machinery.
- Acting for UKI Kingsway in the UK Supreme Court in a dispute concerning the rules for the valid service of completion notices (and property notices more generally).
- Representing Cardtronics UK in a long running dispute about the rateability of the sites of ATMs. Luke appeared (with Dan Kolinsky KC) in each of the VTE, Upper Tribunal, Court of Appeal, and Supreme Court.
- Acting for a number of NHS Foundation Trusts in a very significant dispute (worth in the region of £160 million) with a number of billing authorities, as to whether such bodies are charities for rating purposes (with Christopher Tidmarsh KC and Francesca Quint).
- Representing Ludgate House Ltd in the Upper Tribunal (twice) and Court of Appeal, in a wide-ranging test case concerning the treatment, both for identifying the unit of assessment and for valuation, of premises occupied by property guardians (with

David Forsdick KC).

- Representing the ratepayer in the High Court in the Principled Offsite Logistics case, a significant authority on the nature of beneficial occupation (with Tim Morshead KC).

Luke has a very extensive advisory practice, across the whole of the field of rating and valuation, and across numerous sectors (both public and private). He regularly advises some of the largest companies in the country, and in respect of property portfolios with rates liabilities of many millions of pounds per annum. He has experience of advising on the rates affairs of insolvent companies.

Luke is a regular speaker at national events on rating. He has delivered papers at several IRRV annual conferences, as well as numerous lectures on rating law and valuation to surveyors, solicitors, government valuers and billing authority officials.

Luke also advises on all aspects of the Council Tax. He appears in the Administrative Court on a regular basis in this field, both for taxpayers and for LOs. He has particular experience in the law on identifying self-contained units for Council Tax purposes and has appeared in the most recent High Court cases on this issue.

Outside of rating, Luke has experience of commercial rent review work, including the interpretation of rent review clauses and identifying bases of valuation. He appeared in both the High Court and Court of Appeal in the important rent review case of *Monsolar IQ Ltd v Woden Park Ltd*. He regularly advises on valuation issues arising in CPO compensation disputes, and has acted for the Commissioners of HMRC in an Upper Tribunal dispute about property valuations for Inheritance Tax purposes. His valuation practice extends to 1954 Act lease renewal cases where the issues around the rent are particularly complex.

Qualifications

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

Recommendations

"Luke has a real depth and breadth of knowledge on rating law and he is brilliant on advising and drafting and an all-round excellent counsel." "He's terrific in court and very knowledgeable, responsive and practical."

Rating and Valuation, Chambers and Partners, 2024

"Luke is extremely competent and knowledgeable on all matters relating to business rates."

Property Litigation, Legal 500, 2024

"Luke is extremely competent and knowledgeable on all matters relating to business rates. He is straightforward and provides clear, cogent advice on the most technical points in conference and on paper."

Local Government (including Rating Law), Legal 500, 2024

"Luke is great at dealing with clients and other professionals, really approachable and down to earth. He also has broad experience and has been in some of the big cases recently." "The preferred junior for non-domestic rating advice and appeals. He's excellent." "Luke acted as a brilliant junior. He is heavily involved in the strategy and preparation of the case."

Rating and Valuation, Chambers and Partners, 2023

"Luke is a rare talent and he has a wonderful technical brain whilst still being personable and easy to work with, which clients love. Definitely one to watch in the rating world."

Local Government (including Rating Law), Legal 500, 2023

"He is very responsive and gives good, clear advice." "His written work and advocacy are very good."

Rating and Valuation, Chambers and Partners, 2022

Rising Stars, tier 1: "Luke is a rare talent and he has a wonderful technical brain whilst still being personable and easy to work with, which clients love. Definitely one to watch in the rating world."

Local Government, Legal 500, 2022

"He has a real depth and breadth of knowledge and is absolutely fantastic on points of interpretation." "He's astute and sees the main points of cases before presenting them attractively."

Rating and Valuation, Chambers and Partners, 2021

"Luke is responsive and has developed an enviable reputation in the industry already." "Highly efficient, easy to work with and effective at court." "Luke has great knowledge and is developing into a top junior."

Real Estate Litigation, Chambers and Partners, 2021

Rising Stars, tier 1: "A fantastic junior. Definitely one to watch. A pleasure to work with."

Property, Legal 500, 2021

Rising Stars, tier 1: "His knowledge of rating is absolutely first class, and he is adept at distilling this complex area of law into a client-friendly format. He is approachable, user friendly and always a pleasure to work with. Highly recommended."

Local Government (including Rating Law), Legal 500, 2021

"He has great knowledge and is developing into a top junior." "An outstanding junior providing clear-sighted advice." "Wins the confidence of the client and becomes a key member of the team."

Real Estate Litigation, Chambers and Partners, 2020

Cases and inquiries

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| 29 06 21 | Monsolar IQ Ltd v Woden Park Ltd [2021] EWCA Civ 961 |
| 16 04 21 | In a win for ratepayers, the High Court clarifies the law on empty rates mitigation |
| 03 07 18 | St Ishmael's public inquiry |
| 03 07 18 | "Talwrn Lane" DMMO public inquiry (2015) |
| 29 05 18 | High Court clarifies the law on multiple Council Tax bands |
| 29 05 18 | High Court gives judgment in significant Health Service Ombudsman case |
| 29 05 18 | Old Hunstanton Parish Council v Secretary of State for Communities and Local Government [2015] EWHC 1958 (Admin) |
| 25 05 18 | R (Faraday Development Ltd) v West Berkshire Council & Anor [2016] EWHC 2166 (Admin) |
| 24 05 18 | Supreme Court allows appeal in Newbiggin (VO) v Monk |
| 24 05 18 | Court of Appeal upholds narrow interpretation of rural exceptions sites policy |
| 24 05 18 | R (RLT Built Environment Ltd) v Cornwall Council [2017] J.P.L. 378 |