

Landmark Chambers

Barrister CV


Rebecca Sage



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Rebecca Sage

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Rebecca is a specialist property and planning barrister whose practice builds upon her extensive previous experience as a solicitor.



Expertise

Environment, Planning, Property, Public and Administrative

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Practice Summary

Rebecca has a busy practice in the County Court, High Court and First-tier Tribunal. She also undertakes inquiry work, including planning enforcement and compulsory purchase. She has been led in the High Court and Court of Appeal on both property and planning matters.

Rebecca qualified as a solicitor in 2015. Her career as a solicitor included working at Magic Circle and City firms as a transactional real estate lawyer on high-value deals for clients including investment funds and developers. Rebecca also worked as a law reform lawyer at the Law Commission where she contributed to the Commission's projects on enfranchisement and right to manage and undertook a review of the Commission's recommendations to reform the law of forfeiture.

Rebecca's experience before coming to the Bar includes working as a lawyer in the Ministry for Housing, Communities and Local Government (as it was). In that role, she advised on local and neighbourhood planning and the 2018 revisions to the National Planning Policy Framework. As a result, she has a thorough understanding of the legislative process and Ministerial decision-making, as well as the genesis of planning policy.

Rebecca is frequently instructed to advise on complex areas of property law, often involving the construction of leases or other documents; on housing matters including claims for possession; on conveyancing issues including land registration; and, more recently, on matters concerning the Building Safety Act 2022.

On the planning side of her practice, Rebecca regularly advises on potential challenges to the grant or refusal of planning permission and on enforcement matters and has a particular interest in compulsory purchase work.

Regularly providing lectures and training on property and planning law issues, in the past year, Rebecca has spoken on a range of topics which include planning case law in 2023, notices in possession proceedings, the law of forfeiture, the Building Safety Act 2022, leasehold reform, and planning law issues in property litigation.

Rebecca is a contributor to *Garner's Environmental Law*, for which she writes the chapter on the management and shipment of waste, and also headnotes for the *Journal of Environmental and Planning Law*.

She is a member of the Attorney General's junior junior scheme.

Environment

Rebecca has experience across a range of environmental law matters, including assisting Lord Carnwath CVO in his role as mediator following service of an abatement notice for statutory nuisance under the Environment Act 1990 in relation to a landfill site.

During pupillage, Rebecca was supervised by Guy Williams KC and Andrew Byass. She assisted with advice on SEA and EIA issues, including the application of EIA to highways works, and with a judicial review claim concerning the power of the Environment Agency to issue "stop notices" under the Environmental Protection Act 1990 and the "end of waste" process under the Waste Framework Directive.

Rebecca is a contributor to *Garner's Environmental Law*, for which she writes the chapter on the management and shipment of waste. She also headnotes for the *Journal of Environmental and Planning Law*.

Planning

Rebecca has a varied practice covering all aspects of planning. As part of her previous experience as a solicitor, Rebecca worked advisory lawyer at the Ministry for Housing, Communities and Local Government (as it was). In that role, she advised on local and neighbourhood planning, drafted secondary legislation and worked on the 2018 consultation on the revised NPPF.

Rebecca's recent cases have included the following:

Acting (led by Richard Turney) for Coventry City Council in promoting the Coventry City Centre South CPO, which was confirmed following a three-day inquiry.

Acting (led by Paul Brown KC and Nick Grant) for the Secretary of State in ***Braintree DC v Secretary of State for the Home Department*** [2023] EWHC 1076 (KB) in which the High Court struck out an application for an injunction under s.187B of the Town and Country Planning Act 1990 made in relation to the use of land at RAF Wethersfield to accommodate asylum seekers. The decision was subsequently upheld by the Court of Appeal.

Acting (led by Gwion Lewis KC) for a local authority in its claim for judicial review of the use of a hotel in its area as asylum accommodation

Acting (led by Paul Brown KC) for the appellant in a planning enforcement inquiry which involved a wide range of issues including whether a previous planning permission had been implemented.

Rebecca advises on a wide range of planning and infrastructure issues, with recent advice covering the following topics:

- Planning enforcement, including a challenge to a decision to uphold an enforcement notice following an inquiry.
- Section 106 agreements and enforcement of obligations thereunder.
- Scope and application of permitted development rights, including Class E and the right to “build up”.
- Assets of community value.
- Payment of compensation under Part 1 of the Land Compensation Act 1973.
- Material considerations in planning decision-making, including the relevance of private law rights in this context.
- Judicial review of a local planning authority planning decisions, including the grant of planning permission and applications for prior approval

Rebecca also headnotes for the *Journal of Environmental and Planning Law*.

Property

Rebecca has a pragmatic and client-focused approach to property issues and a thorough understanding of drafting issues which might arise on leasehold and freehold transactions. Before coming to the Bar, Rebecca worked as a transactional real estate solicitor in Magic Circle and City firms for several years. In that role she acted for landlords and tenants in lease negotiations, advised on freehold acquisitions and disposals and provided input on the real estate elements of corporate transactions.

Rebecca has also worked at the Law Commission on the reform of the law relating to enfranchisement, the right to manage and forfeiture.

Rebecca's practice in Chambers encompasses the full range of property matters. Her recent cases have related to the following areas:

- Possession proceedings under the Housing Act 1988, including cases involving complex issues concerning student accommodation, application of the resident landlord exemption and Bruton tenancies
- Mortgagee possession proceedings
- Termination of agricultural tenancies under the Agricultural Holdings Act 1986
- Forfeiture
- Enfranchisement, including valuation disputes and applications to the county court where no valid counter-notice is served in a collective enfranchisement claim

- Easements, including interference with easements and the acquisition of easements by prescription.
- Boundary disputes and trespass
- Adverse possession
- Disrepair
- Harassment
- The validity of notices to complete and break notices.
- Specific performance claims relating to breach of sale contract and breach of lease

During pupillage, Rebecca appeared in the Court of Appeal as junior counsel (led by Simon Allison) in ***Mostyn House Estate Management Company Limited v Youde and others*** [2022] EWCA Civ 929, which concerned the interpretation of leases and freehold transfers on a residential estate.

Rebecca's planning practice means she is well-placed to advise on matters which engage both planning and property law, such as the interpretation of user covenants in leases and issues arising from estate regeneration schemes.

Public and Administrative

Through her work as a lawyer in the Government Legal Department Rebecca has a thorough understanding of Government lawyers' roles in the legislative process and Ministerial decision-making.

Her recent work in this area includes:

Acting for a local authority in its claim for judicial review of the use of a hotel in its area as asylum accommodation (led by Gwion Lewis KC)

Government work, including working as part of a departmental team on the Covid-19 inquiry and instruction as junior junior (assisting Julia Smyth) in ***Robins v Secretary of State for Work and Pensions*** [2023] EWCA Civ 890.

Clerk to an Independent Review Panel reviewing the decision to permanently exclude a school pupil.

During pupillage, Rebecca was supervised by Andrew Byass and gained experience in a wide range of public law matters. These included drafting pleadings and skeleton arguments for matters including responses to claims engaging Article 9 of the Bill of Rights, permission for judicial review of "fresh claim" decision under the Immigration Rules and particulars of claim relating to a refusal of support and accommodation under the Immigration and Asylum Act 1999. Her advisory work encompassed a range of public law issues, including those engaging the Upper Tribunal's power to retain an immigration appeal and the public interest considerations in deporting foreign criminals.

Qualifications

- Cambridge University, Trinity Hall – BA Archaeology and Anthropology
- BPP University – Graduate Diploma in Law (Distinction)

Cases and inquiries

07 12 23 High Court dismisses challenges to government's use of former airfields to accommodate asylum seekers

18 04 23 Coventry City Centre South CPO confirmed

Publications

"Lease terms inadmissible in construing repairing obligations in freehold transfers" – LexisPSL, 11 July 2022

"Millions of leaseholders to benefit from Law Commission reforms" – LexisPSL, 5 August 2020

"Leasehold reform: a long time coming" – New Law Journal, 5 August 2020
