

Landmark Chambers

Barrister CV

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Expertise

Planning, Rating and Valuation, Public and Administrative



Practice Summary

Alistair was called to the bar in 2011 and his areas of practice are planning, environmental, and public law. He is the author of *Interpreting the NPPF: the New National Planning Policy Framework* (Bath Publishing, 2018). In 2019 and 2020 he was ranked by Planning Magazine in the list of the top-rated planning juniors under 35. He has appeared in leading cases in the Court of Appeal.

He has been a member of the Attorney General's Panel of Civil Counsel (C Panel) since 2017 (moving up to the 'B' panel on 1 September 2021).

The Legal 500 said of Alistair in 2020:

"Alistair is a highly skilled advocate, he is very thorough with both submissions and advice, is very responsive to queries and is able to quickly digest complicated issues and pull out key points."

European Union Law

Alistair's practice raises matters of European Union law. In the context of planning and environmental law, the decision of the Court of Appeal in *R (Shirley) v SSHCLG* [2019] EWCA Civ 22 included arguments on the interpretation of the Air Quality Directive. The social security cases *SSWP v MC* [2019] UKUT 84 (AAC) and *IG v SSWP* [2016] UKUT 176 (AAC) concerned the EU harmonisation regime for social security benefits.

Planning

Alistair has been in a number of significant cases.

- *R (Hawkhurst Parish Council) v Tunbridge Wells BC* [2020] EWHC 3019 (Admin) – Alistair appeared unled for the Claimant (the Interested Party was represented by a KC). This case raised the correct approach to transport assessment under para. 109 of the NPPF.

- *R (Judson) v Amber Valley BC* [2020] EWHC 517 (QB) – Alistair appeared unled for the Claimant (the Council was represented by a KC). This case concerned whether the Council, in granting planning permission, had lawfully considered the question of contamination at the site.
- *City and Country Bramshill Ltd v SSHCLG* [2019] EWHC 3437 (Admin) – Alistair appeared for the Secretary of State, led by Guy Williams, in relation to this challenge to a decision of a planning inspector concerning a 106-hectare estate containing the Grade I-listed Bramshill Mansion. The High Court considered a number of matters, including the interpretation of national policy on isolated dwellings in the countryside, and heritage. The Claimant appealed to the Court of Appeal (at which the Secretary of State was also represented by Guy and Alistair); judgment is awaited.
- *R (Shirley) v SSHCLG* [2019] PTSR 1614 – Alistair appeared for the successful Secretary of State, led by James Maurici KC. This case concerned a challenge to the refusal of the Secretary of State to call in a planning application for his own consideration, and raised arguments concerning the Air Quality Directive. The appeal was dismissed on all grounds.
- *R (Historic England) v Milton Keynes Council* [2019] JPL 28 – Alistair appeared for the successful local planning authority, unled (the Claimant was represented by a KC). This case concerned the duties on local authorities when determining planning applications in conservation areas, and the requirement to give reasons under the EIA regime.
- *Dunnett Investments Ltd v SSCLG* [2017] JPL 848 – Alistair appeared for the appellant, led by Christopher Katkowski KC. The appeal concerned the important question of the exclusion of permitted development rights by condition.
- *R (West Berkshire DC and Reading BC) v SSCLG* [2016] 1 WLR 3923 – Alistair appeared for the local authorities, led by David Forsdick KC. This case concerned a challenge to new national policy concerning developer contributions from small developments, and the vacant building credit.
- *R (Smech Properties Ltd) v Runnymede BC* [2016] JPL 677 – Alistair appeared for the Appellant led by James Maurici KC, in a case concerning the discretion of the court not to quash a grant of planning permission.
- *Jones v Mordue* [2016] 1 WLR 2682 – Alistair appeared unled for the successful appellant in the Court of Appeal, in this significant case concerning the approach to challenging decisions of Planning Inspectors in the heritage context.

Alistair appeared unled for the successful Secretary of State in (to his knowledge) the first ever determined appeal under the Welfare of Wild Animals in Travelling Circuses Regulations 2012. Alistair appeared for the Environment Agency, led by Charles Banner, in the inquiry concerning water abstraction from the Test, Itchen and Candover.

In addition to major court challenges, Alistair has experience of proceedings before Planning Inspectors. He was junior to Graeme Keen KC in promoting the County Durham Plan at examination. He represented a group of developers at the Epping Forest Local Plan Examination (led by Charles Banner). He appeared for the Local Planning Authority in a planning inquiry into a residential scheme in November 2020, raising issues of landscape/visual impact and heritage impact. He represented the developer at a two week inquiry into a residential-led scheme (led by David Elvin KC), and the local planning authority at the call-in inquiry concerning into Milton Keynes (also led by David Elvin KC).

Alistair has a wide-ranging advisory practice. As well as his book on interpreting the NPPF, Alistair is the editor of the Digest of Decisions interpreting the 2012 NPPF, and an Assistant Editor of the Planning Encyclopedia.

Rating and Valuation

Alistair represented the Valuation Officer in successfully resisting two sets of appeals in the Upper Tribunal (Lands Chamber) concerning the changes introduced following the decision of the Supreme Court in *Woolway (VO) v Mazars LLP*:

- *Libra Textiles Ltd (t/a Boundary Mill Stores) v Roberts (Valuation Officer); Centric Assets Ltd v Alford (Valuation Officer)* [2020] RA 389
- *Roberts (Valuation Officer) v Backhouse Jones Ltd* [2020] RA 209

Public and Administrative

Alistair has a broad range of experience in public law matters. In the field of social security, he appeared for the successful Secretary of State, led by David Blundell, in a lead case on the interpretation of EU Regulation 1408/71: *SSWP v MC* [2019] UKUT 84 (AAC). He appeared for the successful Secretary of State, unled, in *SSWP v RR* [2019] PTSR 19 (a case concerning whether a room counted as a bedroom for the purposes of the Housing Benefit Regulations 2006, reg B13(2)). He represented the appellant in *IG v SSWP* [2016] UKUT 176 (AAC), a case concerning payment of benefits and EU Regulation 883/04.

In the field of immigration, Alistair appeared for the successful Secretary of State, led by Sasha Blackmore, in *R (Taste of India Ltd) v SSHD* [2018] EWHC 414 (Admin), a case concerning Tier 2 sponsor licences. He appeared for the second appellant in the Iran Country Guidance case *SSH and HR (illegal exit: failed asylum seeker) Iran CG* [2016] UKUT 308 (IAC).

Alistair is the Assistant Editor of the Journal *Judicial Review*. He has taught Administrative Law for many years, and is External College Lecturer in Law at Magdalene College, Cambridge.

Qualifications

Alistair graduated from Magdalene College, Cambridge, with a Double First in 2009. He obtained a distinction on the Bachelor of Civil Law at Oxford in 2010. He was awarded Outstanding on the Bar Professional Training Course from Northumbria University in 2011.

Recommendations

An extremely knowledgeable barrister who always maintains a professional but light-hearted approach to matters.

Legal 500, 2022 – Environment

Alistair was approachable and responsive at all times. He provided extremely clear and pragmatic advice to clients without experience of high court matters. He was able to put the clients at ease whilst explaining complex legal principles. His written

submissions were excellent and had an encyclopaedic knowledge of the relevant case law.”

Legal 500, 2022 – Planning