



Jacqueline Lean

Call: 2007

Email: jlean@landmarkchambers.co.uk

Practice Manager

Bill King

Email: bking@landmarkchambers.co.uk

Phone: **0207 421 1350**

Michael Gooch

Email: mgooch@landmarkchambers.co.uk

Phone: **0207 421 1305**

Jonathan Barley

Email: jbarley@landmarkchambers.co.uk

Phone: **0207 421 2480**

Expertise

Planning, Property, Public, Environment, Rating and Valuation, Public Procurement, Leasehold Enfranchisement

Overview

Jacqueline has a cross-discipline practice, encompassing property, planning and public law, as well as environmental law matters related to those areas of practice. Jacqueline's cross-discipline practice is illustrated (inter alia) by her instruction for the Department for Transport in respect of High Speed Two (both in litigation and as part of the team promoting the Phase 1 Bill (now Act) and Phase 2A through Parliament).

She is identified as a leading junior in Administrative & public law (including local government) and in Planning in *Legal 500* (2017 & 2018), described as "outstanding" (Planning, 2018) and "outstanding in this field" (Administrative and public law 2018).

She was appointed to the Attorney General's 'B' Panel of Junior Counsel to the Crown in September 2015, having previously been a member of the 'C' Panel (appointed April 2012).

Property

Jacqueline's property work encompasses the full range of landlord and tenant, including leasehold enfranchisement, and real property disputes. She has significant experience in mortgage disputes and rights of way, and regularly advises on cases involving planning and/or environmental issues. Recent work includes advising two landowners in separate disputes with utilities companies regarding the exercise of statutory powers in respect of private land; the construction of a guarantee potentially caught by the prohibitions in the Landlord and Tenant (Covenants) Act 1995; and advising a local housing authority in respect of a number of matters relating to tenants' right to buy.

She has a particular interest (and experience) in cases involving protestors, and applications for pre-emptive relief, both for private landowners and public authorities, including obtaining pre-emptive injunctions for local authorities to prevent encampments on sites of exceptional public interest and/or public utility in circumstances where there is a general, as opposed to immediate, threat of an encampment occurring.

Planning and Environment

Jacqueline was part of the team of Landmark counsel instructed by the DfT to defend a number of challenges to the Government's decision in January 2012 to seek powers to construct and operate HS2 Phase 1 by means of Hybrid Bill: *R (Buckinghamshire CC & ors) v Secretary of State for Transport* [2013] EWHC, [2014] UKSC 3). She was part of the team of Counsel instructed to promote the Bill for HS2 Phase 1 through Parliament (the High Speed Rail (London-West Midlands) Act received Royal Assent in February 2017) and is currently instructed, with Tim Mould QC, to promote the Phase 2A (West Midlands - Crewe) Bill.

Jacqueline's planning work encompasses advertising appeals, compulsory purchase & compensation; and statutory development plans (both during examination and legal challenges). Recent Court work includes *Steer v Secretary of State for Communities and Local Government* [2018] EWCA Civ 1697, a challenge to a proposed housing development approximately 1.5 km from the Grade 1 listed Kedleston Hall (for SSCLG). She is currently acting for Network Rail in respect of 2 Transport and Works Act Order applications seeking closure of level crossings within Suffolk and Essex as part of its Anglia Level Crossing Reduction Strategy. Her infrastructure work also includes advising on matters relating to ports, non-mainline railways, and highway improvements.

Jacqueline has also been instructed on a number of matters concerning the Aarhus Convention, and appeared (with James Maurici QC) for United Kingdom before the Aarhus Compliance Committee on two communications concerning the Government's decision to proceed with HS2 (ACCC/C/100 & 101 - decision awaited in ACC/C/100).

She is identified as a leading junior for Planning in *Legal 500* 2017 & 2018 and is described as "Outstanding" (2018) and "*She stands out for her versatility and fierce intellect*" (2017).

Public

Jacqueline undertakes a range of public law work, and has extensive experience in advising, and acting for, local and central government.

She regularly appears in the High Court, acting for a number of Government departments and has also advised or is acting for regulatory bodies, including Ofqual. Cases of note include *R (Hemming) v Westminster City Council* [2015] UKSC 25, in which the Supreme Court decided that the EU Services Directive (2006/123/EC) as implemented by The Provision of Services Regulations 1999 did not preclude a licensing authority or regulatory body from charging a 'success fee' to successful applicants as a condition of holding a licence.

Her public law practice includes information rights: she was instructed (as junior counsel to Tom de la Mare QC) in *Fish Legal v Information Commissioner* [2015] UKUT 0052 (AAC) and has subsequently advised (or acted for) a number of public bodies in respect of requests under the EIR, DPA and FOIA.

Other recent work includes advising local authorities on corporate decision-making powers, recovery of monies under overage clauses on sale of council owned land, and housing matters.

She is identified as a leading junior in Administrative & public law (including local government) in *Legal 500* (2017 & 2018),

described as “outstanding”, “outstanding in this field” (2018) and “*Sharp and strategic, with a relaxed, friendly, hands-on style*” (2017).

Rating and Valuation

Jacqueline acts for a range of clients on rating matters. Recent cases include issues of retrospective business rates liability, business rates liability of social clubs, and allowances to be made at stage 5 of the contractor’s basis of valuation to reflect an imbalance of bargaining power between the hypothetical landlord and tenant. Recent cases include *Celsa Steel (UK) Limited v Webb (VO)* [2017] UKUT133 (LC) (for the Appellant, Celsa Steel) and *Shirley v Park (Valuation Officer)* [2018] UKUT 288 (LC) (for the VOA).

Qualifications

Jacqueline graduated with a BA in Law from Clare College, Cambridge in 2005 (MA, 2009), and with a LL.M. from the University of Chicago Law School in 2006, where she was the University of Cambridge-University of Chicago Gaylord-Donnelley Scholar. She was a recipient of the Gray’s Inn Prince of Wales Scholarship during her BVC year, and a senior scholar of the Inn during her pupillage year (Reid Scholarship).

Stands out for her versatility and fierce intellect

Legal 500

Cases

01 Aug 2018	<i>Shirley v Park (Valuation Officer)</i> [2018] UKUT 288 (LC)
19 Jul 2018	<i>Catesby Estates Ltd v Steer and Secretary of State for Communities and Local Government v Steer</i> [2018] EWCA Civ 1697
20 Jul 2017	<i>R (on the application of Wet Finishing Works) v Taunton and Deane BC</i> [2017] EWHC 1837 (Admin)
27 Mar 2017	<i>Celsa Steel (UK) Limited v Webb (VO)</i> [2017] UKUT133 (LC)
10 Mar 2016	<i>ACCC/C/2014/100&101 HS2 Action Alliance v (1) United Kingdom (2) European Union</i>
09 Jul 2015	<i>Harris v Grace (VO)</i> [2015] UKUT 265 (LC)
29 Apr 2015	<i>R (on the application of Hemming (t/a Simply Pleasure Ltd)) v Westminster City Council</i> [2015] UKSC 25
11 Mar 2015	<i>R (HS2 Action Alliance Ltd & London Borough of Hillingdon) v Secretary of State for Transport</i> [2015] P.T.S.R. 1025
19 Feb 2015	<i>Fish Legal v Information Commissioner</i> [2015] UKUT 52 (AAC)
26 Jan 2015	<i>Trail Riders Fellowship v Secretary of State for the Environment, Food and Rural Affairs</i> [2015] EWHC 85 (Admin)
06 Aug 2014	<i>R (on the application of HS2 Action Alliance Ltd) v Secretary of State for Transport</i> [2014] P.T.S.R. 1334

21 Mar 2014	R (on the application of Matthews) v Secretary of State for Communities and Local Government [2014] EWHC 1299 (Admin)
10 Mar 2014	R (on the application of Kumar) v Secretary of State for the Home Department [2014] EWHC 644 (Admin)
22 Jan 2014	R (HS2 Action Alliance Limited & others) (Appellant) v The Secretary of State for Transport and another [2014] 1 W.L.R. 324
05 Dec 2013	Gordon v Secretary of State for Communities and Local Government [2013] EWHC 4236 (Admin)
28 Oct 2013	Jaytee (Rainton) LLP & ors v Secretary of State for Communities and Local Government [2013] EWHC 2835 (Admin)
24 Jul 2013	HS2 Action Alliance Ltd & others v Secretary of State for Transport [2014] 1 C.M.L.R. 10
24 May 2013	R (Hemming) v Westminster City Council [2012] EWHC 1260 (Admin) / [2013] EWCA Civ 591
15 Mar 2013	R (Buckinghamshire CC, HS2 Action Alliance Ltd and Heathrow Hub Ltd) v Secretary of State for Transport [2013] EWHC 481 (Admin)
22 Feb 2013	R (on the application of Chen) v Secretary of State for the Home Department [2013] EWHC 2635 (Admin)
30 Jan 2013	R (Gallastegui) v Westminster City Council [2012] EWHC 1123 (Admin)/ [2013] EWCA Civ 28
24 Oct 2012	GS (Article 3: Health Cases: India) [2012] UKUT 397 (IAC)
10 Jul 2012	R (on the application of Harrow Community Support Ltd) v Secretary of State for Defence [2012] EWHC 1921 (Admin)
19 Apr 2011	Djanogly v Westminster City Council [2011] EWCA Civ 432
23 Feb 2011	GS (Article 3 - health - exceptionality) India [2011] UKUT 35 (IAC)
05 Nov 2009	R (Health & Safety Executive) v Wolverhampton City Council and Victoria Hall Limited [2009] EWHC 2688 (Admin)

Inquiries

25 Sep 2018	Inquiry into the proposed Network Rail (Essex and others Level Crossing Reduction) Order
02 Jul 2018	Inquiry into the proposed (now confirmed) High Speed Rail (London-West Midlands) (Greatmoor Railing Sidings Etc) Order 2018
30 Apr 2018	Inquiry into the proposed Network Rail (Suffolk Level Crossing Reduction) Order
01 Feb 2018	Mid Sussex Local Plan Examination (2018)
01 Feb 2011	Site at Land At Wild Tracks Ltd, Chippenham Road, Kennett, Newmarket, CB8 7QJ (APP/V0510/C/10/2131649)
01 Jan 2011	Site at Brackenwood, Telegraph Hill, Midhurst, GU29 0BN (APP/L3815/C/10/2131886)

Publications

23 Jun 2020	What can be injuncted?
11 May 2020	Public Participation And Aarhus Protections: An Update
09 Apr 2020	Decision Making & Discharge Of Functions
22 Oct 2019	Cladding And Fire Safety Improvements Post Grenfell
01 Oct 2019	Compulsory Acquisition
10 Jun 2019	Office To Flats Planning Issues
13 May 2019	Update on the scope of public authorities under the EIR
25 Jun 2018	Tips on the process for plan-makers and objectors
14 May 2018	Planning permission and water
25 Apr 2018	The aftermath of Woolway: repeal of the 'staircase tax'
05 Mar 2018	Plan Making: Legal challenges following adoption
25 Sep 2017	CPOs and Compensation: What's new? Injurious affection
26 Jun 2017	The Hybrid Bill Process
26 Apr 2017	Rating: Recent cases/trends (paper)
26 Apr 2017	Rating: Recent cases/trends
30 Jan 2017	The Environmental Information Regulations 2004 – Public Authorities after Fish Legal
27 Apr 2016	Recent Cases/Trends in Rating
19 Oct 2015	Injunctions: The protection of particularly sensitive sites and other recent developments
17 Apr 2013	Insolvency Issues Arising in Possession Actions
01 Nov 2011	Planning & Environmental Law for Property Lawyers – Overview of other environmental regulations relevant to property
27 Sep 2011	Nuts & Bolts Sessions – Insolvency issues arising in possession actions
14 Apr 2010	Protesters, Gypsies & Travellers: Possession after Meier – Procedural Pitfalls
04 Jun 2009	A Practical Guide to Enforcing the Mortgage's Security – Possession Claims Procedure

Landmark Chambers remains fully operational during the Coronavirus (COVID-19) crisis

We would like to reassure you that Landmark Chambers remains fully operational and able to support your needs. Our barristers and staff are now working remotely and we have the technology in place to continue providing our normal level of service during this unprecedented time.

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