



Matthew Dale-Harris

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Expertise

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

Overview

Matthew is a planning and property law specialist.

In planning law he regularly appears for local authorities, developers, NGOs and local community groups at public inquiries, hearings and in the High Court. He has a particular interest in environmental issues and produces content for a number of practitioner texts including the Planning Encyclopedia and Garner's Environmental Law as well as being the Editor of the Environment section of the Civil Court Practice. His recent appeal inquiry caseload has included a number of high profile schemes engaging Green Belt, housing supply, heritage and habitats issues. Matthew enjoys rights of way work and has appeared for landowners at village green and Definitive Map order inquiries. He also acts in planning crime matters, including POCA proceedings, and has appeared in both the magistrates and crown courts.

In property law, Matthew has a particular expertise in leasehold enfranchisement work but also frequently advises and acts across a range of residential and commercial landlord and tenant disputes.

Beyond the scope of his day to day practice Matthew enjoys giving talks and seminars and recently had a lot of fun putting the emerging minds of the RTPI Young Planner's Conference to the test.

Matthew's most significant cases and inquiries can be accessed by clicking the links to the right, for more detail of his practice in specific areas please also click the links under 'Expertise'.

Matthew is a member of the UK Environmental Law Association, the Planning Bar Association, the Chancery Bar Association, and the Procurement Lawyers Association.

Planning Law

Planning is Matthew's principal area of practice and he represents developers, local authorities and a range of other parties (including NGOs, individuals, community groups, parish councils and residents' associations). His practice is broad and he is familiar with the law of town and country planning at every stage of the process (from plan-making to POCA) as well infrastructure planning under the Planning Act 2008 and planning enforcement at inquiry and in the criminal courts.

Recent work has involved a particular focus on heritage issues. Two recent call-in inquiries (decisions pending) have seen him appear for Bolton Council supporting a scheme to develop a new Ryder Cup standard golf course within an 18/19th century Registered Park and for Save Britain's Heritage as an objector to a proposal to construct a 20 storey tower at Anglia Square, a part of the historic core of Norwich.

See links on the right of the page for his recent inquiries and High Court cases.

Matthew assists the editors of the Planning Encyclopedia, for which he has provided contributions in relation to plans and plan-making, as well as plan-making, development control, enforcement, and infrastructure delivery. He is also a contributor to Garner's Environmental Law in relation to which he writes the chapter on Strategic Environmental Assessment) and is the editor of the Environment section of the Civil Court Practice 2019 (The Green Book). This reflects his particular interest in the environmental aspects of planning work in which respect he has worked on issues relating to EIA, SEA, land contamination, the Water Framework Directive and Habitats Directive including in relation to infrastructure projects such as Gatwick's proposed second runway and proposal to change the use of its backup runway.

He is also currently working on a book (with other members of chambers) on planning in National Parks and AONBs.

Matthew is regularly instructed in relation to infrastructure and plan making. Recent experiences include:

- Advising landowners in relation to the M25 Junction 10/A3 Wisley interchange.
- Appearing for Gatwick Airport Limited at the examination of the Reigate and Banstead Local Plan.
- Advising Gatwick Airports Limited as part of a team of Landmark Counsel on the Government's Airports NPS
- Appearing for Friends of the Earth at a number of hearing in relation to the *North Yorkshire Minerals and Waste Plan* (fracking)
- Appearing for Save Maccsfield Green Belt (a local residents group) at the examination into the *Cheshire East Local Plan*,
- *Walsall MBC Site Allocation Document and Area Action Plan*: Advising Walsall Metropolitan Borough Council (with James Maurici QC) in relation to habitats issues arising around promotion of local plans.

Matthew enjoys the collegiality of the planning profession and has given talks and training to local authorities across the country as well as participating in RTPI training and at the RTPI Young Planner's Conference.

Property and Leasehold Enfranchisement Law

Matthew has a busy property practice with a particular focus on leasehold extensions and enfranchisement and regularly appears in the county court and First Tier Residential Property Tribunal.

Before joining Landmark Matthew acted as a duty advisor in residential possession claims at Willesden County Court. During pupillage he also gained experience of a wide range of other property matters including restrictive covenants, boundary disputes, landlord and tenant claims (both residential and commercial), forfeiture actions, village greens, and a variety of issues in leasehold enfranchisement and property valuation.

Matthew regularly appears in the county courts on a wide range of possession and 1954 Act matters, including a claims against trespassers and forfeiture proceedings. He has sought and obtained vesting orders under Part III of the 1987 Act and under s.44

of the Trustee Act 1925. He also has experience of dealing with bankruptcy applications, and with applications for charging orders and orders for the sale of a property.

Recent appearances have included:

- Y Crwys Village Green Inquiry: appeared for landowner responding to village green application in the centre of Y Crwys village.
- *Larwood v Kinnish* (B00SS482): appeared for claimant seeking possession of land and facing a counterclaim for adverse possession.
- Appearances in the county court in full trials relating to boundary disputes, possession, rights of way, the existence of agricultural tenancies and harassments claims.
- Appearances in the First Tier Tribunal (Residential Tribunal) in relation to a contested application for a declaration of breach of covenant.

Matthew's advisory and drafting work has raised issues across property law including forfeiture, mortgages, party wall/boundary issues, property injunctions, severance, land registration, and the enforceability of section 106 agreements.

He frequently gives talks and seminars and is currently organising (with Matthew Fraser) a Landmark Chambers five-part series covering the "Nuts and Bolts of Property Law".

Leasehold Enfranchisement

Prior to starting practice, Matthew was a pupil to Tom Jefferies and worked on a number of leasehold enfranchisement matters including a contested valuation hearing of a high value house in Mayfair, a complex enfranchisement of blocks of flats in West Kensington, and a restrictive covenant dispute in Westminster.

Recent enfranchisement and leasehold extension work includes successful appearances in the FTT in a variety of 1993 Act claims (relating to lease terms, purchase price and other issues), and in the county court in relation to a contested notice of claim under the 1967 Act. His advisory work often involves reviewing notices and helping to untangle the knotty procedural traps which the legislation specializes in. In this context, he often works with both solicitors and valuers.

Matthew is instructed regularly in relation to all areas of leasehold enfranchisement law and strategy and assist with drafting, advisory work and with advocacy in the Tribunal. He has recently given a talk in chambers on the validity of notices and wider questions of strategy and procedure under Part 1 of the 1993 Act. Notable recent work includes:

- Multiple appearances in the Residential Property Tribunal for tenants seeking determination of the price to be paid for the freehold under the 1993 Act. A recent example was *Perrott (and Ors) v Perry* in which he successfully cross examined the respondent's valuer, obtaining an acceptance that his client's valuer had given a more useful valuation of the premium.
- Advising clients in the context of a county court challenge to the validity of a tenants' notice under the 1967 Act on the question of whether a property was a house reasonably so called.
- Advising clients in relation to the time limits applicable under the 1993 and 1967 Acts.
- Appearing in the Residential Property Tribunal for tenants seeking determination of the terms of a new lease to be granted under s.42 of the 1993 Act.

He is a member of the Property Bar Association.

Public and Environment (including EU)

Matthew's public law practice is broad one, including a wide range of fields including the environment, social security, unlawful detention and immigration, public land disposal, and health care law.

He is a contributor to Garner's Environmental Law in relation to which he writes the chapter on Strategic Environmental Assessment (with Charles Banner) and is the editor of the Environment section of the Civil Court Practice 2017 (The Green Book). He also has a particular interest in public procurement, in which respect he recently appeared (with David Smith) for the claimants in a litigation in the High Court concerning a £108m development agreement for the regeneration of Farnham town centre.

He regularly drafts claims and has appeared in the Administrative Court on a number occasions. He also has experience of drafting summary grounds of resistance for central government through GLD's baby barrister scheme. Recent high court work includes:

- *R (Shirley) v SSCLG* (CO/690/2017) acting (with Reuben Taylor QC) for a developer in response to a judicial review alleging that the Secretary of State's refusal to call in an application was in breach of the Air Quality Directive.

- *Wylde v Waverley BC* [2017] EWHC 466 (Admin): appeared (with David Smith) for the claimants in public procurement litigation in the High Court concerning a £108m development agreement for the regeneration of Farnham town centre.
- *R (Friends of the Earth) v Welsh Ministers* [2015] P.T.S.R. D28: Appeared (with Alex Goodman) for Friends of the Earth in a judicial review of the decision of the Welsh Ministers to adopt a plan to build a new motorway through the Gwent levels to the south of Newport (on grounds relating to SEA).

Outside of the High Court, Matthew regularly appears in the First Tier Tribunal (IAC) and (Social Security) and in the Upper Tribunal (IAC) (including a recent successful urgent application to stay removal directions), and on a substantive appeal. His advisory practice is very broad and has involved working for NGOs such as Friends of the Earth in investigating potential challenges especially in relating to fracking and other forms of mineral exploration and exploitation.

As a former paralegal at a leading firm of environmental claimant solicitors he has a practical and hands on approach to the demands of bringing a judicial review claim, and has recently given two talks on "How to Get a JR Claim off the Ground".

Rating and Compulsory Purchase Work

Matthew has a busy rating practice and regularly appears in the magistrates' court and advises in relation to council tax and non-domestic rates. Recent work includes:

- *Serpes v City of London* [2017] EWHC 1241 (Ch): successfully resisted an appeal in the High Court brought by a ratepayer in respect of unoccupied commercial property rates.
- Regular appearances in the magistrates' court for rate payers on cases raising questions in relation to charitable exemption; empty property relief; unoccupied property exemptions; rateable occupation; and jurisdictional questions.
- He is currently acting for Aldi in relation to a valuation appeal which raises interesting issues as to the weight to be given to a lease, granted at a reverse premium.

His compulsory purchase practice involves both advisory and inquiry work, in which respect he has previously appeared at:

- Ealing Filmworks Scheme CPO: appeared for London Borough of Ealing (as Promoting Authority) on a ten day inquiry into a CPO brought forward to enable the Land Securities' mixed use leisure, retail and commercial scheme to be built (with Neil King QC). Key issues included the benefits which the scheme would deliver and whether an alternative to the CPO had been properly considered.
- Brentford Football Stadium CPO Inquiry: appeared for First Industrial Ltd, statutory objectors to the Brentford Football Stadium CPO, over a nine-day inquiry (as junior to Neil King QC).

Matthew's practice frequently involves issues of valuation (whether in the context of CPO, rates, leasehold enfranchisement, or commercial rent review).

Qualifications

Academic

- 2006-9: BA (Hons) History, Durham University (First)
- 2009-10: MSt Late Antique History, Art and Archaeology, Oxford University (Distinction)
- 2010-11: Graduate Diploma in Law, Oxford Brookes (Distinction)

Professional

- 2011-12: Bar Professional Training Course, Kaplan Law School (Very Competent)

Cases

18 Jan 2021	<i>Wild Justice v Natural Resources Wales</i> [2021] EWHC 35 (Admin)
26 Mar 2015	<i>R (Friends of the Earth) v Welsh Ministers</i> [2015] P.T.S.R. D28
18 Dec 2014	<i>R (Howard) v Wigan Council</i> [2015] Env. L.R. D5

Inquiries

28 Jan 2020	Anglia Square Redevelopment, Norwich
01 Oct 2019	Hulton Park, Bolton
21 May 2019	Land south and west of Takeley Road, Uttlesford
19 Mar 2019	St Patrick's Hall, Reading
04 Sep 2018	Land north and south of the Flicht Way, Braintree (led by Christopher Katkowski QC)
14 Mar 2016	Proposed residential development at Land South of Weston Road
24 Nov 2015	89 Martindale Road, TW4
16 Nov 2015	Land at Worldwide Butterflies Site, West Dorset
08 Sep 2015	Brentford Community Football Stadium CPO Inquiry
14 Apr 2015	Ealing Filmworks CPO

Publications

11 Mar 2021	Thorny Issues in Planning Enforcement
11 Mar 2021	Planning Law Update for Local Authorities: Technical Issues for Planning Authorities
02 Nov 2020	Role of NPAs and AONBs in the planning system
02 Nov 2020	'Planning and Rights of Way in National Parks, the Broads and AONBs - book launch webinar
27 Jul 2020	Executing the land acquisition strategy: early payments and engagement
27 Jul 2020	Delivering Major Infrastructure: Part 3 - Executing the land acquisition strategy - Webinar
17 Jun 2020	Planning in England: Repowering under the NPPF
17 Jun 2020	Repowering Onshore: Planning for Onshore Wind in England, Wales and Northern Ireland - Webinar
27 May 2020	Issues with Insolvent Tenants
27 May 2020	Property In Quarantine: Liquidation Foundation: The Basics of Property Insolvency - Part 4: Bankrupt individuals and property - Webinar
14 May 2020	VSC - What Needs To Be Shown: A round-up of recent planning appeals
14 May 2020	Developing In The Green Belt - Webinar
11 May 2020	Current Issues in Environmental Law Part 2: Public Participation, SEA and SSSIs - Webinar
11 May 2020	The domestic habitats regime: where now for SSSIs in post-Brexit Britain?

12 Feb 2019	Air Quality: An update
19 Nov 2018	EIA and SEA Update
14 May 2018	Flooding and Drought
30 Apr 2018	Influencing and challenging the content of Local Plans
23 Apr 2018	Collective Enfranchisement: Requirements for a collective claim (Paper)
23 Apr 2018	Collective Enfranchisement: Requirements for a collective claim (Presentation)
06 Nov 2017	Recent developments in air quality law
25 Sep 2017	Advance payments under Section 52 of the Land Compensation Act 1973
20 Sep 2017	Consents - A step-by-step guide to Alienation Covenants
28 Jun 2017	1954 Act Renewals: Grounds of Opposition
25 Jun 2017	Lease extension claims under the 1993 Act: Procedure - Opportunities and Pitfalls
03 Oct 2016	Housing & Planning Act 2016
14 Jan 2016	How to Get a Claim Off the Ground
09 Nov 2015	Collective Enfranchisement: The requirements for a collective claim
30 Jun 2015	Neighbourhood Planning: Outline of the legal frame work
29 Jan 2015	Enfranchisement Notices: Validity and Amendment