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Expertise

Planning, Environment, Public, Property

Overview

Matthew has a broad practice in public law, planning law and environmental law. He also has expertise in property law.

He is a member of the Attorney General's C Panel of Counsel.

Matthew is ranked by the Legal 500 as a "Rising Star" in planning law: *"An up-and-coming junior who is regarded by the senior QCs in Chambers as a trusted junior. Personable and responsive"*.

Matthew has been ranked among the top barristers in planning law under the age of 35 in the Planning Magazine's 2018, 2019 and 2020 Legal Surveys.

He read Philosophy, Politics and Economics at the University of Oxford (Balliol College), before completing an LLM (Qualifying Law Degree) at Birkbeck, University of London, and the BPTC at City University.

Recent highlights of his practice include:

- **RR v SSWP** [2019] 1 W.L.R. 6430 – Major constitutional case in the Supreme Court about what remedy a tribunal can grant to victims of the bedroom tax – acted for the successful appellant.
- **Aireborough Neighbourhood Development Forum v Leeds City Council** [2020] 1 W.L.R. 2355; [2020] 1461 (Admin); [2020] EWHC 2183 (Admin) – Challenge to the Leeds Site Allocations Plan (three judgments dealing with: legal capacity to bring proceedings; the substantive claim; relief).
- **Kaitey v SSHD** [2020] EWHC 1861 (Admin) – Challenge to the lawfulness of imposing conditional immigration bail on people whose detention would be unlawful (permission to appeal to the Court of Appeal granted).
- **Monkhill Ltd v SSHCLG** [2020] J.P.L. 175 – Meaning of policies providing a “clear reason for refusal” in National Planning Policy Framework para. 11(d) (appeal to Court of Appeal pending).
- **Peel Investments (North) Ltd v SSHCLG** [2020] J.P.L. 278 – Meaning of “out-of-date” in National Planning Policy Framework para. 11(d) (appeal to Court of Appeal pending).
- **Tower Hamlets LBC v SSHCLG** [2020] P.T.S.R. 111 – Interpretation of National Planning Policy Framework para. 196 on harm to heritage assets.
- **HJ Banks & Company Ltd v SSHCLG** [2019] P.T.S.R. 668 – a challenge to the decision to refuse planning permission for a new open-cast coal mine (acting for Friends of the Earth).

More information on specific practice areas can be found under the ‘Expertise’ tab.

Planning & Compulsory Purchase

Matthew has been consistently ranked among the top barristers in planning law under the age of 35 in the Planning Magazine’s 2018, 2019 and 2020 Legal Surveys. His advocacy and advisory practice extends to all areas of planning and compulsory purchase law.

Matthew is ranked by the Legal 500 as a “Rising Star” in planning law: *“An up-and-coming junior who is regarded by the senior QCs in Chambers as a trusted junior. Personable and responsive”*.

Current planning court cases include:

- **R (Sarah Finch) v Surrey County Council** (2020/0351) – judicial review of grant of planning permission for oil extraction wells (awaiting substantive hearing after permission granted by Court of Appeal).
- **Monkhill Ltd v SSHCLG** [2020] J.P.L. 175 – Meaning of policies providing a “clear reason for refusal” in National Planning Policy Framework para. 11(d) (appeal to Court of Appeal pending).
- **R (Asda Stores Limited) v Leeds City Council** [2020] P.T.S.R. 874 – judicial review concerning the meaning of retail policy in the National Planning Policy Framework (appeal to Court of Appeal pending).
- **Elmbridge District Council v R (Davison)** [2020] 1 P. & C.R. 1 – judicial review concerning the materiality of previous planning decisions quashed by the court (appeal to Court of Appeal pending).
- **Abbey Properties v East Cambridgeshire District Council** (CO/1007/2020) – judicial review of decision to proceed to referendum of Witchford Neighbourhood Plan (permission granted, awaiting substantive hearing).

Recent planning court cases include:

- **Peel Investments (North) Ltd v SSHCLG** [2020] EWCA Civ 1175 – Meaning of “out-of-date” in National Planning Policy Framework para. 11(d).
- **Rectory Homes v SSHCLG** [2020] EWHC 2098 (Admin) – s.288 challenge to Inspector’s decision concerning approach to C2 and C3 use classes and the meaning of “housing” in local policy.
- **Aireborough Neighbourhood Development Forum v Leeds City Council** [2020] 1 W.L.R. 2355; [2020] 1461 (Admin); [2020] EWHC 2183 (Admin) – Challenge to the Leeds Site Allocations Plan (three judgments dealing with: legal capacity to bring proceedings; the substantive claim; relief).
- **Keep Bourne End Green v Wycombe Council** [2020] EWHC 1984 (Admin) – s.113 challenge to Wycombe Local Plan

(represented successful council at permission stage).

- **Advearse v Dorset Council** [2020] EWHC 807 (Admin) – judicial review of decision to grant planning permission for major development in the Dorset AONB (acted for successful council).
- **Craven District Council v SSHCLG** (CO/58/2020) – s.288 challenge to an Inspector’s decision to grant planning permission for housing development (permission refused at oral renewal hearing; acted for successful IP).
- **Monkhill Ltd v SSHCLG** [2020] J.P.L. 175 – s.288 challenge concerning the meaning of policies providing a “clear reason for refusal” in National Planning Policy Framework para. 11(d) (appeal to Court of Appeal pending).
- **Peel Investments (North) Ltd v SSHCLG** [2020] J.P.L. 278 – Meaning of “out-of-date” in National Planning Policy Framework para. 11(d) (appeal to Court of Appeal pending).
- **Tower Hamlets LBC v SSHCLG** [2020] P.T.S.R. 111 – Interpretation of National Planning Policy Framework para. 196 on harm to heritage assets.
- **Xyan Holdings v SSHCLG** [2019] EWHC 2907 (Admin) – s.288 challenge raising issues of interpretation of affordable housing policy in the London Plan and local plan.
- **R (Locke) v Newcastle City Council** (CO/4426/2019) – permission refused in judicial review of a grant of planning permission for 1,200 homes in Newcastle Great Park.
- **HJ Banks & Company Ltd v SSHCLG** [2019] P.T.S.R. 668 – a challenge to the decision to refuse planning permission for a new open-cast coal mine (acting for Friends of the Earth).
- **R (Gorst Energy) v East Devon District Council** (CO/4635/2019) – challenge to a Breach of Condition Notice.
- **Dover DC & China Gateway International Ltd v CPRE Kent** [2018] 1 W.L.R. 108 – Leading case in the Supreme Court concerning the duty on local authorities to give reasons for planning decisions.
- **William Davis Ltd v Charnwood BC** [2018] J.P.L. 549 – acted for five major housebuilders in a successful challenge concerning the lawfulness of a Supplementary Planning Document housing mix policy.
- **Eatherley v Camden LBC** [2017] P.T.S.R. 288 – key case defining the scope of permitted development rights for basements (acted for the successful claimant).
- **Basildon Council v Whiting** (HQ18X03326) – successful multi-hearing proceedings in High Court seeking an injunction to restrain unauthorised development.
Recent planning inquiries and hearings include:

Recent planning inquiries and hearings include:

- *Oyster Trestles, Whitstable* – 3-week public inquiry acting for Whitstable Oyster Company appealing an Enforcement Notice seeking removal of oyster trestles on Whitstable foreshore – March – April 2020
- *Land East of Loxwood Road, Alfold* – 4-day inquiry concerning a housing scheme in the countryside of Waverley – January 2020
- *Missanda, Wells Lane, Ascot* – 1 day hearing concerning an appeal against refusal to discharge planning conditions for housing scheme – January 2020
- *Holly House, Harpsden* – 8 day inquiry concerning a property in the Chilterns AONB – April, September & December 2019
- *Swanley Town Centre Regeneration, Swanley* – 4 day inquiry acting for the successful appellant seeking permission for mixed-use regeneration – June 2019
- *Waterside Holiday Park, Essex* – 3 day inquiry acting for the successful local planning authority resisting an LDC appeal relating to a caravan park – March 2019
- *Land south of Gloucester Road, Thornbury* – 4 week inquiry for Rule 6 party (Tortworth Estate / St Modwen) opposing 370-home scheme – January to March 2019
- *Former Kumor Nursery, Dover* – three day inquiry for LPA successfully resisting appeal concerning 60-home scheme – December 2018
- *Whitecap Mushroom Farm, Mayland* – two day inquiry for a Lawful Development Certificate appeal, acting for Maldon DC – November 2018
- *Land East of Park Road, Didcot* – four-day inquiry concerning 135 homes in South Oxfordshire, acting for the developer – May 2018

- *Racton View, Chichester* – one day enforcement inquiry acting for Chichester District Council concerning a chicken farm – May 2018
- *Earl Road, Handforth* – five-week inquiry acting for a retail developer in a called-in application in Handforth Dean, Cheshire East – January to April 2018
- *Worsley Greenway, Salford* – four-week inquiry acting for Manchester City Council resisting a 600-dwelling (plus marina, retail and café) appeal – February to March 2018
- *South Eden Park Road, Bromley* – four-day circa-100 home inquiry, acting for Bromley Council – January 2018
- *Flatts Lane, Redcar* – acted for a housebuilder in a successful appeal concerning a 400-home scheme – April 2017
- *King v Maldon DC* – acted for the council in successfully resisting an enforcement appeal raising issues of deliberate concealment – March 2017
- *Gorstyhill “Wychwood Village Extension”, Crewe* – acted for Cheshire East Council successfully resisting a recovered appeal concerning a 900-home scheme – February 2017
- *Fontwell Avenue, Fontwell* – acted for the successful developer in an inquiry concerning a called-in application for a 400-home residential and employment scheme in West Sussex, raising issues of conflict with made and emerging neighbourhood plans – November 2016
- *Cheshire East Local Plan examination hearings* – acting for Cheshire East Council – September to October 2016
- *Olney Rugby Club footpath inquiry* – successfully represented a rugby club in a public inquiry to determine the existence of a right of way over the club’s land – May 2016
- *Ahmed v Brent Council* – acted for successful appellant in an enforcement inquiry concerning issues of deliberate concealment – November 2015

Current / recent compulsory purchase work:

- *References in the Upper Tribunal (Lands Chamber) relating to compensation payable for the acquisition of the Euston Estates for HS2* – acting for the Secretary of State for Transport in a major compensation dispute arising from the compulsory purchase of land around Euston Station for the purposes of constructing HS2 and station redevelopment.
- *Land at the former Redcar Steel Works, Redcar* – 3-week public inquiry concerning the South Tees Development Corporation’s CPO for major industrial regeneration scheme – February 2020.

Matthew regularly advises developers, local government, community groups and individuals about a wide range of planning and compulsory purchase issues. In addition to his civil practice, he has regular experience prosecuting and defending in criminal planning enforcement proceedings, as well as acting in appeals against other statutory notices, in the Magistrates’ Court and the Crown Court.

Matthew is a Contributing Editor to the Encyclopedia of Planning Law and Practice, and a member of the Planning and Environmental Bar Association and the UK Environmental Lawyers’ Association.

Environment

Matthew is an experienced environmental lawyer. Much of his planning work engages environmental issues including climate change, air quality, ecology and biodiversity, waste and landfill, land contamination, and arboriculture.

Recent work includes:

- ***R (Sarah Finch) v Surrey County Council*** (2020/0351) – judicial review of grant of planning permission for oil extraction wells (awaiting substantive hearing after permission granted by Court of Appeal).
- ***Abbey Properties v East Cambridgeshire District Council*** (CO/1007/2020) – judicial review of decision to proceed to referendum of Witchford Neighbourhood Plan (permission granted, awaiting substantive hearing).
- ***HJ Banks & Company Ltd v SSHCLG*** [2019] P.T.S.R. 668 – a challenge to the decision to refuse planning permission for a new open-cast coal mine (acting for Friends of the Earth).
- ***Dillner v Sheffield City Council*** [2016] Env. L.R. 31 – acted for the successful interested party resisting a judicial review concerning the lawfulness of tree-felling highway maintenance operations.
- ***Jim 2 Ltd v Walsall MBC*** – acted for the council in a two-week public inquiry to determine a contaminated land appeal

under Part IIA of the Environmental Protection Act 1990 (the second ever inquiry in the history of the regime).

- Advising a leading climate change campaign group in respect of Brexit legislation relating to the environment.
- Advising landfill operators concerning the Environment Agency's regulatory charging regime.

He is a member of the UK Environmental Lawyers Association.

Public

Matthew has a broad practice across a range of areas within public law. He is regularly instructed by local authorities, central government departments, private individuals and companies, local groups, NGOs and charities. He is a member of the Attorney General's C Panel of Counsel. He is currently instructed in litigation and advisory matters by the Department for Work and Pensions and the Cabinet Office.

While much of his work relates to planning and environmental law as sub-categories of public law, his practice also extends to a wide array of public law fields including immigration, social security, healthcare, human rights, protest and civil liberties.

Recent work includes:

- **RR v SSWP** [2019] 1 W.L.R. 6430 – Major constitutional case in the Supreme Court about what remedy a tribunal can grant to victims of the bedroom tax – acted for the successful appellant.
- **Kaitey v SSHD** [2020] EWHC 1861 (Admin) – Challenge to the lawfulness of imposing conditional immigration bail on people whose detention would be unlawful (permission to appeal to the Court of Appeal granted).
- **KT and SH v Secretary of State for Work and Pensions** [2020] UKUT 252 (AAC) – How to approach in PIP decisions the risk of fire to deaf people while they wash.
- **Dover DC & China Gateway International Ltd v CPRE Kent** [2018] 1 W.L.R. 108 – Leading case in the Supreme Court concerning the duty on local authorities to give reasons for planning decisions.
- **Aireborough Neighbourhood Development Forum v Leeds City Council** [2020] 1 W.L.R. 2355 – Whether unincorporated associations have legal capacity to issue proceedings.
- **HJ Banks & Company Ltd v SSHCLG** [2019] P.T.S.R. 668 – a challenge to the decision to refuse planning permission for a new open-cast coal mine (acting for Friends of the Earth).
- **RJ, GMCL and CS v Secretary of State for Work and Pensions v RJ (PIP)** [2017] UKUT 105 (AAC) – three-judge panel of the Upper Tribunal in a case concerning the interpretation of the meaning of “safely” in the Personal Independence Payment Regulations 2013 (acting pro bono for the National Deaf Children's Society).
- **Antoniades (No.2) & Others v The Administrator of the Sovereign Base Areas of Akrotiri and Dhekelia** – Acting for the Administrator in the Sovereign Base Areas in Cyprus, defending a long-running judicial review brought by several hundred local employees concerning civil service pay reductions.
- **Bufalo v SSHD; Moradi v SSHD; TDZ v SSHD; Wiles v SSHD** – Acting pro bono (through the AIRE Centre) in multiple successful appeals by EEA nationals against Deportation Orders.

He has also recently been acting with David Lock QC in two significant healthcare cases:

- Advising an NHS Trust in respect of issues arising following the first instance judgment in **R (Bayer Plc and Novartis) v NHS Darlington Clinical Commissioning Groups (CCG) & Ors** [2018] EWHC 2465 (Admin);
- Advising a care home provider concerning a proposed judicial review of a local authority purporting to exercise a regulatory function reserved to the Care Quality Commission.

He has considerable expertise in planning and environmental law (see separate tabs), and regularly advises on cases that combine public and property law.

Matthew regularly acts for claimants in judicial review claims challenging detention and deportation, and he also acts for appellants in the First-Tier Tribunal (Immigration and Asylum Chamber) and in the Upper Tribunal (Immigration and Asylum Chamber).

He regularly acts pro bono, in particular for the AIRE Centre and the National Deaf Children's Society.

Prior to joining Landmark Chambers, Matthew was a Legal Assistant at the European Council of Refugees and Exiles in Brussels, Belgium. He has also volunteered for a number of legal charities in London, including the Free Representation Unit, the Afghan

and Central Asia Association, the National Centre for Domestic Violence, the Bar Pro Bono Unit, Southwark Law Centre and the Refugee Children's Rights Project.

Property

Matthew has a property practice with particular expertise in cases that require knowledge of planning, environmental and public law. Recent work includes:

- Acting for a high-profile UK retailer in injunction proceedings against trespassers across a number of different sites.
 - Acting for a major gas transporter in a successful urgent application in the High Court for an interim injunction preventing development works in the vicinity of a high-pressure pipeline.
 - Successfully representing a group of Right-to-Buy leaseholders in resisting a £50,000 service charge demand per flat in the First-Tier Tribunal: see News Item.
 - An arbitration, led by Katharine Holland QC, over the interpretation of compensation clauses in a pipeline easement deed.
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Cases

- **Peel Investments (North) Ltd v SSHCLG** [2020] EWCA Civ 1175
- **KT and SH v Secretary of State for Work and Pensions** [2020] UKUT 252 (AAC)
- **Kaitey v SSHD** [2020] EWHC 1861 (Admin) (deleting the existing Kaitey entry)
- **Keep Bourne End Green v Wycombe Council** [2020] EWHC 1984 (Admin)
- **Aireborough Neighbourhood Development Forum v Leeds City Council** [2020] 1 W.L.R. 2355; [2020] 1461 (Admin); [2020] EWHC 2183 (Admin)
- **R (Sarah Finch) v Surrey County Council** (2020/0351)
- **Craven District Council v SSHCLG** (CO/58/2020)
- **Elmbridge District Council v R (Davison)** [2020] 1 P. & C.R. 1
- **R (Asda Stores Limited) v Leeds City Council** [2020] P.T.S.R. 874
- **Rectory Homes v SSHCLG** [2020] EWHC 2098 (Admin)
- **Abbey Properties v East Cambridgeshire District Council** (CO/1007/2020)
- **Advearse v Dorset Council** [2020] EWHC 807 (Admin)
- **Monkhill Ltd v SSHCLG** [2020] J.P.L. 175
- **Tower Hamlets LBC v SSHCLG** [2020] P.T.S.R. 111
- **RR v SSWP** [2019] 1 W.L.R. 6430
- **Xyan Holdings v SSHCLG** [2019] EWHC 2907 (Admin)
- **R (Locke) v Newcastle City Council** (CO/4426/2019)
- **Lin De Pan v SSHD** (CO/3467/2019)
- **HJ Banks & Company Ltd v SSHCLG** [2019] P.T.S.R. 668
- **R (Gorst Energy) v East Devon District Council** (CO/4635/2019)
- **Dover DC & China Gateway International Ltd v CPRE Kent** [2018] 1 W.L.R. 108
- **William Davis Ltd v Charnwood BC** [2018] J.P.L. 549
- **Eatherley v Camden LBC** [2017] P.T.S.R. 288
- **RJ, GMcL and CS v Secretary of State for Work and Pensions v RJ (PIP)** [2017] UKUT 105 (AAC)

- **Basildon Council v Whiting** (HQ18X03326)
- **Dillner v Sheffield City Council** [2016] Env. L.R. 31
- **Antoniades (No.2) & Others v The Administrator of the Sovereign Base Areas of Akrotiri and Dhekelia** (1/2015, 4/2015, 5/2015)

Qualifications

- Balliol College, University of Oxford (BA, Philosophy, Politics and Economics)
- Birkbeck, University of London (Distinction, LLM Qualifying Law Degree)
- City University London (Outstanding, BPTC)

Scholarships and Awards

- Inner Temple Major Scholarship
- The William Rose Memorial Prize for Excellence in Drafting (for the highest mark in the BPTC drafting assessment)
- The Sibel Dedezade Pro Bono Award (for exceptional pro bono work)
- Winner of the Human Rights Lawyers' Association Judicial Review Competition 2013
- Winner of the Access to Justice Foundation Student Essay Competition 2013
- Highest ranked UK team, International Monroe E. Price Media Law Moot
- Balliol College Markby Exhibitioner

Personable and responsive

Legal 500

Inquiries

01 Mar 2020	Oyster Trestles, Whitstable
01 Feb 2020	Land at the former Redcar Steel Works, Redcar
01 Jan 2020	Land East of Loxwood Road, Alford
01 Jan 2020	Missanda, Wells Lane, Ascot
04 Jun 2019	Swanley Town Centre Regeneration, Swanley
02 Apr 2019	Holly House, Harpsden
12 Mar 2019	Waterside Holiday Park, Essex
21 Jan 2019	Land South of Gloucester Road, Thornbury
04 Dec 2018	Former Kumor Nursery, Sandwich
20 Nov 2018	Whitecap Mushroom Farm, Maldon
22 May 2018	Land East of Park Road, Didcot
01 May 2018	Racton View, Westbourne
20 Feb 2018	Broadoak, Worsley

23 Jan 2018	Handforth Dean Retail Park, Cheshire
09 Jan 2018	South Eden Park Road, Bromley
05 Sep 2017	324 Philip Lane, Hackney
05 Jul 2017	Potters Farm, Bromley
25 Apr 2017	Flatts Lane, Redcar
14 Mar 2017	Oakfield Farm, Essex
01 Feb 2017	Gorstyhill 'Wychwood Village Extension', Crewe
01 Nov 2016	Land East of Fontwell Avenue, Fontwell
27 Sep 2016	Cheshire East Local Plan Examination
19 May 2016	Footpath - Carey Way to Footpath 1 near Clifton Bridge, Olney
08 Dec 2015	Recovered Part IIA contaminated land appeal opens
08 Dec 2015	Stonegate Housing Estate, Walsall
24 Nov 2015	37 The Circle, London

Publications

15 Mar 2021	LPAs resisting written representations appeals
15 Mar 2021	Planning Law Update for Local Authorities: Dealing with Appeals
21 Jan 2021	Planning Case Law in 2020: A re-cap - webinar
16 Nov 2020	SEA and EIA case law: review of the year
16 Nov 2020	Planning High Court Challenges Annual Conference, Part 1 - webinar
23 Jul 2020	The objector's perspective: opposing acquisition
23 Jul 2020	Delivering Major Infrastructure: Part 2 - Justifying the land acquisition strategy - Webinar
14 Jul 2020	Planning Shorts - Episode 5: Covid-19 Recovery: What's in the Business and Planning Bill?
07 Jul 2020	Planning Shorts - Episode 4: How is Covid 19 affecting HLS and what is the Government's response?
30 Jun 2020	Planning Shorts - Episode 3: Just how tilted is the tilted balance?
23 Jun 2020	Planning Shorts - Episode 2: Is the Planning System ripe for reform?
16 Jun 2020	Planning Shorts - Episode 1: Is the Planning System Rigged?
08 Jun 2020	The Environment Bill: Policy Objectives for Biodiversity and Local Nature Recovery Strategies

08 Jun 2020	Current Issues in Environmental Law Part 4: The Environment Bill, biodiversity net gain and nature conservation - Webinar
08 Jun 2020	EU Settlement Scheme - Current Issues
08 Jun 2020	EU free movement law and the EU settlement scheme - Webinar
21 May 2020	The proposed extension of police powers against unauthorised encampments
21 May 2020	Injunctions etc against protesters and travellers - Webinar
22 Apr 2020	A Comprehensive Guide to the Latest Planning Law, Practice and Policy (Part Two) - Webinar
22 Apr 2020	The Top Ten Secretary Of State Planning Decisions over the past year
07 Oct 2019	Habitats Law Update
04 Jul 2019	Appendix EU - An Overview
28 Jun 2019	Environmental Law - Case Law Update
27 Jun 2019	Environmental Impact Assessment
25 Mar 2019	Litigating In The First Tier Tribunal (General Regulatory Chamber) Environment Chamber - Jurisdiction, Practice And Procedure (including Costs)
28 Nov 2018	EEA Deportation: Recent cases
30 Oct 2018	Cladding and Fire Safety Improvements post-Grenfell
03 Oct 2018	Deportation and Article 8 ECHR
13 Sep 2018	Trafficking and immigration status
16 May 2018	Brexit and Immigration: Citizens' Rights in the Draft Withdrawal Agreement - Implementation
09 May 2018	Damages for Unlawful Immigration Detention: Recent cases
23 Apr 2018	Collective Enfranchisement: What can be acquired?
19 Apr 2018	Revised NPPF: Viability
05 Jun 2017	Schemes Involving Tall Buildings
25 May 2017	Lease extension claims under the 1993 Act: The right to a new lease
07 Mar 2017	Update on the Personal Independence Payment
08 Nov 2016	Planning Conditions Post-Trump
08 Jun 2016	Environmental Damage
09 Nov 2015	Collective Enfranchisement: The Participants