



Luke Wilcox

Call: 2013

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Expertise

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

Overview

Luke Wilcox has an established practice, specialising in planning, rating and valuation, highways and property law.

As a planner, Luke appears regularly both in public inquiries and in legal challenges in the Courts (including appearing unled against silks). He acts for developers, LPAs and the Secretary of State. He has particular experience in housing, heritage, highways and valuation/viability matters in the planning field.

Luke is recognised as one of the leading rating practitioners in the country. He has appeared four times in the Supreme Court, advises and acts for clients from multinational corporations to central government departments, and regularly lectures at national rating events. He also practices in related taxation fields where property valuation issues arise.

Luke maintains a busy property practice, with a particular expertise in property valuation matters (primarily rent review) and cases concerning rights of way (both public and private).

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

Luke is recommended by –

Legal 500:

- Local Government (including Rating Law): "His knowledge of rating is absolutely first class, and he is adept at distilling this complex area of law into a client-friendly format. He is approachable, user friendly and always a pleasure to work with. Highly recommended."
- Property Litigation: "A fantastic junior. Definitely one to watch. A pleasure to work with."

Chambers & Partners:

- Rating & Valuation: "He has a real depth and breadth of knowledge and is absolutely fantastic on points of interpretation." "He's astute and sees the main points of cases before presenting them attractively."
- Real Estate Litigation: "Luke is responsive and has developed an enviable reputation in the industry already." "Highly efficient, easy to work with and effective at court." "Luke has great knowledge and is developing into a top junior."

Planning and Environment

Luke's practice encompasses the full spectrum of planning law. He appears regularly at inquiries and examinations in public, and in the Courts, on behalf of developers, local authorities and the Secretary of State.

Luke was sole counsel for the successful claimant in *Old Hunstanton Parish Council v Secretary of State for Communities and Local Government*, which concerned the proper interpretation of rural exceptions sites policies. Luke appeared alone in both the High Court and the Court of Appeal.

Recent highlights include:

- Representing a major housebuilder in an inquiry for several hundred new homes on land allocated for inclusion in the Green Belt in the emerging local plan (with Sasha White QC)
- Representing Gazeley in an inquiry for the development of over 300,000m² of strategic B8 distribution warehousing on a site which contained a Scheduled Monument (with David Elvin QC)
- Acting for the Newmarket Horsemen's Group in the statutory challenge to the Secretary of State's refusal of permission for 400 new homes at Hatchfield Farm, in Newmarket, as well as in the public inquiry which followed the quashing of the decision (with David Elvin QC)
- Representing Bromley LBC in a planning inquiry relating to residential development in the Metropolitan Green Belt
- Representing Leeds City Council in a four-day inquiry concerning a proposed new mosque
- Appearing in the examination in public into a number of emerging local plans around the country, including Hart DC, the North Essex Authorities, and Tonbridge and Malling BC.
- Representing the developer in an inquiry concerning a significant mixed-use redevelopment (including almost 500 new homes) in Camberwell (with Neil Cameron QC)

On the environmental law side, Luke was sole Counsel for the owner of a SSSI in a long-running (and ultimately successful) series of disputes, in both the planning and licensing law contexts, to prevent harmful development on adjacent land. The case was the first occasion on which the role of environmental designations was considered by the courts in a licensing dispute. Luke also advised a developer on the Habitats Directive issues arising from a proposal for a large residential development near to the Ashdown Forest SAC, for which planning permission was ultimately obtained from the Secretary of State. Luke has particular experience and interest in planning and rights of way cases in National Parks, and is regularly instructed to represent National Park Authorities in both England and Wales in such disputes.

Luke's practice includes wider local government law related to land. He acted for West Berkshire DC in the High Court in a major (£125 million) High Court challenge raising issues of s. 123 best value, EU Public Procurement law and the scope of the Aarhus costs regime (with David Elvin QC). He regularly advises on public procurement issues associated with the acquisition of land. He has advised a number of other clients, including developers and community groups, in respect of the issues arising from public land acquisition (including of surplus NHS land).

Luke's experience includes CPO and compensation. He has advised landowners facing compulsory purchase, and has advised on the operation of s. 203 of the Housing and Planning Act 2016 and its legislative predecessors (an area in which his CPO and property practices overlap). He regularly represents clients in CPO compensation disputes, where his extensive experience of property valuation is brought to bear.

Luke has extensive experience of rights of way law (both public and private), and has appeared at several public inquiries for the modification of definitive highways maps and the diversion of highways (including in National Parks). He represented the Ramblers Association in a complex High Court challenge concerning the relationship between the law of prescription, criminal trespass and statutory capacity to dedicate. Though led (by George Laurence QC), Luke himself advanced the criminal trespass ground before Dove J.

Luke is an assistant editor of the Planning Encyclopaedia (with particular responsibility for the chapters on the Control of Advertisements Regulations), and a contributor to "The Aarhus Convention – a Guide for UK Lawyers" (edited by Charles Banner).

Rating and Valuation

Luke's primary specialism is the law of rating. He has a very extensive practice in this field, regularly advising ratepayers (from small business owners to multinational companies to public bodies), local authorities, and the VOA on all aspects of rating law and practice. Chambers & Partners has recognised him as one of the leading juniors in the country in this area.

Luke's current caseload ranges across the full spectrum of courts and tribunals, from the Valuation Tribunal to the Supreme Court (where he has appeared four times). Highlights include:

- Acting for the ratepayer (unled) in the Court of Appeal case of *Avison Young Ltd v Jackson (VO)*, about the tribunals' power to order temporary alterations to rating lists
- Advising numerous companies on the implications of the COVID-19 pandemic for the rating regime
- Representing the Rating Surveyors Association and the British Property Federation in the Supreme Court case of *Newbigin (VO) v S J & J Monk* (with Dan Kolinsky QC)
- Representing Iceland Foods Ltd (with Dan Kolinsky QC) in the Supreme Court in an important case concerning the rating of plant and machinery
- Acting for UKI Kingsway in the UK Supreme Court in a dispute concerning the rules for the valid service of completion notices (and property notices more generally)
- Representing Cardtronics UK in a long running dispute about the rateability of the sites of ATMs. Luke appeared (with Dan Kolinsky QC) in each of the VTE, Upper Tribunal, Court of Appeal, and Supreme Court
- Acting for a number of NHS Foundation Trusts in a very significant dispute (worth in the region of £160 million) with a number of billing authorities, as to whether such bodies are charities for rating purposes (with Christopher Tidmarsh QC and Francesca Quint)
- Representing Ludgate House Ltd in the Upper Tribunal and Court of Appeal, in a wide-ranging test case concerning the treatment, both for identifying the unit of assessment and for valuation, of premises occupied by property guardians (with David Forsdick QC)
- Advising and representing a major power network in a significant case concerning the operation and contents of the Central List
- Representing Cemex in the Upper Tribunal, in a case which raised a number of issues about MCCs and the application of the contractors' basis of valuation
- Representing Delph Property Group in one of the leading cases on the legal mechanisms for challenging the validity of completion notices. The President of the VTE deleted several hereditaments from the List on the basis that they were entered pursuant to invalid notices, despite those notices having been served before the commencement of the Rating List in question
- Representing the ratepayer in the High Court in the Principled Offsite Logistics case, a significant authority on the nature of beneficial occupation (with Tim Morshead QC).

Luke has a very extensive advisory practice, across the whole of the field of rating and valuation, and across numerous sectors (both public and private). He regularly advises some of the largest companies in the country, and in respect of property portfolios with rates liabilities of many millions of pounds per annum. He has experience of advising on the rates affairs of insolvent companies.

Luke is a regular speaker at national events on rating. He has delivered papers at several IRRV annual conferences, as well as numerous lectures on rating law and valuation to surveyors, solicitors, government valuers and billing authority officials.

Luke also advises on all aspects of the Council Tax. He appears in the Administrative Court on a regular basis in this field, both for taxpayers and for LOs. He has acted, as sole Counsel, for the successful respondent in a High Court appeal on the scope of the "self-contained unit" provisions in the Council Tax legislation, and successfully secured the deletion of an alleged self-contained unit from the valuation list in the first such case to be heard by the current President of the VTE.

Outside of rating, Luke has experience of commercial rent review work, including the interpretation of rent review clauses and identifying bases of valuation. He appeared in both the High Court and Court of Appeal in the important rent review case of

Monsolar IQ Ltd v Woden Park Ltd. He regularly advises on valuation issues arising in CPO compensation disputes, and is currently instructed by the Commissioners of HMRC in an Upper Tribunal dispute about property valuations for Inheritance Tax purposes.

Property

Luke has an extensive and varied property practice. He advises on matters including residential and commercial landlord and tenant disputes, restrictive covenants, easements, the interpretation and rectification of deeds, land registration, adverse possession, boundary disputes, forfeiture, dilapidations, and the law of commons and village greens.

Luke has a special expertise in valuation law, and regularly advises and represents clients involved in disputes about rent review clauses. He represented the successful tenant in the Court of Appeal rent review dispute of *Monsolar IQ Ltd v Woden Park Ltd* (with Toby Watkin).

Luke has particular experience of rights of way issues (both public and private), and the implications of such issues for planning and rating disputes. He is currently acting for a number of clients engaged in disputes over the existence and extent of such rights, in both public and private law contexts. He regularly appears in rights of way inquiries.

Luke particularly welcomes instructions in matters with both property law and public/planning law aspects.

Public

Luke is instructed on public law challenges in a range of contexts, including planning and environmental law, local government powers and duties, human rights, public procurement and State aid/subsidy control law. He regularly appears in the courts and tribunals at all levels in these fields.

Luke has assisted other members of Chambers in many public and constitutional law matters at all levels, up to and including the Supreme Court. He has particular experience in the law concerning decisions of ombudsmen, and acted for the Health Service Ombudsman in *Miller and Howarth v Health Service Commissioner for England*, a major judicial review raising important issues about complaints concerning GPs' clinical judgment (with James Maurici QC) in both the High Court and the Court of Appeal.

Luke both advises and lectures on public procurement and subsidy control issues as they relate to property acquisition and ownership. His clients include local authorities and Government departments.

Before coming to the Bar, Luke developed considerable expertise in parliamentary and constitutional matters. He has lectured widely in these areas, and in 2013 he was a member of the United Nations panel of external experts on constitutional reform in Bosnia and Herzegovina.

Qualifications

- Oxford University: MA Music (2005)
- BPP Law School: GDL (Distinction, 2011)
- BPP Law School: BPTC (Outstanding, 2013)

Scholarships and Awards

- Certificate of Honour (Middle Temple, 2013)
- Queen Mother Scholarship (Middle Temple, 2012)
- Harmsworth Entrance Exhibition (Middle Temple, 2010)
- Winner, BPP Mooting Competition (2012)

Memberships

- ALBA
 - PEBA
 - PBA
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Recommendations

Legal 500 2021

Property - Rising Stars, tier 1

"A fantastic junior. Definitely one to watch. A pleasure to work with."

Local Government (including Rating Law) - Rising Stars, tier 1

"His knowledge of rating is absolutely first class, and he is adept at distilling this complex area of law into a client-friendly format. He is approachable, user friendly and always a pleasure to work with. Highly recommended."

Chambers & Partners 2021

Rating & Valuation - Band 1

"He has a real depth and breadth of knowledge and is absolutely fantastic on points of interpretation." "He's astute and sees the main points of cases before presenting them attractively."

Real Estate Litigation - Up and Coming

"Luke is responsive and has developed an enviable reputation in the industry already." "Highly efficient, easy to work with and effective at court." "Luke has great knowledge and is developing into a top junior."

An outstanding junior providing clear-sighted advice

Chambers & Partners

Cases

01 Mar 2017	Supreme Court allows appeal in <i>Newbiggin (VO) v Monk</i>
10 Nov 2016	<i>R (RLT Built Environment Ltd) v Cornwall Council</i> [2017] J.P.L. 378
26 Aug 2016	<i>R (Faraday Development Ltd) v West Berkshire Council & Anor</i> [2016] EWHC 2166 (Admin)
14 Jul 2016	Court of Appeal upholds narrow interpretation of rural exceptions sites policy
16 Mar 2016	High Court clarifies the law on multiple Council Tax bands
22 Oct 2015	High Court gives judgment in significant Health Service Ombudsman case
21 Jul 2015	<i>Old Hunstanton Parish Council v Secretary of State for Communities and Local Government</i> [2015] EWHC 1958 (Admin)

Inquiries

04 Jan 2017	St Ishmael's public inquiry
13 Oct 2015	"Talwrn Lane" DMMO public inquiry (2015)

Publications

07 Jul 2021	Rates Mitigation and Charitable Relief Case Law Discussion - webinar
02 Jul 2021	The provisions of the Trade and Co-operation Agreement on State Aid
02 Jul 2021	State Aid and subsidy control post-Brexit: an update - webinar
22 Mar 2021	Planning decision-making involving heritage
22 Mar 2021	Planning Law Update for Local Authorities: Planning challenges - webinar
21 Aug 2020	Delivering Major Infrastructure: Part 5 - Land compensation - assessing the claim - questions and answers
03 Aug 2020	Injurious affection and tenant compensation
03 Aug 2020	The purpose of compensation, and fair value principles
03 Aug 2020	Delivering Major Infrastructure: Part 5 - Land compensation - assessing the claim - Webinar
21 Jul 2020	Property in Quarantine - Part 4: Valuation Post-Covid
03 Jun 2020	Covid-19 related Checks and Proposals: pitfalls, tips and an update - Webinar
02 Dec 2019	Case Law Update
11 Apr 2019	Valuation
25 Jun 2018	Key concepts in local planning: the legal requirements for examinations and soundness
22 May 2018	Development agreements: Are they caught by the PCRs?
25 Apr 2018	Disclosure of information in rating disputes
19 Apr 2018	Revised NPPF: Housing policies, housing need and housing numbers
31 Jan 2018	Non-domestic rating: Litigation in practice - hints and tips
23 Nov 2017	Restrictions on the right to forfeit
28 Jun 2017	The Terms of the New Tenancy
23 May 2016	Challenges beyond the Upper Tribunal
27 Apr 2016	Remedies Outside of the Tribunal System
14 Jan 2016	Judicial Review Costs Protection
15 Apr 2015	VTE Procedure: Scope of the proposal and VTE's jurisdiction (paper)
15 Apr 2015	VTE Procedure: Scope of the proposal and the VTE's jurisdiction