



Anjoli Foster

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Expertise

Planning, Environment, Property, Public

Overview

Anjoli is a planning barrister who is ranked as one of the top junior barristers in Planning Magazine's Legal Survey 2020 and has been appointed to the Government's C Panel of Counsel.

She has been involved in several of the most recent significant planning cases, including the legal challenge to the new permitted development rights and Use Class E, and the proposed development of the UK Holocaust Memorial.

Anjoli's practice focuses on all aspects of planning and environmental law, including housing, commercial and retail, infrastructure, energy, compulsory purchase and enforcement work. She frequently appears in planning appeals and in the Planning Court. Her clients include a range of national and regional housebuilders and land promoters, central Government, local

planning authorities, and environmental groups.

Anjoli has been involved in several recent high profile planning cases and appeals including:

- *Rights: Community: Action: v Secretary of State [2020]*: instructed by the Government to defend the challenge to the amendments to the General Permitted Development Order and the Use Classes Order, which introduced new permitted development rights to build upwards and the new Use Class E.
- *London Parks and Gardens Trust v Secretary of State [2020]*: represented the Government in a legal challenge to the decision-making on the “called in” planning application for the proposed UK Holocaust Memorial in Victoria Tower Gardens.
- *Vince, Monbiot and Good Law Project v Secretary of State [2020]*: currently representing the Claimant in a challenge to the Government’s failure to review the National Policy Statements which determine how decisions are made on proposals for large fossil fuel development. This case has received national press coverage.
- *Nine Mile Ride, Wokingham [2020]*: appeared in this public inquiry which was the first appeal decision to mention the effect of Covid-19 on housing land supply. This is listed as one of the top 10 appeal decisions of 2020 by Planning Magazine.
- *Kennington, Lambeth [2020]*: appeared for the Developer at a planning inquiry promoting over 250 residential units, including a 29-storey tower, in central London.
- *Hillthorn Farm, Sunderland [2020]*: appeared at a planning inquiry involving proposals for a gasification plant, which resulted in over 10,000 objections from local residents and was commented on in Prime Minister’s Questions in February 2020.
- *Mornings Mill Farm, Wealden [2019]*: represented the Developer in a planning inquiry concerning proposals for comprehensive development including 700 houses, 8,600 sqm of employment floorspace, a medical centre and a school.
- *Eye, Mid Suffolk [2019]*: represented the Local Planning Authority in a planning inquiry concerning a scheme for 126 houses in the countryside, notable for the Inspector’s conclusions on conflict with an emerging Neighbourhood Plan.
- *Horsham, West Sussex [2019]*: represented the Waste Planning Authority in a planning appeal concerning proposals for an energy from waste facility, which included proposals for one of the tallest flue stacks in the country at 95 metres.
- *Former Imperial House, Windsor and Maidenhead [2019]*: appeared for the Developer in a planning inquiry relating to a major mixed-use scheme, including over 200 residential units and 16,389 sqm of office floorspace.
- *Benson v Secretary of State [2018]*: represented the Developer in a rare legal case where the High Court was successfully persuaded to require a Planning Inspector to be cross-examined in relation to decisions taken at a planning appeal.
- *East Bergholt Parish Council v Babergh District Council and Countryside Properties [2018]*: appeared for the Developer in this highly topical case, which was appealed up to the Court of Appeal, concerning the local authority’s assessment of “deliverability” in calculating five-year housing supply.

In her spare time Anjoli is an active tennis player, representing her county of Warwickshire, as well as the All England Lawn Tennis Club and Cumberland Lawn Tennis Club.

Prior to joining Landmark Chambers, Anjoli was a Law Scholar at Keble College, Oxford University. She graduated with a first-class degree, and went on to obtain a distinction in the Bachelor of Civil Law also at Keble College, Oxford. She also spent a year working at the Law Commission.

Planning and Environmental Law

Anjoli has been consistently ranked as one of the top barristers under 35 in the 2018 and 2019 Planning Magazine’s Law Survey. She has a wide-ranging planning and environmental practice, and her clients include local authorities, developers (including major national housebuilders), environmental groups and individuals. Anjoli has also been appointed to the Attorney General’s C Panel of Counsel.

Recent court work includes:

- *Benson v Secretary of State for Communities and Local Government [2018] EWHC 700 (Admin)*: a challenge relating to a Planning Inspector’s discretion to accept late evidence, notable for being one of the very rare cases where the Court has ordered that cross-examination of a Planning Inspector take place.

- *East Bergholt Parish Council v Babergh District Council and Countryside Properties* [2018] EWHC 3400 (Admin): this highly topical case concerned the local authority's assessment of "deliverability" in calculating five-year housing supply, and the interpretation of the St Modwen judgment. This case has now been appealed to the Court of Appeal.
- *Visao Ltd v Secretary of State* [2019] 276 (Admin): a challenge to a Planning Inspector's decision on the basis of a failure to have regard to the correct site access plan and failure to give reasons for disagreeing with the Highway Authority.
- *Chesterton Commercial (Bucks) Limited v Wokingham District Council* [2018] EWHC 1795 (Admin) (led by Sasha White QC): concerned the scope of a local authority's power to decline to determine planning applications under section 70C of the Town and Country Planning Act 1990.
- *Abbot's Ride Land Limited v Surrey County Council and Wates Developments Limited* [2018] (with Tim Mould QC): a trial into whether land formed part of the public highway; the result of which affected the likelihood of a housing development coming forward.
- Appearing regularly as sole counsel in the High Court in claims for interim injunctions and final injunctions to restrain breaches of planning control.
- Regularly representing parties in the Magistrates Court in relation to prosecutions for failure to comply with enforcement notices and environmental offences.

Her recent public inquiry work includes:

- *Poplar Hill, Mid Suffolk*: an appeal concerning a proposal for 160 dwellings, which raised a large number of issues, including heritage harm, landscape harm and five-year housing land supply.
- *Reed, North Hertfordshire*: an appeal for the change of use of a pub to use as a residential dwelling. The inquiry raised matters relating to viability and heritage harm.
- *Racecourse Plantations, Norwich* (with Christopher Katkowski QC): relating to a scheme for 300 homes and a Community Woodland Park, which concerned housing need, ecology and landscape issues.
- *Bonhill Lane, Bath*: a joint appeal against a refusal of a certificate of lawful use and issue of an enforcement notice, relating to material changes of use and harm to the Green Belt.
- *Maybrey Works, Bromley* (with Sasha White QC): a proposal for a major housing scheme on land allocated for employment use, which concerned the viability of the site and employment demand in the area.
- *Cheshire West Local Plan*: representations on draft minerals and hydrocarbons policies, and whether the policies adequately addressed impacts on climate change.
- *Mount Pleasant, Hackney*: enforcement notice appeal concerning evidence of four years continuous residential use and immunity from enforcement action.
- *Syon House and Syon Park, Hounslow* (with Sasha White QC): proposal for residential scheme near well-known heritage assets, raising issues as to design and balancing heritage harm and heritage benefits.
- *Former Imperial House, Windsor and Maidenhead* (with Christopher Katkowski QC): residential and office scheme development, which concerned matters of townscape, transport and heritage.

For more information see the Inquiries and Cases tabs.

Anjoli also advises on all aspects of planning law, which has recently included issues such as: compensation under the Land Compensation Act 1973 and the Compulsory Purchase Act 1965, prospective judicial review challenges to Local Plans, the community infrastructure levy, the use of masterplanning, enforceability of planning conditions and changes in planning units.

Anjoli has given talks and provided training on various planning law topics. She has also previously worked at the Law Commission on the simplification and consolidation of planning law in Wales, which is an ongoing project commissioned by the Welsh Government.

Property Law

Anjoli has a busy property practice. Recent advocacy work includes:

- Appearing in the High Court on behalf of a local authority in a case concerning the provision of accommodation by a private landlord and local authority
- Representing a landlord in a fast track trial before the County Court in a claim for possession on the basis of rent arrears and a counterclaim for disrepair.
- Acting for a landlord in a trial concerning possession on the basis of mortgage arrears and a contractual dispute about interest.
- Appearing in summary judgement proceedings in relation to a claim concerning adverse possession and common land.
- Appearing in the County Court in relation to possession proceedings, boundary disputes, access to neighbouring land orders, final charging orders, forfeiture proceedings and lease extensions.

She also advises on a wide range of property matters. These have included matters in relation to the interpretation and enforceability of covenants (with Katharine Holland QC), the Electronic Communications Code, business leases, forfeiture and

schemes of development.

Public Law

Anjoli accepts instructions in all areas of public law. She has also been appointed to the Attorney General's C Panel of Counsel. Recent examples of her work include:

- Acting as sole counsel for the claimant in *MO (by her litigation friend AF) v Sandwell Metropolitan Borough Council* (CO/6144/2016); a judicial review challenge to a local authority's assessment of need under section 17 of the Children Act 1989.
- Acting as a junior to James Maurici QC in a matter relating to coroners' inquests and the duty to investigate deaths under Article 2 of the European Convention on Human Rights.
- Representing an employer in an appeal against a fine imposed under the Immigration, Asylum and Nationality Act 2006 for employing a person without leave to remain in the UK.
- Regularly representing appellants in the First-Tier Tribunal (Immigration and Asylum Chamber) in appeals against refusals of applications for leave to remain in the UK, both on human rights and asylum grounds.
- Applying for bail in the First-Tier Tribunal (Immigration and Asylum Chamber) on behalf of those subject to immigration detention.

Anjoli also regularly drafts Grounds of Defence for the Home Office and has acted pro bono through the Bar Pro Bono Unit.

Qualifications

- University of Law, Birmingham - Bar Professional Training Course (Outstanding)
- Keble College, Oxford - Bachelor of Civil Law (Distinction)
- Keble College, Oxford - BA in Law (First Class)

Prizes

- University of Law BPTC Opinion Writing and Drafting prize (for the highest mark in the opinion writing and drafting assessments)
 - Hardwicke Scholarship (Lincoln's Inn)
 - Academic Scholar (Keble College, Oxford)
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Publications

Books and Articles

- Garner's Environmental Law, contributor to the chapters on Air Pollution and Light Pollution
- 'Relief from Sanctions and Procedural Default in the Public Law Context', by Anjoli Foster and Miriam Seitler (published in *Judicial Review*, Volume 21, December 2016)
- Research assistant to Professor Anne Davies for the textbook 'Employment Law' by ACL Davies (Longman Law Series, 2015)

Talks and Seminars

- "Housing Delivery and Reform in 2018 and Beyond" - PEBA National Conference 2018, May 2018
 - "Housing: A look at recent cases" - RTPI South East "Autumn Legal Update", October 2017
 - "Housing Policy Legal Update" - RTPI North East "Breaking down the barriers to Housing Delivery", September 2017
 - "Making it fit: applying development standards in London" - Landmark Chambers "Planning in London" seminar, with Sasha White QC, June 2017
 - 'Introduction to Judicial Review and the Pre-Action Process' - Landmark Chambers seminar May 2017
 - 'Possession Claims Against Trespassers' - Landmark Chambers seminar, February 2017
 - 'Enforcement: Case Law Update' - Orbis Training and Development in West Sussex, February 2017
 - 'Section 106 Update' - Orbis Training and Development in West Sussex, February 2017
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Cases

05 Feb 2019	Visao Ltd v Secretary of State [2019] 276 (Admin)
01 Nov 2018	East Bergholt Parish Council v Babergh District Council and Countryside Properties [2018] EWHC 3400 (Admin)
13 Sep 2018	Basildon Borough Council v Eastwood and others [2018]
13 Aug 2018	La Pasta Ltd v Transport for London [2018]
27 Jul 2018	Cappagh Public Works Limited v London Borough of Sutton and others [2018] - costs submissions
12 Jun 2018	Chesterton v Wokingham BC [2018] EWHC 1795 (Admin)
07 Jun 2018	Abbots Ride Land Ltd v Surrey County Council and Wates Developments [2018]
17 Apr 2018	Benson v Secretary of State for Communities and Local Government [2018] EWHC 2354 (Admin)
01 Mar 2018	Benson v Secretary of State for Communities and Local Government [2018] EWHC 700 (Admin)
22 Jan 2018	Basildon Borough Council v Cooper and Persons Unknown [2018]
11 May 2017	MO (by her litigation friend AF) v Sandwell Metropolitan Borough Council [2017]
28 Apr 2017	Chelmsford City Council v Rawlings and Persons Unknown [2017]

Inquiries

29 Nov 2019	Horsham, West Sussex
31 Oct 2019	Mornings Mill Far, East Sussex
26 Jul 2019	Poplar Hill, Mid Suffolk
28 Jun 2019	Surrey House, Kingston
26 Apr 2019	Hurlingham Road, Hammersmith and Fulham
26 Mar 2019	Former Imperial House, Windsor and Maidenhead
26 Feb 2019	Gilda Crescent, Hackney
21 Feb 2019	Mount Pleasant Lane, Hackney
12 Feb 2019	Homestead, Basildon
11 Dec 2018	Scholes, Leeds
27 Nov 2018	Clehonger, Hereford
21 Nov 2018	Lime Kiln Farm, Bath
13 Nov 2018	Lygon Place, Westminster

06 Nov 2018	The Cabinet Pub, North Hertfordshire
29 Oct 2018	Land East of Orchard Avenue, Basildon
09 Oct 2018	Syon Park, Hounslow
21 Aug 2018	Cheshire West Local Plan, Minerals and Hydrocarbon session
17 Jul 2018	Alnwick, Northumberland
26 Jun 2018	Kesgrave, Suffolk
22 May 2018	Racecourse Plantations, Norwich
09 May 2018	Maybrey Works, Bromley
20 Feb 2018	Watlington Road, Oxfordshire
06 Feb 2018	Bonhill Lane, Bath
13 Jun 2017	New Hartley, Northumberland
13 Mar 2017	Mountlea Drive, Cornwall
13 Dec 2016	5-6 Queen's Gate Place, Kensington and Chelsea
01 Nov 2016	Manor Farm, Maldon

Publications

02 Jul 2020	Virtual Inquiries: a guide - Webinar
02 Jul 2020	Preparation of evidence for virtual inquiries
01 Apr 2020	Planning in the COVID-19 Crisis - Webinar
01 Apr 2020	Keeping a Planning Permission Alive During the COVID-19 Crisis