



Matthew Henderson

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Expertise

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

Overview

Matthew practices in planning and environmental, property and public law (including non-domestic rating and public procurement law). He acts for developers, local authorities and a range of individuals and interested parties. He frequently appears in the High Court, public inquiries and examinations, both led and unled. In 2020, Matthew was ranked in Planning Magazine's top 20 planning juniors under the age of 35. In September 2020, Matthew was appointed to the Attorney General's C Panel of Junior Counsel.

Recent court work includes:

- **R (ADVEARSE) v Dorset Council** [2020] EWHC 807 (Admin) – judicial review of a decision to grant planning

permission concerning the approach to the assessment of heritage impact and changes in national planning policy relating to development in the AONB.

- **London Borough of Lambeth v SSHCLG** [2019] UKSC 33 – Matthew represented the London Borough of Lambeth, led by Matthew Reed QC, in an appeal to the Supreme Court concerning the approach to the interpretation of planning permissions and the extent to which it is possible to imply terms into a planning permission.
- **R (McLennan) v Medway Council** [2019] EWHC 1738 (Admin) – judicial review of a decision to grant planning permission concerning the circumstances in which the impact of development on nearby solar panels should be taken into account as a material consideration.
- **LB Brent v SSHCLG** [2019] EWHC 1399 (Admin) – appeal pursuant to section 289 of the Town and Country Planning Act 1990 concerning the circumstances where a material change of use may occur by intensification.
- **R (Loughlin) v Wiltshire Council** [2018] EWHC 2493 (Admin) – judicial review of a decision to grant planning permission concerning the interpretation of national policy on good design.

Recent public inquiry and examination work includes:

- *Rectory Farm, Bow Brickhill, Milton Keynes* – four day inquiry concerning residential development outside settlement boundaries and five-year housing land supply.
- *Doddington Estate, Nantwich, Cheshire* – four day inquiry concerning enabling development (112 dwellings) to fund the restoration of the Doddington Estate (the leading national collection of Wyatt architecture).
- *Oakington Manor School, Wembley, London* – three day enforcement inquiry concerning the event day parking in connection with Wembley Stadium.
- *Old Chase Farm, Chelmsford* – four day enforcement inquiry concerning the change of use of agricultural land to storage.
- *William Court, Hall Road, London* – four day inquiry concerning the refusal of planning permission for a high value development of three homes adjacent to the St John's Wood Conservation Area.
- *Dorset Minerals Site Plan Examination* – Matthew represented a local action group at the public examination.

Planning

Planning is Matthew's principal area of practice and he represents developers, local authorities and a range of other parties (including individuals, community groups, parish councils and residents associations) in all areas of planning law. Matthew's planning practice is broad, including both town and country planning and infrastructure planning under the Planning Act 2008. In 2020, Matthew was ranked in Planning Magazine's top 20 planning juniors under the age of 35.

Public inquiries

Recent public inquiry work includes:

- *Old Chase Farm, Chelmsford* – Matthew represented the local planning authority at a four day enforcement inquiry concerning the change of use of agricultural land to storage.
- *William Court, Hall Road, London* – Matthew represented a Rule 6 Party at a four day inquiry concerning the refusal of planning permission for a high value development of three homes adjacent to the St John's Wood Conservation Area. Key issues included heritage, daylight and sunlight and transport.
- *Cabinet at Reed, Hertfordshire* – Matthew represented a Rule 6 Party at an appeal against the refusal of retrospective planning permission for the conversion of the Cabinet at Reed public house into residential use.
- *Queens Hotel, Croydon* – Matthew represented a Residents' Association at a four day inquiry into a proposal to enlarge the Queens Hotel, Croydon. Key issues included heritage (involving both the Church Road Conservation Area and locally listed buildings), transport (including parking stress and highway safety), design and residential amenity.
- *Hutton Cranswick, East Riding of Yorkshire* – Matthew represent the local planning authority, led by Charles Banner QC, at a six day public inquiry concerning the refusal of planning permission for 67 dwellings on an unallocated greenfield site. Key issues included whether the local planning authority could demonstrate a five year housing land supply and whether the appeal scheme was acceptable in terms of landscape and visual impact.
- *Dorset Minerals Site Plan Examination* – Matthew represented a local action group at the public examination. Key issues included habitats and SEA.

A full list of recent inquiry work can be accessed using the 'Inquiries' tab.

Judicial reviews, statutory reviews, statutory appeals and injunctions

Matthew also has a busy court practice, including statutory reviews, statutory appeals, injunctions and judicial reviews. Recent examples of court work includes:

- **R (ADVEARSE) v Dorset Council** [2020] EWHC 807 (Admin) – Matthew represented the claimant, a local community organisation in a judicial review of a decision to grant planning permission concerning the approach to the assessment of heritage impact and changes in national planning policy relating to development in the AONB.
- **London Borough of Lambeth v SSHCLG** [2019] UKSC 33 – Matthew represented the London Borough of Lambeth, led by Matthew Reed QC, in an appeal to the Supreme Court concerning the approach to the interpretation of planning permissions and the extent to which it is possible to imply terms into a planning permission.
- **London Borough of Brent v SSHCLG** [2019] EWHC 1399 (Admin) – Matthew represented the second respondent, the landowner, in an appeal pursuant to section 289 of the Town and Country Planning Act 1990 concerning material changes of use by virtue of intensification and event day parking for Wembley Stadium.
- **McLennan v Medway Council** [2019] EWHC 1738 (Admin) – Matthew represented the local planning authority in a judicial review concerning whether the impact of a proposed development on a neighbour's solar panels was a material planning consideration.
- **Frankl v London Borough of Barnet** [2019] EWHC – Matthew represented the claimants in a judicial review of the local planning authority's decision to continue a prosecution pursuant to section 179 of the Town and Country Planning Act 1990 for failing to comply with an enforcement notice. After the grant of permission, the local planning authority reconsidered the decision to prosecute and acceded to an out of court disposal.
- **HB (LCS) Limited v Chorley BC** [2018] EWHC – Matthew represented the defendant (with Simon Pickles) in this Part 8 claim concerning a dispute over an overage provision in a s. 106 agreement. Key issues included the interpretation of the overage clause and whether an alternative dispute resolution clause was engaged.
- **Loughlin v Wiltshire Council** [2018] EWHC 2493 (Admin) – Matthew represented the local planning authority in a judicial review of a decision to grant planning permission concerning the interpretation of the NPPF policies on design.

Matthew is also involved in two ongoing High Court cases concerning injunctions for breaches of planning control pursuant to s. 187B of the Town and Country Planning Act 1990 and non-compliance with tree preservation regulations pursuant to s. 214A of the Town and Country Planning Act 1990.

Infrastructure

In addition to town and country planning, Matthew's practice also includes infrastructure planning under the Planning Act 2008. Recent examples of this work includes:

- Advising on the incorporation and drafting of arbitration clauses into a development consent order for an offshore wind farm.
- Acting, with Charles Banner QC, for the Arora Group, one of the principal landowners at and around Heathrow Airport and the promoter of the 'Heathrow West' proposal which seeks to construct and operate a new terminal facility at Heathrow as part of the North-West Runway scheme and in competition with the existing terminals operated by Heathrow Airport Limited.
- Advising on proposed amendments to a development consent order (with David Elvin QC).
- Advising on whether a development amounted to a nationally significant infrastructure project (with Charles Banner QC).

Advisory

Matthew advises on a broad range of matters and recent examples include:

- compulsory purchase (including advice on compensation);
- advising on highways (including the extent of the highway, the creation and adoption of highways, the vesting of highways, footpaths and bridleways, and the diversion of footpaths to allow development to proceed);
- advising on liability for and collection of community infrastructure levy;
- advising on s. 106 agreements (including enforceability and subsequent development);
- advising on five year housing land supply matters (for both developers and local authorities);

- advising on enforcement matters, including the validity of enforcement notices, stop notices, and prosecutions for failing to comply with enforcement notices; and
 - advising on habitats and EIA matters.
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Property

Matthew's property law practice compliments his planning work by encompassing a range of matters related to the acquisition of sites for development, overcoming obstacles to development and dealing with property disputes. He has appeared in the County Court and High Court on a range of property related matters and has a busy advisory practice. Recent work has included the following matters:

- Highways, including the extent of the highway, the creation and adoption of highways, the vesting of highways, footpaths and bridleways, and the diversion of footpaths to allow development to proceed.
 - Restrictive covenants, including the enforceability of restrictive covenants relating to the development of land and claims for breach of restrictive covenants.
 - Party walls, concerning issues arising from the ongoing development of land, including consideration of easements of support.
 - Trespass and adverse possession, including boundary disputes and issues arising from encroaching developments.
 - Landlord and tenant issues, including both residential tenancies and business tenancies under the Landlord and Tenant Act 1954, in the context of assembling land for development, obtaining possession, disrepair, property notices and the management of investment property.
 - Leasehold enfranchisement, in particular costs arising from leasehold enfranchisement. Matthew appeared in *Trustees of John Lyon's Charity v Terrace Freehold LLP* [2018] UKUT (LC), one of the leading cases on the issue of such costs.
 - Land registration.
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Public (including public procurement)

Public procurement

Matthew has experience of a range of public procurement matters, in particular those within the scope of the Public Contract Regulations 2015. For example:

- Advising a local authority on a development agreement for the provision of housing and sports facilities.
- Advising the Secretary of State for the Home Department on a tender for the Youth Endowment Fund (a £200 million grant fund which is designed to help tackle serious youth crime).

Information law

Matthew has experience of matters under both the Freedom of Information Act 2000 ("FOIA 2000") and the Environmental Information Regulations 2004 ("EIR 2004"). For example:

- Advising the Department for Work and Pensions (led by Toby Fisher) on an appeal under the FOIA 2000.
 - Acting in an appeal to the First-tier Tribunal under the EIR 2004.
 - Acting for a complainant to the Information Commissioner's Officer under the FOIA 2000.
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Qualifications

- BA English Language and Literature - University College, University of Oxford
- Graduate Diploma in Law - City University, London
- Bar Professional Training Course - BPP University, London
- Buchanan Prize - Lincoln's Inn
- Advocacy Scholarship - BPP University

- 1st Place - Property Bar Association Essay Competition 2016
- 1st Place - UK Environmental Law Association Essay Competition 2015
- 1st Place - Blackstones/UH National Criminal Advocacy Competition 2016 (1st place team and individual)
- 3rd Place - Gluckstein Advocacy Competition, Lincoln's Inn

Inquiries

25 Mar 2020	Land at Rectory Farm, Woburn Sands Road, Bow Brickhill, Milton Keynes
11 Feb 2020	Doddington Estate, nr. Nantwich, Cheshire
04 Feb 2020	Oakington Manor School, Wembley, London
14 Jan 2020	Land north of Cranfield Road, Woburn Sands, Milton Keynes
05 Nov 2019	Waterbeach Waste Management Park, Waterbeach, Cambridge
10 Sep 2019	Napier Road, Gillingham, Kent
02 Apr 2019	Proposed 67 dwelling development at Hutton Cranswick, East Riding of Yorkshire
26 Feb 2019	Queens Hotel, Croydon
08 Nov 2018	The Cabinet at Reed, Hertfordshire
30 Oct 2018	Parchment Street, Chichester
29 Oct 2018	Old Chase Farm, Chelmsford
25 Sep 2018	Dorset Mineral Site Plan Examination
18 Sep 2018	William Court, Hall Road, St John's Wood, London
12 Jun 2018	Old High Street, Headington, Oxford
22 May 2018	Godfrey Ermen Playing Fields, Abbey Hey, Manchester
03 Oct 2017	Melbourne Road, Leyton, London
16 Aug 2017	Holme-on-Spalding Moor and Pocklington, East Riding of Yorkshire

Publications

08 Jun 2021	TWA 1992 and other development consent mechanisms
08 Jun 2021	The Transport and Works Act: Promoting and opposing schemes under the 1992 Act and opportunities for improvements - webinar
30 Sep 2020	New permitted development rights and the challenges they face
30 Sep 2020	Permitted Development - Webinar
29 Sep 2020	Planning obligations - the relationship between ss. 73 and 106 TCPA 1990

29 Sep 2020	The Variation and Enforcement of s.106 Obligations - Webinar
21 Jul 2020	Preparing the land acquisition strategy - neighbouring land
21 Jul 2020	Delivering Major Infrastructure: Part 1 - Land acquisition - setting the strategy - Webinar
18 May 2020	The Environment Bill & Air Quality
18 May 2020	Current Issues In Environmental Law Part 3 - Webinar
01 Apr 2020	Planning in the COVID-19 Crisis - Webinar
01 Apr 2020	COVID-19: Shops, Restaurants, Cafes and Drinking Establishments
20 Jan 2020	Abatement, Overpayment And Repayment
12 Feb 2019	Flooding
09 Jul 2018	CPR Part 55