



Christopher Jacobs

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Expertise

Planning, Property, Public, Environment, International

Overview

Christopher practices in property, planning and environment, and public law.

Immigration

Christopher is an experienced leading junior in immigration and asylum cases. He has recently acted as leading counsel for the successful Appellant in *Roszkowski v SSHD* [2017] EWCA Civ 1893; [2018] 1 W.L.R. 2848; [2018] 2 All E.R. 878; [2018] , in which

the Court of Appeal examined the lawful scope of statutory provisions enabling the Secretary of State for the Home Department to withhold consent to release immigration detainees after a grant of bail by the First Tier Tribunal. The Court held that the Secretary of State's continuing withholding of consent to release on bail after cancellation of removal directions following a grant of bail by a First Tier Judge was unlawful and the Appellant was entitled to damages for unlawful detention.

Christopher acted as leading counsel for the successful respondent in the Court of Appeal in *MSM (Somalia) v SSHD* [2016] EWCA Civ 715, which concerned whether the principle in *HJ (Iran)* applies in cases where a fear of persecution arises from imputed political opinion.

Recent cases include *R. (on the application of BB (Algeria)) v Secretary of State for the Home Department* [2016] EWCA Civ 25 (effect of qualifying for leave under old immigration rules in non transitional cases after new rules came into effect) and *R. (on the application of Zermani) v Secretary of State for the Home Department* [2015] EWHC 1226 (Admin) (effect of *UE (Nigeria)* principle on Art 8 cases outside the rules).

Christopher was counsel for one of the Appellants in the Court of Appeal in *Gurung & others v SSHD* [2013] 1 W.L.R. 2546, [2013] I.N.L.R. 634, [2013] EWCA Civ 8, in which a number of dependent children of members of Her Majesty's Brigade of Gurkhas were successful in appealing against decisions to refuse them entry to the United Kingdom in line with their parents. Christopher acted for the same Appellant, who succeeded in his remitted appeal in the Upper Tribunal, Ghising and others (Ghurkhas/BOCs: historic wrong; weight) [2013] UKUT 00567 (IAC).

Christopher has appeared as junior counsel in the House of Lords and Supreme Court on eight occasions including *DD v SSHD* [2012] UKSC 54; [2012] 3 W.L.R. 1263; in relation to Article 1F(C) of the Refugee Convention and international armed conflicts and *Quila and others v SSHD* [2011] UKSC 45, [2011] 3 WLR 836 (raising age limit for sponsoring spouse visa applications from 18 to 21).

Unlawful Detention

Christopher has acted in a number of unlawful detention cases in the Administrative Court and Queen's Bench Division. Recent successes in the Administrative Court include (i) *R. (on the application of YH (China)) v Secretary of State for the Home Department* [2018] EWHC 92 (Admin); in which an asylum seeker, whose claim was said to be certified, and who was eligible for housing support as an asylum seeker was held to have been unlawfully detained; (ii) *R. (on the application of BS) v Secretary of State for the Home Department* [2018] EWHC 454 (Admin) in which the Court held that the continued detention for two months of an Indian national identified as a victim of torture and sexual abuse, while waiting for verification of an emergency travel document application, had been unlawful and that there had been a failure to act with reasonable diligence.

In 2012 Christopher acted in *R (Lamari) v SSHD* [2012] EWHC 1895 (Admin), in which the Secretary of State for the Home Department was held to have acted in contempt of court in refusing to release an immigration detainee, after having given an undertaking to do so. Christopher acted in for the same Claimant in the Queen's Bench Division, [2013] EWHC 3130 (QB), and obtained an award of exemplary damages against the Secretary of State.

Country Guidance

Christopher is currently instructed in the Country Guidance cases in relation to Darfuris from Sudan (to be heard in 2019) and the Country Guidance relating to members of the Nuba Tribes from Sudan (heard in 2018 - to be concluded n 2019)

He has acted in a number of Country Guidance cases, including : PM and Others (Kabul - Hizb-i-Islami) Afghanistan CG [2007] UKAIT 00089; NM (Christian Converts) Afghanistan CG [2009] UKAIT 00045; BK (Failed asylum seekers) Democratic Republic of Congo CG [2007] UKAIT00098; IN (Draft evaders - evidence of risk) Eritrea CG [2005]UKIAT 00106; FD (Protection - UNMIK - Arif - IFA - Art1D) Kosovo CG * [2000] UKIAT 00001; HGMO (Relocation to Khartoum) Sudan CG [2006] UKAIT 00062 and MM (Darfuris) Sudan CG [2015] UKUT 00010.

Regulatory Judicial Review

Christopher acted for the Traveller Movement in a judicial review action against Ofcom which was heard in the Administrative Court in November 2014, *Traveller Movement v Ofcom* [2015] EWHC (Admin).

Christopher has acted for doctors in complaints against the General Medical Council concerning registration and in judicial review proceedings and NHSLA damages claims concerning termination of PMS contracts.

Public Inquiries and Inquests

Christopher is currently instructed as counsel for a number of core participants in the independent inquiry in to child sexual abuse. He has previously been involved as counsel in a number of lengthy public inquiries which have focused on the human rights of those affected by the conduct of local authorities and developers. In 2017 he acted in a test case, a judicial review claim concerning the rights of those in temporary accommodation in the aftermath of the Grenfell fire, who had been evacuated from high rise housing blocks amid concerns over the fire risk posed by cladding. **R. (on the application of Esposito) v Camden LBC 2017] EWHC 3124 (Admin).**

Christopher has acted in inquests relating other to unlawful killings by police shooting and deaths in custody. He has achieved favourable outcomes for relatives of victims.

Riparian Law and Watercourses

Christopher specialises in Water Courses and Riparian rights cases. He acted for the successful Appellants in *Hounslow LBC v De Vere & others* [2018] EWHC 1447 (Ch), in which the Court, allowing an appeal from the County Court in part, found that Vessel owners had trespassed onto local authority land when mooring their vessels to posts holding up a riverside walkway. However, they had not interfered with the local authority's rights when mooring their vessels to structures which were sunk into the river bed. The court considered the legal character of River Works and determined that, contrary to what was said in *Tate & Lyle v GLC* [1983] 2 AC 509 at 534D-H, as to the jetties in that case being chattels, they are fixtures.

Christopher is currently instructed in a number of cases concerning water courses, in particular advising as to the rights and rights of a public canal owner, adverse possession in relation to owners of river bank land, damages claims arising from flooding and boundary disputes concerning riparian issues.

Christopher has recently acted in litigation concerning adverse possession of the river bed, *Port of London Authority v Mendoza* [2017] UKUT 146 (TCC) and represented the successful Respondent in the Property Tribunal in a dispute with the Port of London Authority over whether PLA was entitled to register land above Mean High Water on the Thames riverbank, *Morlandia v PLA*.

Disputes relating to Trusts - beneficial interest claims

Christopher has recently acted for the successful Respondent in the Court of Appeal in *Constandas v Lysandrou* [2018] EWCA Civ 613; [2018] W.T.L.R. 19, where the Court, considering the test in *Stephens v Cannon* held that in rejecting a claim for beneficial ownership of a property, a judge had been entitled to determine a disputed factual issue by resort to the burden of proof. The evidence before her had been such that it was impossible to reach a conclusion and constituted a situation that could properly be described as exceptional.

Other areas

Christopher acts and advises in a wide range of property law areas, including the following:

- Rights to light and reservations of a right to build.
 - Mortgage repossession
 - Leases
 - Boundary disputes
 - Property related claims for judicial review.
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Planning and Environment

Christopher is a member of PEBA. His planning practice includes representation of Claimants in applications for judicial review against grants of planning permission and section 288 challenges against decisions of Inspectors. He has recently advised developers as to affordable housing requirements and the revised NPPF.

Compulsory Purchase

Christopher has advised widely on matters relating to compulsory purchase and compensation.

Urban Regeneration

Christopher has appeared in a number of inquiries, most notably acting for the successful objectors in the Aylesbury Estate CPO public inquiry. The effect of that Inquiry is that Acquiring Authorities must now carefully consider the interests of leaseholders in large compulsory purchase schemes. He represented the same objectors in a subsequent inquiry, which was settled by consent upon mediation between the parties.

Judicial Review

Christopher acted for the successful Claimant in *R. (on the application of Seventeen De Vere Gardens (Management) Ltd) v Kensington and Chelsea RLBC* [2016] EWHC 2869 (Admin) in which a Local Planning Authority decision to decline to determine a planning application under section 70C Town and Country Planning Act 1990 quashed.

Christopher acted for the successful claimant in a judicial review of LB Hackney's decision to grant planning permission in relation to a development which concerned the application of BRE guidelines to a children's playground, *R (on the application of Watt) v Hackney LBC* [2016] ACD 115.

Christopher represented the successful claimant in *Venn v Secretary of State for Communities and Local Government* [2013] EWHC 3546 (Admin); [2014] J.P.L. 447; in which the court exercised its inherent jurisdiction and granted a protective costs order to the claimant on her application to quash a grant of planning permission to build a new house in the garden of a property. Such a claim raised "environmental matters" within the scope of the Aarhus Convention 2001.

Christopher subsequently acted as junior counsel in the Secretary of State's appeal against that decision (with Richard Drabble QC) - *SSCLG v Venn* [2015] 1 W.L.R. 2328 [2015] C.P. Rep. 12 [2015] 1 C.M.L.R. 52 [2015] Env. L.R. 14 [2015] J.P.L. 573 [2014] EWCA Civ 1539, in which the Court of Appeal recognised that the costs regime under 45.41 was "systematically flawed in terms of Aarhus compliance".

Enforcement

Christopher has acted in a number of appeals and inquiries relating to enforcement of planning control.

Other notable cases

Christopher acted for a developer in the Court of Appeal in a case concerning the meaning of reserved matters in outline applications for planning permission, *Crystal Property Limited v SSCLG* [2016] EWCA Civ 1265.

In October 2011 Christopher represented the travellers at the Dale Farm site in Basildon in proceedings in the Administrative Court and in the Court of Appeal - *R (on the application of Sheridan & others) v Basildon District Council* [2011] EWHC 2938 (Admin) in relation to a judicial review of enforcement action and rights of children.

Dedicated and extremely knowledgeable

Legal 500

Cases

17 Dec 2016	Ghising v Secretary of State for the Home Department [2015] EWHC 3706 (QB)
12 Jul 2016	Secretary of State for the Home Department v MSM (Somalia) and UNHCR (Intervener) [2016] EWCA Civ 715
26 Jan 2016	R (on the application of BB (Algeria)) v Secretary of State for the Home Department [2016] EWCA Civ 25
30 Apr 2015	R (on the application of Zermani) v Secretary of State for the Home Department [2015] EWHC 1226 (Admin)
17 Apr 2015	R (on the application of MA (Sudan)) v Secretary of State for the Home Department [2015] EWHC 1354 (Admin)
20 Feb 2015	R (Traveller Movement) v Office of Communications [2015] EWHC (Admin) 406 (Admin)
18 Dec 2014	BCT v Secretary of State for the Home Department [2014] EWHC 4265 (Admin)
27 Nov 2014	Venn v Secretary of State for Communities and Local Government [2015] 1 W.L.R. 2328 [2015] C.P. Rep. 12 [2015] 1 C.M.L.R. 52 [2015] Env. L.R. 14 [2015] J.P.L. 573
27 Nov 2014	Venn v Secretary of State for Communities and Local Government [2015] 1 W.L.R. 2328 [2015] C.P. Rep. 12 [2015] 1 C.M.L.R. 52 [2015] Env. L.R. 14 [2015] J.P.L. 573
20 Nov 2014	R (on the application of Alemi) v Secretary of State for the Home Department [2014] EWHC 3858 (Admin)
20 Aug 2014	R (on the application of Qaza) v Secretary of State for the Home Department [2014] EWHC 2851 (Admin)
21 May 2014	R. (on the application of Limbuela) v Secretary of State for the Home Department Court of Appeal (Civil Division).
25 Feb 2014	Tsavdaris v Home Office [2014] EWHC 440 (QB)
09 Dec 2013	P(DRC) [2013] EWHC 3879 (Admin)
16 Oct 2013	R (Lamari) v SSHD [2013] EWHC 3130 (QB)
09 May 2013	R (on the application of Ahmed) v Secretary of State for the Home Department [2013] EWHC 1536 (Admin)
07 Mar 2013	SU (Bangladesh) v Secretary of State for the Home Department
06 Feb 2013	Abdullah v Secretary of State for the Home Department [2013] EWCA Civ 42; [2013] EWCA Civ 427
21 Jan 2013	Gurung & others v SSHD [2013] EWCA Civ 8
21 Dec 2012	DD v SSHD [2012] UKSC 54; [2012] 3 W.L.R. 1263
27 Nov 2012	R (on the application of Kalumba) v Secretary of State for the Home Department
18 Oct 2012	R (on the application of KR) v Secretary of State for the Home Department [2012] EWCA Civ 1555
04 Jul 2012	R (on the application of S) v First-tier Tribunal [2012] EWHC 1815 (Admin)
18 Jun 2012	R (Lamari) v SSHD [2012] EWHC 1895 (Admin)
01 Jun 2012	Bah (EO (Turkey): Liability to Deport), Re [2012] UKUT 196 (IAC); [2013] I.N.L.R. 115

20 Oct 2011	Quila and others v SSHD [2011] UKSC 45 [2011] 3 WLR 836; (2011) 108(41) LSG 15; (2011) 155(39) SJLB 31; Times
03 Oct 2011	Pun & others (Gurkhas - policy- article 8) Nepal [2011] UKUT 00377 (IAC)
02 Oct 2011	R (on the application of Sheridan & others) v Basildon District Council
01 Apr 2011	SM (Afghanistan) v Secretary of State for the Home Department. [Court of Appeal]
16 Feb 2011	R. (on the application of Aziz) v Secretary of State for the Home Department. [2011] EWHC 554 (Admin).
21 Dec 2010	Quila v Secretary of State for the Home Department 21 December 2010. [2010] EWCA Civ 1482; [2011] Fam. Law 232; Times, January 10, 2011 [Court of Appeal]
10 Dec 2010	Secretary of State for the Home Department v DD (Afghanistan) [2010] EWCA Civ 1407
29 Nov 2010	R. (on the application of K) v Secretary of State for the Home Department. [2010] EWHC 3102 (Admin)
13 Oct 2010	Broomleigh Housing Association Ltd v Okonkwo. [2010] EWCA Civ 1113; [2011] C.P. Rep. 4; [2011] H.L.R. 5; [2010] 42 E.G. 104 (C.S.); (2010) 107(41) L.S.G. 22; Times, November 18, 2010 Court of Appeal (Civil Division)
30 Jul 2010	R. (on the application of ZA (Nigeria)) v Secretary of State for the Home Department. [2010] EWCA Civ 926; [2011] 2 W.L.R. 16; [2010] Imm. A.R. 776; [2011] I.N.L.R. 78. Court of Appeal (Civil Division)
28 Jul 2010	R. (on the application of ZO (Somalia)) v Secretary of State for the Home Department. [2010] UKSC 36; [2010] 1 W.L.R. 1948; [2010] 4 All E.R. 649; [2010] I.N.L.R. 503; Times, October 25, 2010 [Supreme Court]
25 May 2010	Northamptonshire CC v Entwhistle [2010] I.R.L.R. 740.
07 May 2010	XL (China) v Secretary of State for the Home Department. [2010] EWCA Civ 575 Court of Appeal (Civil Division)
14 Dec 2009	KH (Afghanistan) v Secretary of State for the Home Department. [2009] EWCA Civ 1354; Times, January 19, 2010 Court of Appeal (Civil Division).
28 Oct 2009	AA (Saudi Arabia) v Secretary of State for the Home Department. [2009] EWCA Civ 1241
09 Sep 2009	AK (Kosovo) v Secretary of State for Home Department. [2009] EWCA Civ 1032 ; [Court of Appeal]
14 May 2009	R. (on the application of Aiyegbeni) v Secretary of State for the Home Department. [2009] EWHC 1241 (Admin); [2010] Imm. A.R. 42; [2010] I.N.L.R. 362 . [Queen's Bench Division. Administrative Court]
28 Apr 2009	R. (on the application of Y) v Secretary of State for the Home Department 28 April 2009. [2009] EWHC 1649 (Admin); [2010].
11 Mar 2009	Ofulue v. Bossert. [2009] UKHL 16; [2009] 2 W.L.R. 749; [2009] 3 All E.R. 93; [2009] 2 P. & C.R. 17; [2009] 11 E.G. 119 (C.S.); (2009) 106(12) L.S.G. 15; (2009) 153(11) S.J.L.B. 29; [2009] N.P.C. 40; Times, March 11, 2009; [House of Lords]
03 Dec 2008	BK (Democratic Republic of Congo) v Secretary of State for the Home Department. [2008] EWCA Civ 1322 ; [Court of Appeal].
13 Nov 2008	NB (Guinea) v SSHD. [2008] EWCA 1229. [2009] Imm. A.R. 337; [2009] I.N.L.R. 269.[Court of Appeal].
29 Oct 2008	Boreh v Ealing LBC. [2008] EWCA Civ 1176; [2009] 2 All E.R. 383; [2009] H.L.R. 22; [2009] B.L.G.R. 65; (2008) 158 N.L.J. 1568; (2008) 152(42) S.J.L.B. 30; [2008] N.P.C. 114; Times, November 11, 2008 ; [Court of Appeal]

30 Jul 2008	KH (Sudan) v Secretary of State for the Home Department. [2008] EWCA Civ 887; [2009] Imm. A.R. 139. [Court of Appeal]
16 Jul 2008	Whitecap Leisure Ltd v. John H. Rundle Ltd. [2008] 2 Lloyd's Rep. 216; [2008] C.P.Rep.31; 152(18) S.J.L.B31; [2008] EWCA Civ 429; [Court of Appeal]
12 Jun 2008	JB (Sudan) v Secretary of State for the Home Department [2008] EWCA Civ 766 [Court of Appeal].
10 Jun 2008	ME (Sudan) v Secretary of State for the Home Department. [2008] EWCA Civ 720 [Court of Appeal].
14 Mar 2008	NG (Iran) v Secretary of State for the Home Department. [2008] EWCA Civ 312 [Court of Appeal]
25 Feb 2008	R. (on the application of Semere) v Asylum and Immigration Tribunal. [2009] EWHC 335 (Admin) [Administrative Court].
14 Nov 2007	AH (Sudan) v SSHD. [2007] UKHL 49; [2008] 1 A.C. 678; [2007] 3 W.L.R. 832; [2008] 4 All E.R. 190; [2008] Imm. A.R. 289; [2008] I.N.L.R. 100; (2007) 151 S.J.L.B. 1500; Times, November 15, 2007 [House of Lords].
23 Aug 2007	R (Lutete) v Secretary of State for the Home Department. [2007] EWHC 2331 (Admin). [Administrative Court]
26 Jul 2007	PM (Jamaica) v Secretary of State for the Home Department. [2007] EWCA Civ 937 [Court of Appeal]
20 Feb 2007	R. (on the application of S) v Asylum and Immigration Tribunal.[2007] EWHC 426 (Admin) [Administrative Court]
22 Nov 2006	R (ota) AA (Afghanistan) v SSHD [2006] EWCA Civ 1550; [2007] A.C.D. 32; (2006) 103(47) L.S.G. 30; (2006) 150 S.J.L.B. 1570; Times, November 29, 2006
03 Apr 2006	R (ota) Mota v SSHD. [2006] EWHC 1070 Admin.
15 Feb 2006	Januzi v Secretary of State for the Home Department.[2006]
08 Feb 2006	Ariaya v Secretary of State for the Home Department[2006] EWCA Civ 48; [2006] Imm. A.R. 347; Times, February 20, 2006 [Court of Appeal]
03 Nov 2005	R (ota) Limbuela & others v SSHD [2005] UKHL 66; [2006] 1 A.C. 396; [2005] 3 W.L.R. 1014; [2007] 1 All E.R. 951; [2006] H.R.L.R. 4; [2006] H.L.R. 10; (2006) 9 C.C.L. Rep. 30; (2005) 102(46) L.S.G. 25; (2005) 149 S.J.L.B. 1354; Times, November 4, 2005; [House of Lords]
15 Jul 2005	KK v Secretary of State for the Home Department [2005] EWCA Civ 1082
17 Mar 2005	Batayav v Secretary of State for the Home Department (No.2)
10 Mar 2005	R(ota) Hoxha v Special Adjudicator. [2005] UKHL 19; [2005] 1 W.L.R. 1063; [2005] 4 All E.R. 580; 19 B.H.R.C. 676; [2005] Imm. A.R. 272; [2005] I.N.L.R. 440; (2005) 149 S.J.L.B. 358; Times, March 11, 2005 [House of Lords].
04 Feb 2004	R. (on the application of Limbuela) v Secretary of State for the Home Department Queen's Bench Division. [2004] EWHC 219 (QB); Times, February 9, 2004. S55 NIA Act 2002.
17 Jun 2003	R. (on the application of Ekinci) v Secretary of State for the Home Department, [2003] EWCA Civ 765; [2004] Imm. A.R. 15; [Court of Appeal]
13 Jan 2003	R. (on the application of Lika) v Secretary of State for the Home Department [2002] EWCA Civ 1855; (2003) 100(9) L.S.G. 28; Times, [Court of Appeal] 16 December 2002.
08 Oct 2002	London Borough of Havering v Mr Michael O'Connor. Queen's Bench Division

14 Jun 2001	The Queen on the Application of Trunca v Special Adjudicator [2001] EWHC Admin 586. [Queen's Bench Division Administrative Court]
04 May 2001	Haddadi v Secretary of State for the Home Department [2001] EWCA Civ 796 [Court of Appeal]

Inquiries

21 Sep 2016	Aylesbury Estate CPO Public Inquiry - Order not confirmed
13 Oct 2015	Aylesbury Estate inquiry

Publications

12 Mar 2019	Issues Relating to Core Participants
25 Sep 2017	Blight notices and material detriment
30 Oct 2012	Judicial Review of the Upper Tribunal
