



Carine Patry

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Expertise

Planning, Public, Environment, Mediation

Overview

Carine Patry was called to the Bar in 2000 and is a public and administrative law specialist. She also has a wide-ranging planning and environmental law practice.

Prior to commencing practice she worked at the New York State Defenders Association (New York Office) and also completed a stage at the European Court of Human Rights. In September 2016, Carine was appointed to the Attorney-General's "A" panel of Junior Treasury Counsel following time on the 'B' and 'C' panels.

Public Law

In the field of public law, Carine has strong public law and judicial review experience, and has particular expertise in asylum & immigration, education, care standards, and human rights. Her particular areas of interest have meant that unlike many public lawyers, she has extensive experience of cross-examination, including cross-examination of experts. She was junior counsel to the Leveson Inquiry into Press Standards (2011-2). For further information click on the link on the right. She is ranked by the *Legal 500* as a leading junior for Administrative & Public law: "A public and administrative law specialist with allied strengths in planning and environment matters."

Planning Law

In the field of planning, Carine regularly represents clients at inquiries on all aspects of planning law. She also regularly represents both government and a range of other clients in planning challenges in the Courts. For full information on recent work click on the link on the right.

Carine is also a CEDR-accredited mediator.

Carine is an IPSEA (Independent Panel for Special Educational Advice) adviser and representative. Carine is an active member of both the Administrative Law Bar Association and the Bar Pro Bono Unit.

Public

Carine's reported cases in this field include:

- *AQ (Somalia) v SSHD* [2011] EWCA Civ 695 (Court of Appeal): successful appeal relating to section 72 presumptions.
- *HSE v Wolverhampton City Council* [2010] EWCA (Court of Appeal): the ability of local authorities to take into account financial considerations when considering whether to revoke planning permissions.
- *HR (Portugal) v SSHD* [2009] EWCA Civ 371 (Court of Appeal): time spent in prison does not count as 'residence' for the purposes of the 'Citizenship' Directive 2004/28.
- *Saber v SSHD* [2009] EWHC (Admin): the SSHD is entitled to refuse to treat representations as a 'fresh claim' in circumstances where the evidence provided is limited, even if the case put forward could be believed on appeal.
- *Orlando Polanco v SSHD* [2009] EWHC (Admin) 826: the continued detention (33 months) of an overstayer who had committed criminal offences was not justified in all the circumstances.
- *Fladgate Fielder v Westminster City Council* [2009] EWHC Admin: local authority entitled to accept a substantial financial contribution to its affordable housing fund from a developer where it was not practicable for the development to include an amount of residential floorspace equivalent to the increase in commercial space.
- *JN (Cameroon) v SSHD* [2009] EWCA Civ 241 (Court of Appeal): immigration judge was entitled to conclude that certificates purportedly issued by the Cameroon government authorities and produced to support an asylum seekers' claim, could not be relied upon.

Apart from the High Court and the Court of Appeal, she also regularly appears in the First Tier Tribunal (on health, care standards, education, social security and mental health issues) and the Upper Tribunal. Carine regularly undertakes care standards cases, and recently completed a complex 4-week hearing relating to the suitability of a person to work with vulnerable adults, dealing with many witnesses (professional and otherwise)

Planning

Carine acted for the HSE at a called-in inquiry into the redevelopment of the Oval Cricket Ground which ran from October to December 2008. The Oval inquiry was the first one of its kind to be heard almost entirely in private, by virtue of a direction made under section 321 of the Town and Country Planning Act on national security grounds. She also recently acted for the HSE at another large inquiry into redevelopment of the Ram Brewery site in Wandsworth. On that occasion, the HSE successfully persuaded the Inspectors to recommend the refusal of permission on health and safety grounds. Planning permission was subsequently refused by the Secretary of State.

She also has strong High Court experience, and acts on behalf of PINS, local authorities, developers, objectors and other interested parties. Carine also regularly undertakes planning advisory work.

Carine was named as one of the most highly rated planning barristers under the age of 35 by Planning Magazine and in 2008 was named the top planning barrister under the age of 35. In 2009, she moved up into the list of top planning juniors.

Qualifications

Carine is a graduate of the University of Glasgow (First Class, LLB Honours) and Emmanuel College, Cambridge (First Class, LLM). She is bi-lingual French/English.

Knowledgeable, committed and highly applauded by clients

Legal 500

Cases

28 Apr 2017	Rai v Entry Clearance Officer (New Delhi) [2017] EWCA Civ 320
04 Apr 2017	R (on the application of the claimant) v Secretary of State for the Home Department [2017] EWHC 639 (Admin)
31 Aug 2016	R (on the application of L (Morocco)) v Secretary of State for the Home Department [2016] EWHC 2177 (Admin)
05 Aug 2016	Ibrahimi v Secretary of State for the Home Department [2016] EWHC 2049 (Admin)
18 Jul 2012	Supreme Court give judgment in planning revocation compensation case
30 Jul 2010	The Health & Safety Executive v Wolverhampton City Council & Anor [2010] EWCA Civ 892
05 Nov 2009	R (Health & Safety Executive) v Wolverhampton City Council and Victoria Hall Limited [2009] EWHC 2688 (Admin)
01 Jan 2002	R (on the application of D) v Maidstone (2002)
01 Jan 2001	Callery v Gray (2001)
01 Jan 2001	R (on the application of D) v Worcester District Council (2001)

Inquiries

01 Jan 2008	Barratt West London (Housing Development)
13 Dec 2004	Hearing for judicial review of Airports White Paper
08 Dec 2003	'Ghost Ships' judicial review begins - Friends of the Earth v Environment Agency

Publications

04 Mar 2021	Vocational and Technical Exams
04 Mar 2021	Exams 2021: legal issues
10 Sep 2020	The Looming Public Inquiry on COVID-19: Tips on Preparation for the NHS and Other Public Bodies - Webinar
03 Aug 2020	What are the time limits?
03 Aug 2020	Public Examinations: How to Appeal - Webinar
27 Apr 2020	SEN Video Hearings: Practical Steps and Tips
27 Apr 2020	Special Educational Needs During the COVID 19 Crisis - Webinar
25 Feb 2019	Defendant Strategy
13 Sep 2018	Support for Victims: the framework and issues
28 Nov 2017	Ofsted, inspections and the law
28 Nov 2017	Injunctions to Restrain Publication
14 Jan 2011	The Localism Bill- Implications for London