



Guy Williams

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Expertise

Planning, Public, Environment, Rating and Valuation

Overview

Guy Williams was called to the Bar in 2000. He specialises in planning, environmental, transport and infrastructure, compulsory purchase and rating law. Guy is on the Attorney General's 'A' Panel of Junior Counsel.

Guy appears very regularly at planning inquiries in relation to all kinds of development. He acts for developers, local authorities, public bodies and interest groups and has a wide experience of appeals, called-in applications, enforcement matters and compulsory purchase inquiries. This year he has appeared at numerous housing inquiries for local authorities and developers. These focused on issues as to housing land supply and the consequences for development plan policies, OAN, countryside and strategic gap policies, transport and sustainability impacts, and Green Belt. He also promoted the Brent Cross CPOs. Other inquiries this year include the promotion of a new school in the Green Belt, gypsy and traveller sites, and enabling development

proposals in the setting of grade 1 listed buildings.

Guy also specialises in judicial review and statutory challenges relating to planning and local government in the higher courts.

Guy has an extensive practice in all matters relating to compulsory purchase, from advising acquiring authorities and developers on strategy and promoting CPOS, to all matters of compensation arising from compulsory acquisition. This year Guy promoted the Brent Cross, Cricklewood CPOs for the London Borough of Barnet, a two month inquiry relating to schemes to create a new mixed use town centre at Brent Cross, and deliver 7,500 homes.

Guy is also a member of the panel of counsel appointed to advise GLA/TfL on matters of compulsory purchase and compensation.

He also has an active rating practice, and is currently instructed in relation to the rating of ATMs with test cases being heard by the Upper Tribunal early in 2017.

Guy is a member of the Planning and Environmental Bar Association (PEBA), the Compulsory Purchase Association (CPA) and the United Kingdom Environmental Law Association (UKELA).

He is an assistant editor of the Encyclopedia of Planning Law.

Planning and Environment

Guy specialises in advice and advocacy on planning applications and planning appeals, and appears frequently at a broad range of planning inquiries (section 78 appeals, enforcement appeals and call-in inquiries), and informal hearings.

Guy acts for a range of clients in the private and public sectors. Recent areas of work have involved:

Housing and Mixed Use Development: In the past two years Guy appeared at 16 residential-led planning inquiries ranging from 4 days to 4 weeks. Many focused on the application of the NPPF and the 5 year supply issue on development plan policies and the issue of prematurity. Main site specific issues included consideration of Green Belt, Strategic Gap SPA, highways, and flooding (risk and sequential test) issues, and the role of Neighbourhood Plans. In early 2016 Guy acted for Leeds City Council resisting 4 appeals for development on greenfield sites outside settlements ranging from 150 to 300 units. He also acted for Gladman Homes securing consent for 1000 homes in the strategic gap outside Eastleigh.

Infrastructure/Energy: In 2015 Guy promoted a Strategic Rail Freight Interchange on GB land outside Slough (seeking permission for an intermodal terminal and 200,000 sq m of B8). In 2013 Guy acted for King's Lynn Borough Council at a three month inquiry objecting to a proposed 275k tpa EfW facility on grounds of proximity, waste hierarchy, self-sufficiency, flooding and prematurity. Also in 2013, he acted for English Heritage (now Historic England) in relation to the New Barnfield EfW facility. In 2012 Guy acted for North Yorks CC in relation to the long-running Motorway Service Areas inquiry on the A1(M), and promoted the Bedale and Leeming Bar Bypass.

Employment Land Uses: Guy promoted the development of 500,000 sq m of B2 and B8 floorspace outside Coventry in 2014. In 2015 he promoted a proposed SRFI with 200,000 sq m of warehousing floorspace. Previously he acted for Hart DC resisting 100,000 sq m of employment floorspace as a distribution centre in Hart district, and promoting re-use at the former Aston Down airfield in Gloucestershire.

Retail: in 2016 Guy promoted the Brent Cross Cricklewood CPOs for LB Barnet acting with Hammerson and Argent to regenerate Brent Cross through the creation of a new town centre spreading across the North Circular, doubling the size of the shopping centre, with very significant highways and infrastructure provisions and a new living bridge.

Heritage: Guy regularly acts for Historic England. In 2016 he has acted for HE on complex enabling development proposals within the setting of Grade I listed buildings and Scheduled Ancient Monuments. Previously, he was instructed at the Call-In inquiry for the proposed EfW facility at New Barnfield, and in relation to the Rookery Pit EfW facility, as well as in relation to enabling development proposals in Leicestershire. Guy advises in relation to listed building consents and conservation area consent.

Waste and Minerals: Acting for the Borough Council resisting a 275k tpa EfW facility in King's Lynn, and acted for the promoter of an extraction and landfilling proposal; Guy also appeared on behalf of the Borough Council as an objector to the Norfolk County Council Waste Site Allocations DPD.

Planning Obligations: as well as the usual consideration of planning obligations at planning inquiries Guy appeared in the Court of Appeal for Wokingham BC on the question of what considerations are relevant to the enforcement of planning obligations in *Millgate Homes Ltd v Wokingham BC*. He also appeared in the Supreme Court in the leading case on when obligations will be related to development and so material to the grant of planning permission (*R (Sainsbury's Stores Ltd) v*

Wolverhampton CC).

Enforcement: Guy has been involved in a great number of LDC and enforcement inquiries including cases of deception, and acted for Reigate in the inquiry as to the lawfulness of the dwellinghouse in the case of *Fidler (the infamous castle within a haystack)*..

Local Plans: Guy also advises in relation to DPDs, and has appeared at examinations in public. He recently acted in relation to Leeds City Council's local plan, West Oxfordshire's, Chelmsford's OAN approach, and is currently advising in relation to Wycombe District Council's plan. He acted for Hambleton BC in the Court of Appeal in relation to a challenge to its Core Strategy, and has advised a number of authorities in relation to their emerging Local Plans and DPDs.

Judicial Review and Statutory Challenges: Guy regularly appears in the Higher Courts in claims for judicial review and statutory challenges focused on planning. Recent cases include a challenge to the SoS's decision to approve the change of use of the first Free School under the permitted development prior approval procedures (*Stoke Poges PC v SSCLG* [2016] EWHC (Admin) 1772); and successfully resisting permission for judicial review being granted in *R (on the application of Taylor) v London Borough of Camden and Royal Free Charity*(2016).

Compulsory Purchase and Compensation

Guy has developed a reputation as one of the leading juniors in the area of compulsory purchase and compensation. Guy is also a member of the panel of counsel appointed to advise Crossrail/TfL on matters of compulsory purchase and compensation.

In 2016 Guy acted for London Borough of Barnet (supported by Hammerson and Argent) promoting the Brent Cross Cricklewood CPOs. The inquiry lasted two months, and seeks an order to facilitate the regeneration of Brent Cross by the creation of a new mixed use town centre, the expansion of the existing Brent Cross Shopping centre, significant infrastructure works to re-configure the junctions of the North Circular and the M1 and A5 and deliver a new living bridge to span the North Circular, as well as delivering substantial retail and employment floorspace and 7,500 dwellings. Objections were made by commercial retail operators (Fenwick's, Waitrose, John Lewis, as well as on behalf of local residents).

He has also promoted a number of regeneration CPOs in London seeking to regenerate failing estates and deliver greatly improved housing and public realm. Most recently, Guy is acting for London Borough of Ealing promoting the regeneration of the Havelock Estate through compulsory acquisition and redevelopment.

Guy has also promoted a number of retail-led town centre CPOs, most recently at Northwich in Cheshire.

Guy regularly appears in the Upper Tribunal (Lands Chamber) on behalf of Claimants and Acquiring Authorities. These claims have ranged, ranging from high value claims (e.g. up to £35m in Ridgeland Properties), down to obtaining nominal awards for acquiring authorities in relation to acquisition of listed buildings. In 2014 Guy appeared in *Econometric Limited v GLA* [2014] RVR 251 for the GLA in relation to compensation arising from the Olympics CPO.

He is also involved in the long-running claim in *Bourne Leisure (Hopton) Ltd v Great Yarmouth Port Authority*[2014] UKUT 44 - a high value claim for injurious affection relating to the construction of an outer harbour and the claimed impacts on the claimant's holiday village down the coast. The Tribunal has already considered a number of preliminary legal issues relating to the legal foundations for a claim in injurious affection.

Guy also has specific experience in relation to electricity wayleaves and the compensation issues arising therefrom (e.g. as in the Lands Tribunal and the Court of Appeal in *Welford v EDF Energy plc*).

In 2010 Guy appeared in the Supreme Court (with Neil King QC) in *R (on the application of Sainsbury's Stores Ltd) v Wolverhampton City Council* on behalf of the City Council, the leading case on the materiality of considerations to the exercise of powers of compulsory acquisition.

Rating and Local Government

Guy specialises in Local Government Law, and particularly in Rating. Guy regularly advises local authorities and ratepayers as to liability for rates and how this may be enforced. Notable recent issues include the treatment of charitable purposes, and health and leisure centres, and issues of delay in local authorities enforcing rates demands, following *Honda*.

Guy acted for the successful claimant in *R (Reeves (Valuation Officer) v Valuation Tribunal for England* [2015] RA 241. This was, unusually, a claim for judicial review brought by the valuation office to quash the decision of the VTE which ordered the valuation officer to delete a hereditament from the list following the quashing of a completion notice. The High Court agreed that

the tribunal had no power to make such an order against the VO

In 2016 he appeared in the VTE acting for Tesco Stores plc in relation to the rateability of ATM machines – a series of test cases – which will now be addressed on appeal by the Upper Tribunal in 2017.

Guy appeared in *Sunderland City Council v Stirling Investment Properties Ltd* [2013] EWHC (Admin) 1413 (24.5.13) where the Court considered the question of rateable occupation in the context of bluetooth marketing equipment.

He also appeared on behalf of the Lake District National Park Association in the Valuation Tribunal in relation to the exemption from rating of car-parks serving the National Park.

More widely, Guy advises a number of local authorities as to the exercise of their statutory powers relating to highways, footpaths, and Building Regulations.

Qualifications

Guy read Politics, Philosophy and Economics at Brasenose College, Oxford (MA Hons) before obtaining a Diploma in Law with distinction from City University.

Guy is a member of the Planning and Environmental Bar Association (PEBA), the Compulsory Purchase Association (CPA) and the United Kingdom Environmental Law Association (UKELA). He is an assistant editor of the Encyclopedia of Planning Law.

Recommendations

For many years Guy has been identified as a leading junior in Chambers & Partners, the Legal 500 and Planning Magazine's Legal Survey (ranked 4th and 5th in the last two years). Guy was the No. 1 ranked Barrister under-35 when he was last eligible for the category.

Chambers & Partners 2021: *"He is very detailed, thought-provoking, very fastidious and careful – a very good senior junior who I can trust to run cases."* *"He is very accomplished, smooth, persuasive and unflappable."*

Chambers & Partners 2020: *"He is very calm, measured and incisive."* *"He leaves no stone unturned in preparing his advocacy and is very responsive."*

Chambers & Partners 2019: *"He is a highly skilled planning lawyer and is particularly strong in relation to compulsory purchase and compensation matters. He is incisive and quickly identifies the salient matters. Very client-friendly."* *"He is able to get to the heart of the matter and makes sure we don't lose focus despite all the complexities."*

Chambers & Partners 2018: *"Guy Williams is particularly strong in relation to compulsory purchase compensation matters."* *"He grasps the issues very quickly, and provides clear, relevant and practical advice in a really pragmatic way. He is absolutely superb, and goes above and beyond what an advocate should do."*

Chambers & Partners 2017: *"An excellent junior and very strong on CPO/compensation cases. He is destined to take silk."* *"Very thorough and thoughtful and quite a strategist. He has a very gentle manner but is very effective."*

Chambers & Partners 2016: *"He is very gentle in his approach. He is consistent and even and gets to the end of the task in a very measured way."* *"He is a rising star."*

Chambers & Partners 2015: *"He provides very helpful advice – he is fantastic."* *"He provides clear planning advice on development projects and he is extremely approachable."*

Legal 500 2021: *"Guy is a model advocate whose thoughtful and conscientious preparation and carefully modulated courtroom approach is both deeply persuasive to courts and tribunals and reassuring to clients. He is unflappable, diligent and incisive in his oral advocacy. His written work is orderly and clear in substance and style. He is a most courteous and engaging man, whom clients and courts are able to trust without qualification."*

Legal 500 2020: *"A highly skilled planning lawyer, particularly strong in relation to compulsory purchase matters."*

Legal 500 2016: *"He is highly intelligent and has a great grasp of the pertinent issues."*

He is absolutely superb, and goes above and beyond what an advocate should do

Chambers & Partners

Cases

10 Oct 2018	BACI Bedfordshire v Environment Agency and Covanta Energy Ltd
03 Oct 2018	Marcus Dill v SSCLG
18 Sep 2018	Felicity Norman v SSHCLG
05 Jul 2018	Barker v SSCHLG and LB Brent
19 Jun 2018	Chichester DC v SSHCLG
23 May 2018	Sainsbury's, Tesco, Co-op, Cardtronics v Valuation Officers
10 May 2018	Cheshire East Council v SSHCLG and Barlow
01 May 2018	Home Office v David Jackson (VO)
06 Mar 2018	Tata Chemicals v Robin Hughes (VO)
07 Feb 2018	The Shore Limited v SSCLG
07 Dec 2017	Swish Estates Ltd v SSCLG and LB Enfield
01 Dec 2017	Wycombe DC v SSCLG
01 Dec 2017	CPRE Kent v Maidstone BC and Roxhill Developments Ltd
31 Oct 2017	Mary Howe v East Northants DC and Roxhill Developments Ltd
06 Jul 2017	Nigel and Max Bishop v Transport for London
28 Mar 2017	Goodman Logistics Devt Ltd v SSCLG
10 Jan 2017	Tesco Stores Ltd v VOA
06 Sep 2016	Botley Rad, West End
15 Jul 2016	High Court dismisses Stoke Poges Free School challenge
12 Jul 2016	Stoke Poges PC v SSCLG
08 Feb 2016	Rating of ATMs
01 Sep 2015	Bourne Leisure (Hopton) Ltd v Great Yarmouth Port Authority [2014] UKUT 44
04 Jun 2015	R (W E Black) v St Albans City and District Council [2015] EWHC 2059 (Admin)

05 Mar 2015	R (John Reeves (Valuation Officer)) v Valuation Tribunal for England [2015] RA 241
24 May 2013	Sunderland City Council v Stirling Investment Properties Ltd [2013] EWHC (Admin) 1413
15 Feb 2013	R (on the application of Salford Estates (No 2) Ltd v Durham CC [2013] JPL 293
05 Feb 2013	Lake District National Park Authority v Hewitt (VO)
19 Sep 2012	Challenge to new Tesco store rejected
25 Jul 2012	Econometric Ltd, and Brewsters Waste Management v GLA
25 Apr 2012	Barker v Hambleton DC [2013] 1 P&CR 1
06 Jul 2011	R (on the application of Millgate Homes Ltd) v Wokingham Borough Council (CA)
01 Jul 2011	R (on the application of Mishiku) v London Borough of Ealing (High Court)
24 May 2011	R (on the application of Barker) v Hambleton District Council (High Court)
31 Mar 2011	R (on the application of Fidler) v Secretary of State and Reigate Borough Council (High Court)
01 Feb 2011	R (Pelham Holdings Ltd) v Wealden DC (High Court)
01 Jan 2011	Arun DC v Vanstian Ltd
01 Sep 2010	HAT Limited v East Lindsey DC
01 Jul 2010	Wandsworth BC v McHugh
12 May 2010	R (Sainsbury's Supermarkets Ltd) v Wolverhampton City Council [2011] 1 A.C. 437
01 Apr 2010	R (on the application of Harper) v Waverley BC (High Court)
01 Feb 2010	Sheikh and Akhtar v Docklands Light Railway (Lands Tribunal)
11 Aug 2009	Sainsbury's Supermarkets Ltd v Wolverhampton City Council and Tesco Stores Limited [2009] EWCA Civ 734

Inquiries

16 Oct 2018	Egerton Terrace, Kensington and Westminster
22 Aug 2018	Runways Farm, Dacorum
16 Jul 2018	Wycombe Local Plan Examination
01 May 2018	Holloway Farm

Publications

26 May 2020	Hampshire CC and curtilage
26 May 2020	Listed Buildings: Current issues on the extent of the protection afforded by listing - Webinar
28 Nov 2011	Requirements for valid s106 agreement & Public Law grounds of challenge once planning permission implemented
11 Oct 2011	Enforcement, Modification & Discharge of s106 Agreements - Public Law Challenges to Planning Applications
25 Mar 2011	Compulsory Purchase Orders - Implementing Compulsory Purchase Order Powers
