



Jenny Wigley QC

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Expertise

Planning, Environment, Rating and Valuation

Overview

Jenny's practice is focused on planning and environmental law and non-domestic rating (local government tax). She appears regularly in planning inquiries and in the High Court, Court of Appeal and Supreme Court in judicial review and statutory review claims including those related to adequate consultation, legitimate expectation, heritage, Habitats Regulations, EIA, SEA, air quality, s.106 obligations and conditions, the GPDO, enforcement, interpretation of policy and adequacy of reasons (see cases tab for details). Of notable recent interest, she represented the successful claimant in the statutory review challenge to all the Green Belt allocations in the Leeds Site Allocations Plan.

On the non-domestic rating side, her practice includes cases in the Valuation Tribunal, Upper Tribunal (Lands Chamber) and the Higher Courts, including in the landmark Divisional Court cases concerning empty rates relief (Makro, Kenya Aid, Digital Pipeline

and Pall Mall).

Jenny was formerly a solicitor at Stephenson Harwood and was called to the Bar in 2000. She was selected by a panel of judges as one of *The Planner's* Women of Influence for 2021.



Planning and Environmental

Ranked in the Directories consistently as a leading junior, the “excellent” Jenny Wigley (Legal 500 2013) is “thorough in her preparation and forceful in her advocacy” (Legal 500 2014) and “presents a clear and cogent case” (Legal 500 2015). “Her knowledge of judicial review is impressive” (Legal 500 2016).

She regularly appears in the Senior Courts in judicial review claims and statutory challenges (reported cases of note listed in the cases tab). Her most recent cases include a successful Local Plan challenge on behalf of local residents (*Jopling v. Richmond upon Thames LBC* ([2019] EWHC 190 (Admin)), a successful judicial review of a residential planning permission on behalf of an adjacent industrial occupier (*Cemex (UK) Operations Ltd v Richmondshire DC* [2018] EWHC 3526 (Admin) and a successful judicial review of a reserved matters approval for 321 houses by an adjacent cheese factory (*R (oao Ornua Ingredients) v. Herefordshire Council* [2018] EWHC 2239 (Admin)). In a case due to be heard in the summer, Jenny has been granted permission to appeal to the Supreme Court – the issue is whether annual contributions to a community benefit fund of a proportion of the turnover derived from a wind turbine development can be a material consideration in the determination of an application for planning permission for the development.

Jenny also appears in planning inquiries, examinations and hearings relating to all aspects of development and enforcement for developers, local authorities and other interested persons. She has been successful in representing a Parish Council at a three week Inquiry as the sole party opposing an appeal for 800 houses in Essex on primarily transport grounds. She has recently appeared for a local planning authority in an inquiry successfully resisting the conversion of a listed public house to residential use, a case involving complex viability and heritage issues. She also acted for a developer in gaining planning permission for 150 houses on appeal in one of the first post-NPPF cases in which planning permission was granted notwithstanding the presence of a five year housing land supply and the site’s location outside the settlement boundary.

In addition to the reported cases in which she has appeared in the High Court and Court of Appeal (see cases tab), Jenny has succeeded in achieving quashing orders by consent and other favourable settlements for both claimants and developers in many more judicial review and statutory review cases. She has appeared many times for claimants, local authorities and developers in judicial review and statutory review claims including, in particular, those related to adequate consultation, legitimate expectation, heritage, Habitats Regulations, EIA, SEA, air quality, s.106 obligations and conditions, interpretation of policy and adequacy of reasons. She has also appeared in a number of cases concerning the interpretation of the NPPF. Whilst her current caseload has a strong planning focus, she is widening that to other areas of judicial review and High Court challenge.

Jenny graduated in law from Cambridge University. She was called to the Bar in 2000 by the Middle Temple, having worked for five years in a solicitors’ firm in the City.

Jenny has written a number of articles on planning, rating and the council tax in both the legal and property trade press. She provides oral representation and advice, both written and in conference, on all aspects of judicial review, planning, rating and the council tax, compulsory purchase, highways and local government.

Non-domestic rating

Jenny Wigley has a strong practice in the field of non-domestic rating (local government tax). She regularly appears both for rate payers and local authorities in the Valuation Tribunal, Upper Tribunal (Lands Chamber) and the Higher Courts, including in the recent landmark Divisional Court cases concerning empty rates (Makro, Kenya Aid, Digital Pipeline and Pall Mall – see cases below). One of her current cases is for a football club and concerns the important issue of whether relegation from the Premier League can constitute a ‘material change of circumstances’ for rating purposes. Her cases of note in this field include (more details in cases tab):

- Wigan Football Co Ltd v. Roberts (VO) [2019] RA 41
- My Community Space v. Ipswich BC [2018] EWHC 3313 (Admin)
- Student Union Lettings Ltd v. Leicester City Council [2018] RA 175
- City of York Council v. Sykes (VO) [2017] UKUT 230 (LC)
- South Kesteven DC v. Digital Pipeline Ltd [2016] EWHC 101 (Admin)

- Sleekmade Ltd v. Sheffield City Council [2015] EWHC (Admin) (17 November 2015)
- Pall Mall Investments (London) Ltd v. Gloucester City Council [2014] EWHC 2247 (Admin), [2014] PTSR 1184, [2014] RA 395:
- Lidl (Uk) GmbH v. Ryder (VO) [2014] RA 23
- Kenya Aid Programme v. Sheffield City Council [2013] EWHC 54 (Admin) Div, [2014] QB
- Makro Properties Limited v. Nuneaton & Bedworth BC [2012] EWHC 2250 (Admin)
- Webster v. Yorkshire Water Services Ltd [2009] RA 317
- Thames Water plc v. Peter Handcock (VO), Lands Tribunal, 16 September 2008
- Baker (VO) v. Citibank NA [2007] RA 93

Jenny co-edits the main rating text book, Ryde on Rating and the Council Tax and she edits the rating chapter in Atkins Court Forms and the Encyclopaedia of Forms and Precedents.

Jenny graduated in law from Cambridge University. She was called to the Bar in 2000 by the Middle Temple, having worked for five years in a solicitors' firm in the City.

During her time as a solicitor, Jenny practised in the commercial and property litigation department of city firm, Stephenson Harwood, where she also had conduct of the firm's rating practice. During that time she worked on the law changing case of *Benjamin (VO) v. Anston Properties* (which led to the Government introducing the Rating (Valuation) Act 1999) and the case of *Coventry & Solihull Waste Disposal Co v. Russell (VO)* ([1999] 1 WLR 2093) in the House of Lords.

Qualifications

MA (Hons) (Cantab) (Jesus College, Cambridge)

Memberships

- Planning and Environmental Bar Association
- Administrative Law Bar Association

Recommendations

"She is particularly good on her feet, has facts at her fingertips and deals well with searching questions from the Bench and the other side." "She really gets into the detail."

Chambers & Partners, 2021 (Planning)

"She's a good advocate who's also good on paper and expresses herself in a clear, persuasive way." "She understands what her clients want, works hard and is successful in her efforts on their behalf."

Chambers & Partners, 2021 (Rating & Valuation)

"Carries out a very forensic and sound analysis of knotty issues."

Chambers & Partners, 2020

"Diligent, approachable, confident and assertive."

Legal 500, 2017 (Public Law)

"Her knowledge of judicial review is impressive."

Legal 500, 2016 (Public Law)

"Presents a clear and cogent case."

Legal 500, 2015 (Public Law)

"Thorough in her preparation and forceful in her advocacy."

Legal 500, 2014

"The 'excellent' Jenny Wigley is recommended for planning matters."

Legal 500, 2013

"In the last year Jenny Wigley has been involved in a number of judicial review and statutory claims. One recent example of her work was a three-week planning inquiry, where she acted against Ian Dove QC, relating to a site on the edge of Leicester called Glenfield Park. This area had been earmarked for a mixed employment and housing scheme."

Chambers & Partners, 2013

"Jenny Wigley is proficient in all aspects of planning law, including highways and CPOs along with enforcement, inquiries and local and statutory reviews in the High Court. Currently, she is continuing to challenge the Secretary of State's dismissal of an appeal for 1,100 houses on a derelict sugar beet factory site in Ipswich."

Chambers & Partners, 2010

"Jenny Wigley has impressed with a series of planning judicial review applications and appeals."

Legal 500, 2009

"Increasingly recognised as a barrister making a huge impact on the market."

Chambers & Partners, 2009

Publications

Joint Editor of Ryde on Rating and the Council Tax

Contributor to Atkins Court Forms (rating section)

Contributor to Encyclopaedia of Forms and Precedents (rating section)

Articles in the JPEL and Planning Magazine

Carries out a very forensic and sound analysis of knotty issues

Chambers & Partners

Cases

10 Aug 2021	Community Group another step closer to saving local playing field
30 Jul 2021	High Court dismisses challenge to Cherwell Local Plan review
04 Jun 2021	Community group one step closer to saving local playing field
29 Apr 2021	Legal challenge to South Oxfordshire Local Plan rejected for second time
16 Apr 2021	In a win for ratepayers, the High Court clarifies the law on empty rates mitigation
11 Feb 2021	Legal Challenge to Cherwell Plan granted permission to proceed
27 Nov 2020	Court of Appeal answers the question: When must an unsuccessful litigant accept 'No' for an answer?
07 Aug 2020	Court orders remittal of all Leeds Green Belt housing allocations
08 Jun 2020	Successful Legal Challenge to Leeds Site Allocations Plan
14 Jan 2020	Unincorporated Associations have capacity to bring public law claims
14 Nov 2019	Gliding Club's successful challenge to approval of a residential barn conversion under the GPDO may have potentially significant implications under the Human Rights Act
15 Oct 2019	High Court quashes planning permission for Waste Transfer and Treatment Facility in Widnes

30 Aug 2019	Inspector dismisses appeal for up to 150 dwellings in Newport, Saffron Walden
26 Jul 2019	High Court sheds further light on the duty to give reasons for grants of planning permission and disagrees in part with the recent decision in Pagham PC v. Arun DC
24 Jul 2019	Dismissal of 'salami slicing' style judicial review challenge to planning permission for 370 houses
17 Jul 2019	Supreme Court to consider meaning of "material planning consideration"
08 Feb 2019	High Court quashes removal of Local Green Space designation in London Borough of Richmond's Local Plan
20 Dec 2018	Noise effects from adjacent industrial premises lead High Court to quash residential planning permission
05 Dec 2018	My Community Space v Ipswich BC [2018] EWHC 3313 (Admin)
22 Aug 2018	High Court quashes reserved matters approval for 321 houses in Ledbury
24 Jul 2018	Wigan Football Company Ltd v Richie Roberts (Valuation Officer)
04 Jun 2018	Wind farm developer's planning obligations found to be immaterial
25 May 2018	Good Energy Generation Ltd v SSCLG [2018] EWHC 1270 (Admin)
03 May 2018	Supreme Court grants permission to Resilient Energy to appeal on the question of whether a community benefit fund can be a material planning consideration
22 Dec 2017	Germane Properties Ltd v Mansfield DC and another
14 Dec 2017	Forest of Dean DC & Resilient Energy v. Wright [2017] EWCA Civ 2102
09 Oct 2017	Student Union Lettings Ltd v Leicester City Council [2018] RA 175
08 Jun 2017	City of York Council v Sykes (VO) [2017] UKUT 230 (LC)
09 Feb 2017	R (oao Leckhampton Green Land Action Group Limited) v Tewkesbury BC and Redrow Homes Limited [2017] EWHC 198 (Admin)
19 Dec 2016	Muller Property Group v SSCLG and Cheshire East [2016] EWHC 3323 (Admin)
03 Aug 2016	PS v Greenwich RBC [2016] EWHC 1967 (Admin)
29 Jul 2016	R (oao Loader) v Rother DC [2016] EWCA Civ 795
09 Jun 2016	R (oao Wright) v Forest of Dean DC [2016] EWHC 1349 (Admin)
07 Apr 2016	R (oao Carlyle) v. Hastings BC [2016] EWHC 1482 (Admin)
23 Feb 2016	Gerber v Wiltshire [2016] EWCA Civ 84; [2016] 1 WLR 2593
27 Jan 2016	South Kesteven DC v Digital Pipeline Ltd [2016] EWHC 101 (Admin) Div
22 Jan 2016	Robinson v SSCLG and others [2016] EWHC (Admin)
17 Nov 2015	Sleekmade Ltd v. Sheffield City Council [2015] EWHC (Admin)
10 Nov 2015	Franks v. Secretary of State for Communities and Local Government [2015] EWHC 3690 (Admin)

04 Nov 2015	Thornhill Estates Ltd v Secretary of State for Communities and Local Government [2015] EWHC 3169 (Admin)
22 Sep 2015	R (Langton) v Forest of Dean District Council [2015] EWHC 2648 (Admin)
29 Jul 2015	R (o a o Devon Wildlife Trust) v. Teignbridge DC [2015] EWHC 2159 (Admin)
10 Jul 2015	Forestry Commission v. SSCLG [2015] EWHC 1848 (Admin)
09 Jul 2015	R (o a o Forest of Dean (Friends of the Earth)) v. Forest of Dean District Council [2015] EWCA Civ 683
30 Jun 2015	R (o a o Loader) v. Rother District Council [2015] EWHC 1877 (Admin)
24 Apr 2015	R (o a o Barr) v. North Somerset Council [2015] EWHC 1735 (Admin)
05 Mar 2015	Gerber v Wiltshire Council [2015] EWHC 524 (Admin), JPL [2015] 9, 1021
06 Feb 2015	Stroud DC v. Secretary of State for Communities and Local Government [2015] EWHC 488 (Admin)
30 Jan 2015	R (o a o Lee Valley Regional Park Authority) v. Broxbourne BC [2015] EWHC 185 (Admin)
19 Dec 2014	Kendall v Rochford District Council [2014] EWHC 3866 (Admin), [2015] Env LR 21
16 Dec 2014	Abbotskerswell Parish Council v. Teignbridge DC and Secretary of State [2014] EWHC 4166 (Admin), [2015] Env LR 20
07 Nov 2014	R (o a o Oldfield) v Secretary of State CLG [2014] EWCA Civ 1446, [2015] Env LR 9
22 Jul 2014	R (o a o Corrie) v. Suffolk CC [2014] EWHC 2490 (Admin)
08 Jul 2014	Pall Mall Investments (London) Ltd v. Gloucester City Council [2014] EWHC 2247 (Admin), [2014] PTSR 1184, [2014] RA 395
12 Jun 2014	Grand Union Investments v. Dacorum BC [2014] EWHC 1894 (Admin), [2014] JPL 10 1188
27 May 2014	R (o a o The Police and Crime Commissioner for Leicestershire) v Blaby District Council [2014] EWHC 1719 (Admin)
28 Mar 2014	R (Royston Potter) v Amber Valley BC [2014] EWHC 888 (Admin)
21 Nov 2013	R (o a o Baggus) v. Forest of Dean DC [2013] EWHC 4394 (Admin)
07 Nov 2013	R (o a o Gibson) v. Harrow DC [2013] EWHC 3449 (Admin)
03 Oct 2013	Lidl (UK) GmbH v Ryder (VO) [2014] RA 23
29 Apr 2013	R (o a o Prideaux) v. Buckinghamshire CC [2013] EWHC 1054 (Admin)
22 Jan 2013	Kenya Aid Programme v. Sheffield City Council [2013] EWHC 54 (Admin) Div, [2014] QB 62
28 Jun 2012	Makro Properties Limited v. Nuneaton & Bedworth BC [2012] EWHC 2250 (Admin)
05 Oct 2009	Webster v. Yorkshire Water Services Ltd [2009] RA 317
10 Jul 2009	Vale of Whitehorse DC v. Secretary of State for Communities and Local Government [2009] EWHC 1847 (Admin)
27 Jan 2009	JG Ipswich LLP v. Secretary of State CLG [2009] EWHC 91 (Admin)

02 Dec 2008	R (o a o Batey) v. Boston BC [2008] EWHC 3516 (Admin)
16 Sep 2008	Thames Water plc v. Peter Handcock (VO), Lands Tribunal
19 Mar 2008	R (on the application of Nigel Roberts and others) v. Secretary of State for Communities & Local Government [2008] EWHC 677 (Admin)
17 Jan 2008	UK Coal Mining Ltd v. North Warwickshire Borough Council [2008] EWHC 23 (Admin)
11 Jun 2007	R (on the application of Leicestershire County Council v. Secretary of State for Communities & Local Government & UK Coal Mining Ltd [2007] EWHC 1427
11 Jun 2007	R (oao Ling (Bridlington) Ltd) v. East Riding of Yorkshire Council [2006] EWHC 1604 (Admin); [2007] J.P.L 396
07 Feb 2007	Baker (VO) v Citibank NA [2007] RA 93
02 Nov 2004	R (o a o Wall) v. Brighton & Hove CC [2004] EWHC 2582 (Admin), Times November 16, 2004
28 Sep 2004	Persimmon Homes (Wales) Ltd v. Rhondda Cynon Taff CBC [2005] RVR 59

Publications

18 Oct 2021	Equality Law for Planners
11 Oct 2021	Air Quality and the Bill
11 Oct 2021	Environmental Law Conference 2021 - webinar
07 Jul 2021	Rates Mitigation and Charitable Relief Case Law Discussion - webinar
05 Jul 2021	"Bridging the Gap": More Planning Pointers for Property Practitioners - webinar
19 Apr 2021	"Bridging the Gap": Property Pointers for Planners - webinar
26 Mar 2021	The Independent Review of Administrative Law - What did the IRAL report recommend?(and what did it not recommend?)
26 Mar 2021	The Independent Review of Administrative Law: Much ado about nothing or rewriting the rules of public law? - webinar
08 Mar 2021	"Bridging the Gap": Planning Pointers for Property Practitioners - webinar
23 Nov 2020	Legal challenges and PD rights
23 Nov 2020	Planning High Court Challenges Annual Conference, Part 2 - webinar
14 Oct 2020	PC in 2020: Has the Planning Court proved a success? What should be its future, and that of judicial review and statutory challenges in the planning system, in the light of the Faulks review? - webinar
30 Sep 2020	Permitted Development Rights: prior approval - article 2
30 Sep 2020	Permitted Development: Prior Approval
30 Sep 2020	Permitted Development - Webinar

13 Jul 2020	Zoning - Transitional Issues
13 Jul 2020	Could zoning work in the UK? - Webinar
03 Jun 2020	Covid-19 related Checks and Proposals: pitfalls, tips and an update - Webinar
14 May 2020	Exceptional Circumstances And Removing Land From The Green Belt (including Compton)
14 May 2020	Developing In The Green Belt - Webinar
09 Apr 2020	Remote Council Decision Making - Webinar
09 Apr 2020	The Practical Implications For, And Risks Of, Making Decisions During The Emergency Period Including The Use Of Delegated Powers
07 Oct 2019	The General Permitted Development Order And Prior Approval Update
11 Apr 2019	Riding The Rollercoaster - MCC After The UT Decision In Merlin
20 Nov 2018	Latest cases on what is a material consideration
06 Nov 2018	Residential Development and the NPPF
17 Sep 2018	Green Belt in the Courts: The meaning of the NPPF explored
21 Jun 2018	Judicial Review Funding and Costs
25 Apr 2018	Procedural Update
26 Feb 2018	Vesting Order Issues
31 Jan 2018	VTE's Procedures: Has the pendulum swung too far?
10 Jan 2018	Dover v CPRE: The 3rd party objector perspective