



## **Tim Mould QC**

Call: 1987    Silk: 2006

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## **Expertise**

Planning, Public, Environment, Rating and Valuation, International

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## **Overview**

Tim Mould was called to the Bar in 1987 and took silk in 2006. Between 2001 and 2006 he was a member of the A Panel of Junior Counsel to the Crown (Common Law). Between 1997 and 2006 he was standing junior counsel to the Inland Revenue (Rating and Valuation). He is called to the Bar of Northern Ireland. He is a Bencher and member of Gray's Inn.

Tim specialises in planning, environmental and local government law (including rating, compulsory purchase and compensation and highways and rights of way) and the related areas of property, European Union and human rights law. Tim has extensive experience of advocacy in the High Court (including the Administrative Court and the Planning Court) and Appellate Courts, at public inquiries and in tribunals, particularly the Upper Tribunal Lands Chamber. He has appeared frequently in Parliamentary Committees (on the High Speed Two (London to West Midlands) Bill, the Crossrail Bill and the Rookery South (Resource Recovery Facility) Order). He appears regularly on planning and environmental judicial review cases in Northern Ireland. He has appeared in the European Court of Human Rights. He regularly represents and advises clients across all sectors.

Tim is listed as a leading practitioner in *Chambers & Partners* and the *Legal 500* in the fields of planning, environment and local government law.

- *"He carries out successful cross-examination, makes his points well and has good judgement on where the importance of a case lies." "He has an authoritative, calm, persuasive style and is good on detail."* Chambers & Partners, 2021, Rating & Valuation
- *"Very experienced."* Chambers & Partners, 2021, Environment
- *"An able advocate who is very thorough and has good attention to detail."* Chambers & Partners, 2021, Local Government
- *"Extremely masterful on his feet, picking up the best approach to deal with inspectors or select committees." "Very knowledgeable and good on transport infrastructure."* Chambers & Partners, 2021, Planning
- *'He is a leader in the promotion of infrastructure projects and a persuasive, trusted, patient and user-friendly advocate.'* Legal 500, 2021, Environment
- *'Tim has best in class knowledge, skills and experience in rating. He has seen both sides of the fence having been counsel to HMRC and now a successful ratepayer practice. He brings to the table calm, unflustered skilful analysis. He commands the attention of the courts at every level from Valuation Tribunal to Supreme Court. That is a great gift to possess.'* Legal 500, 2021, Local Government
- *'His skilful advocacy style is attractive and persuasive.'* Legal 500, 2021, Planning
- *"He has that technique for putting across complex questions in simple language, and coming up with forensic solutions to problems. An outstanding advocate with a very good style. He really gets on like a house on fire with the committee, as he does with judges. He doesn't feel a need to do anything other than elegantly and clearly present the case."* Chambers & Partners, 2017, Planning
- *"He is a very impressive advocate with great attention to detail and the ability to impart advice in a way that is straightforward and easy to understand."* Chambers & Partners, 2017, Local Government
- *"Highly recommended"* Legal 500, Environment
- *"Rated highly"* Legal 500, Planning

Tim's recent practice has been primarily focused on HS2, the Government's high speed rail strategy. During 2012 and 2013, Tim acted as leading counsel to the Transport Secretary in the successful defence of the legal challenges on SEA, EIA and judicial review grounds to the Government's HS2 proposals for high speed rail serving London, Birmingham and the northern cities, culminating in the seminal Supreme Court decision in early 2014 (*Buckinghamshire County Council and others v Secretary of State*). Throughout 2013 Tim advised on the preparation of the High Speed Rail (London - West Midlands) Bill seeking powers to construct and operate the first phase of HS2. From July 2014 until early 2017, he acted as leading counsel for the Promoter before the Parliamentary Select Committees hearing petitions against the Bill, covering wide ranging issues including compulsory purchase and compensation, public procurement, planning and infrastructure powers and regulatory controls, railway powers, transport policy, environmental protection, rights of way and highways, EU and UK legislation on the protection of habitats, EIA, the Aarhus Convention, human rights, and constitutional law. The Bill achieved Royal Assent in February 2017 and construction is due to begin later in 2017. Tim is now promoting a related Transport and Works Act Order on behalf of the Secretary of State and advising on the forthcoming Bill for the next phase of HS2 - Phase 2A (West Midlands to Crewe).

Tim continues to act and advise in a wide range of planning, environmental and local government cases. Recent planning cases include judicial reviews of planning permission to convert Conan Doyle's historic house at Hindhead into a school (*R (Gibson) v Waverley BC*) and of planning permission for a gold mine near Omagh, County Tyrone. He is acting for the UK before the Aarhus Compliance Committee in the River Faughan Anglers' complaint. Highways and rights of way work includes coastal access proposals under the Marine and Coastal Access Act 2009. Tim's recent rating practice includes acting for both Tesco and the Co-Op in the rating appeals on the rateability of ATMs in foodstores, recently determined by the Upper Tribunal (Lands Chamber), and for the ratepayers in rating appeals on York museums heard by the Upper Tribunal in early February 2017. He is now advising ratepayers on appeal proceedings in the City of London. CPO work includes the promotion of the Brightwells Regeneration Scheme in Farnham for Waverley Borough Council and land compensation claims arising from the Olympics CPO and the development of a waste management facility in Buckinghamshire. He has advised the Government on changes to the law of compulsory purchase and land compensation. He is acting for the Secretary of State on Southwark LBC's claim for judicial review of the Aylesbury Estate CPO decision.

## Memberships

Member of the Planning Bar Association Committee; the Administrative Law Bar Association, UKELA, Chancery Bar Association

and the Parliamentary Bar.

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## Planning, Infrastructure & Environment

Planning and environmental cases include Crossrail (promoting the Crossrail Bill through Parliament (2005-2008), *RSPB v Secretary of State* [2014] Env LR 14 (impact of expansion of Lydd Airport on EU protected species and habitats), *R (Evans) v Basingstoke Council* [2014] 1 WLR 2034 (compatibility of enforcement time limits with EIA Directive), *River Faughan Anglers Ltd's Application for Judicial Review* [2014] NIQB 34 (protection of the River Faughan ASSI under the Northern Ireland Habitats Regulations); *Milton Keynes Council v Secretary of State* [2012] JPL 728 (challenge to new planning regime for houses in multiple occupation), *St John's School Northwood v Hillingdon Council* [2012] JPL 693 (challenge to validity of breach of condition notice), *Cala Homes Ltd (No 2) v Secretary of State* [2011] JPL 1458 (materiality of proposed abolition of regional strategies), *Brown v Carlisle City Council* [2010] JPL 1571 (challenge to EIA of airport re-development scheme), *Barbone v Secretary of State* [2009] (challenge to expansion of Stansted Airport), *BARD Campaign v Secretary of State for Communities and Local Government* [2009] (lawfulness of consultation on eco towns programme). In 2012 Tim acted for Network Rail in defending the legal challenge to the Thameslink scheme for London Bridge Station, *Gray v London Borough of Southwark*.

Public inquiry work includes proposals for renewable energy development for the CoOp; 'eco-village' redevelopment and lawfulness of flying activities at Dunsfold Aerodrome in Surrey, proposals for a superstore at Bridgewater Retail Park Banbridge Northern Ireland, retail schemes in Ballycastle and at Bunrana Road Derry Northern Ireland; the redevelopment of the former HMS Ganges site in Suffolk, the Shard of Glass and the Dibden Bay Port inquiry. Practice experience includes tall buildings in London, development plan preparation, residential schemes including sheltered and affordable housing, renewable energy schemes and urban regeneration schemes.

Advisory work is wide ranging and includes EIA, SEA and Habitats, the interpretation and enforcement of development agreements and planning obligations, infrastructure schemes, renewable energy technologies, land reclamation and waste schemes including incineration and animal wastes, agricultural reservoirs, utilities permitted development rights, listed building conversion and refurbishment schemes, hotel development, retail planning at railway stations and planning in Northern Ireland, the Channel Isles and the Isle of Man.

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## Compulsory Purchase and Land Compensation

Tim has advised on a wide range of issues emanating from his work on the HS2 which related to the application of compulsory purchase and land compensation. Other work includes the public inquiry into the East Street Farnham CPO (mixed use redevelopment scheme) and land compensation claims under the London Olympics CPO, the Thameslink TWA Order and light transit systems in Greater Manchester. Tim's compulsory purchase practice includes advising and acting for claimants and acquiring authorities in land compensation claims relating to schemes such as the East London Line Extension, the Bristol Broadmead Expansion Scheme, the Channel Tunnel Rail Link, the M6 Toll Road, the Liverpool City Centre Paradise Street redevelopment scheme, compulsory purchase for repair of the Grade 1 listed Apethorpe Hall and Croydon Tramlink. Notable court cases in relation to compulsory purchase and compensation include *Moto Hospitality Ltd v Secretary of State for Transport* [2008] 1 WLR 2822 (section 10 compensation); *Ryde International plc v London Regional Transport* [2004] 2 EGLR 1 (land compensation for loss of profits); and *Clift v Welsh Office* [1999] 1 WLR 796 (land compensation for injurious affection and physical damage). His work on the Crossrail Bill required heavy involvement in addressing petitions which raised issues relating to compulsory purchase and land compensation. He has considerable experience and expertise in land valuation with an environmental element, including minerals and utilities valuation. He also has experience of litigation before the Tribunal in relation to restrictive covenants under section 84 of the Law of Property Act 1925, *Brown v Heathlands Mental Health Trust* [1996] 1 All ER 133 (compulsory purchase and restrictive covenants).

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## Rating and Council Tax

Tim has many years' experience in rating and council tax litigation. His litigation and advisory work includes and the impact of proposals in the Growth and Infrastructure Bill to extend the life of rating lists to 2017. Tim's rating practice in silk has covered museums, the reconstitution of ports hereditaments, oversupply allowances for city centre offices, minerals, large stores, unoccupied property rating, charitable rates relief, mobile phone networks, sports stadia and national parks. Notable valuation cases include Selfridges' Oxford Street store and Harrods' Knightsbridge department store. Notable court cases include *Gallagher v Church of Jesus Christ of Latter Day Saints* [2008] 1 WLR 1852 (rating and human rights), *Chilton-Merryweather v Hunt* [2008] RA 357 (impact of traffic growth on council tax assessments), *Baker v Citibank NA* [2007] RA 93 (rating of new offices in Canary Wharf) and *Cinderella Rockerfellas v Rudd* [2003] 1 WLR 2423 (rating of floating night club).

Tim is consulting editor on Halsbury's Laws 5th Ed Volume 70 (Local Government Finance). From 1997 to 2006 Tim was standing junior counsel to the Inland Revenue on rating and valuation.

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## Highways and Rights of Way

Notable cases in the law of highways and public rights of way include *Fortune v Wiltshire Council* [2013] 1 WLR 808 (principles of common law dedication and statutory extinguishment of vehicular rights of way under the Natural Environment and Rural Communities Act 2006), *Herrick v Kidner* [2010] 3 All ER 771 (statutory procedure for removing obstructions under s130A Highways Act 1980), *Godmanchester Town Council v Environment Secretary* [2008] 1 AC 221 (statutory deemed dedication of public rights of way) and *Wardens of Winchester College v Hampshire County Council* [2009] 1 WLR 138 (statutory extinguishment of vehicular rights of way). Public inquiry work includes acting for West Berkshire Council promoting of a public path creation order on the Thames Path National Trail at Purley, Berkshire.

Tim is consulting editor on Halsbury's Laws 5th Ed Volume 55 (Highways, Streets and Bridges).

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## Qualifications

Tim was called to the Bar in 1987. Between 2001 and 2006 he was a member of the A Panel of Junior Counsel to the Crown (Common Law), having previously been on the B Panel. Between 1997 and 2006 he was standing junior counsel to the Inland Revenue (Rating and Valuation). He took silk in October 2006.

He read classics as the Jodrell Scholar at the Queen's College Oxford. He has a Diploma in Law from the Polytechnic of Central London. He is consultant editor to Halsbury's Laws Reissue on Rating and Council Tax (2008) and a contributor to *Local Authorities and Human Rights* (2004). He is on the editorial team of *Encyclopedia of Planning Law and Practice* and assistant editor of the *Encyclopedia of Rating and Local Taxation*.

## Enormously impressive

Chambers & Partners

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## Cases

07 Feb 2019	Public Inquiry into East-West Rail 2 scheme
09 Dec 2014	R (HS2 Action Alliance Ltd & London Borough of Hillingdon) v Secretary of State for Transport [2015] J.P.L. 555
06 Aug 2014	R (on the application of HS2 Action Alliance Ltd) v Secretary of State for Transport [2014] P.T.S.R. 1334
22 Jan 2014	R (HS2 Action Alliance Limited & others) (Appellant) v The Secretary of State for Transport and another [2014] 1 W.L.R. 324
17 Jan 2014	Administrative Court (Patterson J) quashes refusal of development consent order for underground gas storage project
24 Jul 2013	HS2 Action Alliance Ltd & others v Secretary of State for Transport [2014] 1 C.M.L.R. 10
19 Apr 2013	R (Evans) v Basingstoke & Deane Borough Council and Vitacress Salads Limited [2013] EWCA Civ 1635; [2013] EWHC 899 (Admin)

15 Mar 2013	R (Buckinghamshire CC, HS2 Action Alliance Ltd and Heathrow Hub Ltd) v Secretary of State for Transport [2013] EWHC 481 (Admin)
10 Apr 2012	Further challenge to HS2 launched
03 Apr 2012	Judicial reviews brought against HS2 by local authorities and HS2AA
04 Oct 2010	Hayden-Cook v. Secretary of State for Communities and Local Government [2010] EWHC 2551 (Admin)
13 Mar 2009	High Court Rejects Challenge to Grant of Permission for the Stansted G1 Proposals
24 Feb 2009	High Court Begins to Hear Challenge to the Grant of Permission for the Stansted G1 Proposals
27 Jan 2009	High Court Dismisses Ecotown Judicial Review
19 Sep 2008	Chilton-Merryweather v Hunt and ors [2008] EWCA Civ 1025
30 Jul 2008	Gallagher (Valuation Officer) v Church of Jesus Christ of Latter-Day Saints [2008] UKHL 56
01 Jan 2008	Crossrail Bill (Parliamentary Hybrid Bill proceedings) [from 2004 and continuing]
02 Apr 2007	Lirastar Limited v London Underground Limited (Lands Tribunal)
14 Feb 2007	Crowley (t/a Contraband Discount Stores) v. Liverpool PSDA Ltd [2007] R.V.R. 125
01 Jan 2007	Harrods Ltd v Baker (Valuation Officer) (Lands Tribunal)
01 Jan 2007	Winchester College v Hampshire County Council (Admin Court)
04 Aug 2003	Tully v Jorgensen (Lands Tribunal)
01 Jan 2002	R (Isaacs) v. Secretary of State
01 Jan 1998	Dyason v. Secretary of State
01 Jan 1990	R v. Secretary of State ex parte Hammersmith & Fulham

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## Inquiries

10 Mar 2009	Proposed 'eco-village' at Dunsfold Park
01 Jan 2008	Churchill Retirement Living Southmead Road Filton Bristol (Public Inquiry - December/January 2007/8)
01 Nov 2007	Mildmay Hospital Site, Shoreditch
01 May 2007	3 Oaks Farm Little Chalfont Amersham (Public inquiry - May 2007)
01 May 2007	Cambridge Fire Station (Public Inquiry May 2007)
13 Dec 2004	Hearing for judicial review of Airports White Paper
01 Jan 2004	Crossrail Bill (Parliamentary Hybrid Bill proceedings) [from 2004 and continuing]
15 Apr 2003	Renzo Piano's Shard of Glass Tower at London Bridge

01 Dec 2002	Dibden Bay Deep Sea Container Terminal (Nov 2001 - Dec 2002)
01 Jan 1970	Grocery Stores Investigation - Competition Commission (2007/8)

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## Publications

25 Mar 2021	Certificates of Appropriate Alternative Development
16 Nov 2020	Planning High Court Challenges Annual Conference, Part 1 - webinar
30 Jul 2020	Certificates of Appropriate Alternative Development The appeal to the Upper Tribunal
30 Jul 2020	Delivering Major Infrastructure: Part 4 - Land compensation issues - scheme cancellation and planning assumptions - Webinar
11 Jun 2020	Vesting Orders And Compensation
11 Jun 2020	Planning in Northern Ireland - Webinar
02 Jun 2020	ATMs - is this cash machine free to use? - Webinar
14 Nov 2018	R (Buckinghamshire County Council and others) v Secretary of State for Transport [2014] UKSC 3 - "The Buckinghamshire Case"
25 Apr 2018	The choice of valuation methodology after the York Museums case
26 Feb 2018	Vesting Order Issues
25 Sep 2017	Equalities and CPO
26 Jun 2017	Introduction to Hybrid Bills
26 Apr 2017	Southern Railway and the Identification of Hereditaments
27 Apr 2016	Important Developments in Valuation
15 Apr 2015	Valuation of plant and machinery
09 Jun 2014	Legal Challenges to Implementing CPOs and Decisions under the Crichel Down Rules
02 Apr 2014	Collection and Enforcement
19 Jan 2012	The Localism Act - Key Implications for London
22 Nov 2011	High Court Planning Challenges - High Court Challenges and the Localism Bill: the Cala litigation and beyond
27 Oct 2011	Housing Development Update - Affordable Housing