



## **Paul Brown QC (Joint Head of Chambers)**

Call: 1991    Silk: 2009

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## **Expertise**

Planning, Public, Environment, Public Procurement

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## **Overview**

Paul's practice covers planning and environmental, public and local government law. He has extensive experience in the High Court and Court of Appeal, as well as at Public Inquiries.

Paul was called to the Bar in 1991. Before taking silk in 2009, he was a member of the Treasury "A" Panel, where he acted for a wide range of government departments including CLG, DEFRA, the Ministry of Justice, the Home Secretary and the Secretary of State for Education. In 2014 he was the legal adviser to Committee on the Review of Planning Guidance, led by Lord Taylor.

Paul joined Landmark in 2012, having previously practised from 4-5 Gray's Inn Square.

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## Planning and Environment

As a specialist in town and country planning, Paul acts for developers, local planning authorities and third party interest groups at all stages of the planning process. His experience covers most areas of planning law, including residential and retail development, minerals and waste, airports, windfarms, highways, compulsory purchase and enforcement. Paul's wider public law practice has given him a particular expertise in statutory challenges and applications for judicial review, where he has acted for claimants, defendants and interested parties.

In 2017, Paul has:

- been extensively involved in the London "basement wars" saga (in which, amongst others, he has acted for the owner of the much-publicised "stripey house" in Kensington and Chelsea)
- represented Friends of the Earth at a 3-week inquiry into proposals for open-cast coal extraction in Northumberland
- advised the Mayor of London on the latest revision of the London Plan
- help the London Russian School of Ballet obtain permission and listed building consent for a major extension to its premises
- acted for housing developers on schemes ranging from individual houses to proposals for new garden villages
- advised Nottingham County Council on its Minerals Local Plan
- advised landowners in compensation claims associated with the compulsory purchase orders for Crossrail.

Examples of Paul's recent work in the High Court and Court of Appeal include:

- *Lisle-Mainwaring v Royal Borough of Kensington and Chelsea* (concerning the scope of section 215 notices)
- *Lisle-Mainwaring v Carroll* (application of the *Mt Cook* principles on the relevance of alternative proposals for a site)
- *Government of France v Royal Borough of Kensington and Chelsea* (challenge to lawful development certificates for basement development in London)
- *Timmins v Gedling Borough Council* (whether cemeteries are "appropriate" development in the Green Belt)
- *Turner v Secretary of State for Communities and Local Government* (challenge to the grant of permission for redevelopment of the Shell Centre at Waterloo, in which the test for bias and the need to disclose viability assessments were in issue)
- *Jackson v Secretary of State for Communities and local Government* (whether the Welwyn principle survives the introduction of Planning Enforcement Orders under the Localism Act 2011).

Other significant examples of Paul's work can be found on the link to Paul's cases and inquiries, above.

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## Public

Recent examples of Paul's work include: representing the Appellant in the Supreme Court in *Hotak v London Borough of Southwark* (concerning the definition of vulnerability in the context of a local authorities housing duties under s. 189 Housing Act 1996); acting for the operator of an anaerobic digestion facility in proceedings for the judicial review of the amendments to the Renewable Heat Incentive Regulations; advising Medical Justice and successfully representing victims of torture who have been detained in breach of the Secretary of State's own guidelines in their claims for false imprisonment; and advising the Department for Education on its Free Schools Programme.

Before life as a barrister, Paul completed his PhD in Administrative Law at Cambridge in 1989, and lectured in Public Law at King's College, London (1989-1991) and at the University of Canterbury, New Zealand (1985).

Paul is particularly interested in human rights, and has lectured and written widely on Article 6.

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## Local Government

Paul has wide experience of Local Government. Recent examples include: acting for the Appellant in the Supreme Court in *Hotak v London Borough of Southwark* (concerning the definition of vulnerability in the context of a local authorities housing duties under s. 189 Housing Act 1996); advising a major harbour authority on the interaction between its functions and an application for modification of the Definitive Map; advising the London Mayor on revisions to the London Plan and the creation of the Old Oak and Park Royal MDC; representing the affected landowner in a dispute with Hertfordshire County Council over the extent of the highway; and representing the Appellant in the Court of Appeal in *R (CJ) v Cardiff City Council* (concerning the burden of proof in proof of age cases).

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## Qualifications

LLB (Hons) (1st Class); Gold Medal in Law: University of Canterbury, Christchurch, New Zealand (1982-1985)

PhD; Tapp Scholar, Gonville and Caius College, Cambridge (1986-1989)

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## Recommendations

### Chambers & Partners

**Planning Law:** *"Very accessible and willing to discuss things. His advice has been very sage and he's very good at expressing a view."* *"He's really clear on the strengths and weaknesses of the other side's challenges and he's well prepared."* (2021) *"has an amazing eye for detail, making him a perfect choice for judicial reviews"* (2016); *fits very well with clients' aspirations* and *"...slices through the other side's arguments, it is excellent"* (2015); *"communicates really well, knows what he wants out of cases, and knows how to both direct people and listen to them"* (2014); a *"preferred counsel for planning inquiries"* who is *"lovely to work with, exceptionally bright and such a pleasure to be around. He is also brilliant with complex paperwork."* (2013); *"an impressive court performer who is always thoroughly prepared and does a great job for his clients."* (2012); *"good at inquiry work and very down to earth"* (2011); *"a barrister of enormous intellect"* (2010); *"earns widespread recognition for his impressive advocacy skills and brilliant rapport with the High Court judges"* (2009); *"...high-quality all-rounder..."* (2007).

**Administrative & Public Law:** *"straight-talking, cuts straight to the point, and presents his case extremely clearly"* (2014); *"a thoroughly impressive, all-round public law barrister. His recent highlight matters have raised important points in the context of information, environment, planning and immigration law"* (2013); *"ability to get straight to the heart of a matter"* (and is a) *"a formidable opponent who'll keep on striving until he gets what he wants"* (2012); *"extremely civilised and a phenomenally good advocate"* (2011); *"no-nonsense approach and penetrating arguments"* (2010); *"a strong advocate and a pleasant person to deal with he is applauded for offering clear, solid advice"* (2009); *"confident and adaptable, (he) is recommended for being able to master the papers quickly, speak with authority and take the judge through his argument clearly"* (2008).

**Local Government Law:** *"a good all-rounder who is particularly strong on environment, immigration and community care cases"*, *"judges love him."* (2014); *"excellent lawyer," "good judgement and sound grasp of the detail in a matter."* (2012); *"extremely easy to work with and a man who inspires confidence"* (2011); *"always sensible in his approach [he] never fails to get the job done"* (2010); *"ever dependable and completely rock-solid"* (2009); *"(he) sits right at the top of the tree"* (2008).

**Environment:** *"able to grasp quickly the ins and outs of a case"* and *"possesses powerful skills of analysis"* and *"straightforward, helpful advice"* (2009)

**An exceptional inquiry advocate,  
who is excellent with clients,  
extremely proactive, very  
commercial and on the ball**

Chambers & Partners

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## Cases

26 May 2020	Secretary of State's decision to approve tall tower scheme quashed for apparent bias
29 Aug 2018	City of York v Trinity One (Leeds) Ltd [2018] EWCA Civ 1883
11 Sep 2017	Lisle-Mainwaring and the Secretary of State for Communities and Local Government v. Carroll
12 Jun 2017	Government of the Republic of France v. Royal Borough of Kensington and Chelsea [2017] EWCA Civ 429

24 Apr 2017	R (Lisle-Mainwaring) v Isleworth Crown Court and Royal Borough of Kensington and Chelsea [2017] EWHC 904 (Admin)
14 Mar 2017	R (on the application of Lisle-Mainwaring) v RBKC
04 Dec 2015	Mulvena and Smith v Secretary of State for Communities and Local Government [2015] EWHC 3494 (Admin)
27 Nov 2015	Government of the Republic of France v Royal Borough of Kensington and Chelsea [2015] EWHC 34373 (Admin)
24 Jul 2015	Lisle-Mainwaring v Royal Borough Kensington and Chelsea [2015] EWHC 2105 (Admin)
11 Jun 2015	Turner v Secretary of State for Communities and Local Government [2015] EWCA Civ 582
02 Mar 2015	R (Couves) v Gravesham Borough Council [2015] EWHC
27 Feb 2015	R (Turner) v. Secretary of State for Communities and Local Government [2015] EWHC 375 Admin
22 Jan 2015	R (Timmins and Lynn Family Funeral Service) v. Gedling Borough Council and Westerleigh Group Limited [2015 EWCA Civ 110
17 May 2013	R (on the application of EO, RA, CE, OE and RAN) v Secretary of State for the Home Department [2013] EWHC 1236 (Admin)
15 May 2013	Hotak v London Borough of Southwark [2013] EWCA Civ 515
26 Sep 2012	Cogent Land LLP v Rochford District Council [2012] EWHC 2542
17 Feb 2012	Jenkins v Gloucestershire County Council [2012] EWHC 292 (Admin)
20 Dec 2011	CJ, R (on the application of) v Cardiff County Council [2011] EWCA Civ 1590
01 Sep 2011	Fidler v Secretary of State for Communities and Local Government [2011] EWCA Civ 1159
28 Jul 2011	Greyfort Properties Ltd v Secretary of State for Communities and Local Government [2011] EWCA Civ 908
03 Feb 2010	Fidler v Secretary of State for Communities and Local Government [2010] EWHC 143
12 Nov 2009	Secretary of State for Communities and Local Government v Rastrum Ltd [2009] EWCA Civ 1340
15 Oct 2009	Connolly & Ors v Secretary of State for Communities and Local Government [2009] EWCA Civ 1059
31 Jul 2009	R (HM Coroner for East London) v Secretary of State for Justice and Sutovic [2009] EWHC 1974
17 Jul 2009	Ashtenne Industrial Fund Ltd Partnership & Anor v Secretary of State for Communities and Local Government & Anor [2009] EWHC 1746 (Admin)
24 Jun 2009	Secretary of State for Communities and Local Government v Ortona Limited [2009] EWCA Civ 863
04 Feb 2009	Rastrum Ltd v FSS & Rother District Council [2009] EWHC 160 (Admin)
27 Jan 2009	JG Ipswich v S/S Communities and Local Government & S/S Environment, Food and Rural Affairs [2009] EWHC 91 (Admin)
17 Jul 2008	R (Finn Kelcey) v Milton Keynes Council [2008] EWHC 1650
21 Dec 2007	Belfields Limited, Nextdom Limited & David Powell v Secretary of State & Sefton Borough Council [2007] EWHC 3040 (Admin)

03 Oct 2007	R (Fingle Glen Business Action Group) v Department of Transport [2007] EWHC 2446 (Admin)
25 Sep 2007	Bromley LBC v Secretary of State for Communities and Local Government [2007] EWHC 2480 (Admin)
20 Sep 2007	Winchester City Council v Secretary of State for Communities and Local Government [2007] EWHC 2303 (Admin) [2008] JPL 315
11 Jul 2007	Persimmon Homes Ltd, R (on the application of) v Secretary of State for Communities and Local Government & Ors [2007] EWHC 1985 (Admin)
25 May 2007	R (Kings Cross Railway Lands Group) v Camden LBC [2007] EWHC 1515 (Admin)
27 Mar 2007	R (Save Britain's Heritage) v Westminster CC [2007] EWHC 863
15 Mar 2007	R (London Borough of Hillingdon) v Secretary of State for Education and Skills [2007] EWHC 514
11 Jan 2007	M R Dean and Sons v Secretary of State for Communities and Local Government [2007] EWHC 1 (Admin)
15 Dec 2006	Hall Hunter Partnership v First Secretary of State [2006] EWHC 3842 (Admin)
24 Nov 2006	R (Anderson) v Bradford MDC [2006] EWHC 3344 (Admin), [2007] JPL 1087
22 Sep 2006	Lady Dido Berkeley v First Secretary of State [2007] JPL 782
10 Aug 2006	First Secretary of State v Arun District Council and another [2006] EWCA Civ 1172
26 Apr 2006	Sager House v First Secretary of State [2006] EWHC 1251 (Admin), [2007] JPL 413
27 Jan 2006	Ensign v First Secretary of State [2006] EWHC 255 (Admin), [2006] 2 P&CR 19
19 Jan 2006	Norris v First Secretary of State [2006] EWCA Civ 12, [2006] JPL 1574 (CA)
11 Jan 2006	R (Tinn) v Secretary of State for Transport [2006] EWHC 193 (Admin)
23 Dec 2005	Lloyd v Environment Agency
26 Jul 2005	R (Hardy & Maile) v Pembrokeshire Coast National Park Authority [2005] EWHC 1872 (Admin)
18 Jul 2005	Corbett v First Secretary of State [2005] EWHC 5679
14 Jun 2005	Kemnal Manor v FSS [2005] EWCA Civ 535; [2006] 1 P&CR 10 (CA)
09 Mar 2005	Flett v Matheson EAT/0516/04/SM; EWCA Civ 53
10 Nov 2004	Ms Angele Dowmunt-Iwaszkiewicz v (1) First Secretary of State (2) Gedling Borough Council [2004] EWHC 2537 (Admin)
12 Oct 2004	Tsagaan (Tulga) v Secretary of State for the Home Department [2004] EWCA Civ 1506 C4/04/0844
19 Jul 2004	Bristol City Council (R on the application of) v (1) First Secretary of State (2) Edward Ware Urban Renewal Ltd (3) Petherton Ltd [2004] EWHC 1934 (Admin) CO/1415/2004
10 May 2004	Chris Jaram Developments Ltd (R on the application of) v First Secretary of State [2004] EWHC 1220 (Admin) CO/339/2004
26 Feb 2004	R (on the application of I'm Your Man Ltd) v North Somerset Council [2004] EWHC 342 (Admin); [2004] All ER (D) 423 (Feb)
05 Dec 2003	Agnello v Hounslow BC [2003] EWHC 3112; [2003] NPC 158; [2004] BLGR 536

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21 Feb 2003	Alderney Estates Ltd v Secretary of State for Transport, Local Government and the Regions [2003] EWCA Civ 346, [2003] 2 P & CR 15, [2003] JPL 744, [2003] 10 EGCS 163
12 Dec 2002	R (Crichton and another) v Wellingborough Borough Council [2002] EWHC 2988 (Admin); [2004] Env LR 11
25 Nov 2002	Westminster v SSTR [2003] JPL 1066
07 Oct 2002	R (Reid) v SSTR [2002] 42 EGCS 158
11 Jul 2002	Wandsworth London Borough Council v SSTR [2002] EWHC 1390; [2003] JPL 319
29 May 2002	Coghurst Wood Leisure Park v SSTR [2003] JPL 206
27 Feb 2002	SSETR v Thurrock Borough Council [2002] JPL 1278 (CA)
29 Nov 2001	Edward Ware Homes v SSTR [2004] 1 P&CR 6
21 Sep 2001	Ceredigion County Council v National Assembly for Wales [2001] EWHC (Admin) 694; [2002] P&CR 6
12 Sep 2001	R (Langton & Allen) v Secretary of State for the Environment, Food and Rural Affairs [2002] ENV LR 20
11 Apr 2001	R (Fernback and others) v LB Harrow [2001] EWLA admin 278 (2002) Env L.R.10, (2001) 98(23) LSG39
30 Jan 2001	Connaught Quarries v SSETR [2001] EWHC (Admin) 76; [2001] JPL 1210
18 Jan 2001	Thurrock BC v SSETR [2002] EWCA Civ 226; [2002] 2 PLR 43 (QB)
07 Dec 2000	Basildon District Council v SSETR [2001] JPL 1184
11 Jul 2000	Wandsworth London Borough Council v SSTR [2003] JPL 319
20 Dec 1999	R v Schools Adjudicator ex p Wirral MBC [2000] EdCR 355; [2000] ELR 620
10 Dec 1999	S v Dudley MBC [2000] EdCR 410; (1999) 149 NLJ 1904
19 Oct 1999	S v Dudley MBC [2000] EdCR 200; [2000] ELR 330
03 Aug 1999	Tandridge DC v Delaney [2001] 1 PLR 11
04 Sep 1998	I'm Your Man Ltd v Secretary of State for the Environment (1999) 77 P&CR 251
11 Dec 1996	R v Bassetlaw District Council ex p Oxby [1997] NPC 178
12 Nov 1996	R v Dacorum Borough Council ex p Cannon [1996] 2 PLR 45
30 Oct 1996	B v Isle of Wight [1997] ELR 279
29 Oct 1996	L v City of Salford [1997] ELR 455
29 Oct 1996	Ligouri v City of Salford [1998] ELR 28
02 Apr 1996	House Builders' Federation v Royal County of Berkshire (1996) 73 P&CR 327
02 Apr 1996	Re: Subpoena Issued by the Commission for Local Administration (1996) 8 Admin LR 577
25 Jan 1996	Joyce v Dorset [1997] ELR 26

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## Inquiries

23 Mar 2018	Druridge Bay Open Cast Coal Mine
21 Jun 2017	Druridge Bay Open Cast Coal Inquiry
21 Mar 2017	London Russian Ballet School appeal allowed, with full costs
21 Mar 2017	Gibraltar Farm
06 Jun 2014	Shell Centre Proposals Approved
23 Apr 2013	Lydd Airport Expansion
14 Mar 2013	Gateforth Mushroom Farm, Selby - Change of Use to Travelling Showpeople's Quarters
01 Jun 2012	Springfield Hospital, Wandsworth
02 Jan 2012	Bryngwyn Livestock Market CPO
21 Nov 2011	Merryfield Park/RAF Sopley
31 Oct 2010	Veolia/Rufford Colliery Energy Recovery Facility Inquiry
30 May 2010	Nutsgrove and French Farm Wind Farm Inquiries
18 May 2010	Newton Lane, Ledston
30 Mar 2009	Tesco Stores, Birmingham
01 Sep 2008	Lightwater Valley Inquiry
01 Feb 2008	A421 (Bedford to M1) Improvement Scheme
01 Jan 2008	Linden Homes development in Maidenhead
01 Nov 2007	Sandons Farm Inquiry
10 May 2007	Berwick Retail Inquiry
25 Jan 2007	South Cambridgeshire Local Development Framework Examination
25 Apr 2006	Mersey Docks & Harbour (Seaforth Terminal) Harbour Revision Order
21 Feb 2006	English Partnerships - Kings Waterfront
01 Jan 2006	South Cambridgeshire District Council LDF Examination
01 Jan 2006	Station Road Car Park, Bromley
10 May 2005	Buckinghamshire County Council Minerals and Waste Local Plan Inquiry
01 Jan 2005	M62 (Carlisle to Gretna Green) Roads Inquiry Agency
20 Apr 2004	Nottinghamshire Minerals Local Plan
01 Jan 2004	Stevenage West

01 Jan 2004	Stevenage West
09 Jul 2002	Bexley UDP Review
09 Jul 2002	Bexley UDP Review
19 Feb 2002	Kidderminster Incinerator Inquiry
19 Feb 2002	Kidderminster Incinerator Inquiry
19 Sep 2001	Northern Gateway Access Road, Enfield
19 Sep 2001	Northern Gateway Access Road, Enfield
24 Apr 2001	One Westminster Bridge, London
24 Apr 2001	One Westminster Bridge, London
04 Apr 2000	London International Freight Exchange Inquiry, Slough
04 Apr 2000	London International Freight Exchange Inquiry, Slough
27 Apr 1999	Nottinghamshire Waste Local Plan
27 Apr 1999	Nottinghamshire Waste Local Plan
30 Jun 1998	Greenwich Peninsula CPO
30 Oct 1997	Aylesbury Town Centre Pedestrianisation
01 Jan 1996	Buckinghamshire Waste Local Plan
01 Jan 1996	Castle Hill/A21 RSA Inquiry
05 May 1995	Wycombe District Council v Williams [1995] 3 PLR 19
01 Jan 1995	Eastbourne Local Plan Inquiry
31 Oct 1994	M40 MSA Inquiry
18 Oct 1994	Leeds U.D.P. Inquiry
01 Jan 1994	M25 MSA Inquiry - Epping Forest
01 Jan 1993	Redhill Aerodrome Inquiry
01 Jan 1993	Tunbridge Wells Borough Local Plan Inquiry

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## Publications

09 Mar 2021	An Update on Public Sector Pensions, Age Discrimination and the Fallout from McCloud v Lord Chancellor - webinar
20 Jan 2020	Round Up Of Recent Changes To The Regulations



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07 Nov 2019	Landscape-led Planning: What's Law Got to do with It?
19 Nov 2018	Air Quality as a Ground for Challenging Planning Decisions
17 Sep 2018	Planning for Development in the Green Belt: Practical issues
19 Jun 2018	The Proposed Changes to the NPPF
16 Nov 2017	Bristol Planning Law and Policy Conference 2017 Legal Update
05 Jun 2017	Developing Private Houses in London
09 Oct 2013	Community Infrastructure Levy and s.106 Obligations
02 Oct 2013	Growth and Infrastructure Act: Projects, Special Parliamentary Procedure and Variations
18 Sep 2013	Legitimate Expectation, Consultation and Fairness in Planning Law
13 May 2013	Planning High Court Challenges Practices and Procedure: Update

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