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## Charles Streeten

Call: 2013 **Public Access**

Practice areas:

Public Law, Planning, Major Infrastructure Projects,  
Environment, Licensing, Compulsory Purchase and  
Compensation, Highways, Commons and Open Spaces



## Practice Profile

Charles Streeten has rapidly earned a reputation as one of the leading junior barristers in planning, environmental and public / administrative law. He was appointed to the Attorney General's panel of counsel ('C' Panel) at the first opportunity and in 2021 joined the 'B' Panel, as the most junior barrister presently appointed.

Charles is currently ranked across three different practice areas (Environment, Planning, and Licensing) by both the Legal 500 and Chambers and Partners, including as a Tier 1 Leading Junior. He is ranked by the Planning Law Survey as one of the top 10 barristers under 35, as well as one of the overall top-rated planning juniors. In 2018 he was nominated as the Young Pro Bono Barrister of the year.

Charles specialises in environmental, planning, licensing, EU and wider public/ administrative law. He regularly appears at public inquiries and is particularly highly regarded for his judicial review work. He has appeared before the Supreme Court and Court of Justice of the European Union, as well as in around 50 reported cases before the Court of Appeal and High Court, more often than not as sole counsel. He acts for central government, developers, public/ local authorities, and other interested parties including pressure groups.

His clients range from large energy and minerals companies, including Shell and Tarmac, to major infrastructure providers (Thames Water and Hirwaun Power) and one of Europe's largest renewables investment funds (Greencoat). He has also acted for high profile environmental campaign groups including Friends of the Earth, a well-known Extinction Rebellion protestor, and the Sheffield Tree Protesters.

In the past year he appeared in a number of the most significant planning and environmental cases, including the Holocaust Memorial and Learning Centre Inquiry, the Sizewell DCO Examination, and the 8 Albert Embankment Inquiry.

He has particular expertise in cases raising difficult points of public, EU, or international law.

Recent / significant cases include:

### Supreme Court

- *R (Hemming) v Westminster CC* [2017] UKSC 50 (For the successful Defendant in the leading case on the extent of a claimant's entitlement to restitution in public law.)

### CJEU

- *C-316/15 Hemming v Westminster CC* [2017] 3 W.L.R. 317 (Compatibility of licensing fees with the Services Directive.)

### Court of Appeal

- *R (UTAG) v TfL* [2021] EWCA Civ 1197 (appeal concerning the Mayor of London's controversial StreetSpace Plan following the coronavirus pandemic)
- *SoSHCLG v Ikram* [2021] EWCA Civ 2 (appeared successfully in an appeal establishing that conditions must restrict the use to that assessed)

- *Gluck v SoSHCLG* [2020] EWCA Civ 1756 (successfully resisting an important appeal, for the Secretary of State, regarding the ability to extend time under the GPDO and on the meaning of “agreement in writing”)
- *DB Aymmetry Ltd v Swindon LBC* [2020] EWCA Civ 1331 (appearing for the Secretary of State, successfully overturning the High Court’s decision that a planning condition could lawfully require land to be used as a public highway)
- *Gathercole v Suffolk CC* [2020] EWCA Civ 1179 (leading case on the PSED in planning and on alternatives in environmental impact assessment)
- *R (LOGS) v Liverpool CC* [2020] EWCA Civ 861 (important appeal concerning the importance of reporting conservation advice and on the meaning of “green wedge” policy)
- *R (Rehman) v Wakefield CC* [2019] EWCA Civ 2166 (successfully appeared before the Master of the Rolls in a case establishing the illegality of charging for the costs of monitoring and enforcement of hackney carriage licencing)
- *R (Shirley) v SoSCLG* [2019] EWCA Civ 22 (leading case on the approach to Air Quality in planning)
- *R (Goring-on-Thames PC) v South Oxfordshire DC* [2018] EWCA Civ 860 (Sole counsel before the Master of the Rolls, McCombe, and Lindblom LJ on the interpretation of 31(2A) Senior Courts Act and the requirement for reasons when permission refused without an oral hearing)
- *R (Tarmac Aggregates Ltd) v SoS Environment* [2015] EWCA Civ 1149 (Successful appeal for Tarmac in the leading domestic case on the definition of 'waste recovery' under Waste Framework Directive. Establishes that the use of waste to restore a quarry pursuant to a planning condition is a recovery operation)

## High Court / Divisional Court

- *Choiceplance Properties Ltd v SoSHCLG* [2021] EWHC 1070 (Admin) (appeared successfully for the Secretary of State, establishing the unlawfulness of development which did not comply with plans going beyond the site’s boundary)
- *R (Keir) v Natural England* [2021] EWHC 1059 (Admin) (high profile challenge to the decision to grant licences for works affecting protected species in relation to HS2)
- *Hackney LBC v SoSHCLG* [2021] EWHC 720 (Admin) (successful challenge to the Secretary of State’s interpretation of the GPDO and the meaning of “flat” for the purposes of the London Plan).
- *Malvern Hills DC v SoSHCLG* [2021] EWHC 129 (Admin) (successfully resisting a challenge concerning the stationing of a historic British Railways crane)
- *R (UTAG) v TfL* [2021] EWHC 72 & 73 (Admin) (high profile challenge to the Mayor of London’s StreetSpace Plan, including a separate judgment on the admissibility of ex post facto evidence)
- *Gluck v SoSHCLG* [2020] EWHC 161 (Admin) (appearing for the Secretary of State in an important decision establishing the ability to extend time for prior approval under the GPDO and the meaning of “agreement in writing”)
- *Anand v RBKC* [2019] EWHC 2964 (Admin) (successfully resisting a challenge by the Central Gurdwara raising issues relating to equalities, consultation, and legitimate expectation)
- *Islington LBC v SoSHCLG* [2019] EWHC 2691 (Admin) (successful appearance for Islington in the leading case on establishing immunity from enforcement action)

- *Goodman v SoSHCLG* [2019] EWHC 2226 (Admin) (successfully resisted a challenge to an Inspector's approach to "identified housing need" in his decision letter)
- *Ikram v SoSHCLG* [2019] EWHC 1869 (Admin) (for the successful claimant an Inspector's decision to grant planning permission for a Mosque and secured the quashing of the permission even after the developer executed an ex post facto s 106 planning obligation designed to remedy the defect)
- *Swindon BC v SoSHCLG* [2019] EWHC 1677 (Admin) (resisted a challenge to an Inspector's interpretation of the word "highway", which the court held required public access)
- *R (We Love Hackney Limited) v Hackney LBC* [2019] Costs LR 463 (successfully resisted a costs capping order and secured security for costs, following which the claim was struck out. Leading case on costs capping orders)
- *R (Lakenheath PC) v Suffolk CC* [2019] EWHC 978 (Admin) (challenge to the decision to grant permission for a primary school near an RAF Air Base. Considers the proper approach to the Public Sector Equality Duty and establishes the test for the consideration of alternatives in EIA following Holohan)
- *R (Broad) v Richard DC* [2019] EWHC 628 (Admin) (successfully resisted a claim for judicial review of a grant of planning permission where the proposed scheme had been amended without consultation)
- *R (ICAEW) v Lord Chancellor* [2019] EWHC 461 (Admin) (successfully resisted a challenge by the Institute of Chartered Accountants for England and Wales to the Lord Chancellor's decision to reject their application to become an approved regulator)
- *R (LOGS) v Liverpool CC* [2019] EWHC 55 (Admin) (successful claim for judicial review on the basis of misinterpretation of green wedge policy)
- *R (Rehman) v Wakefield Council* [2018] EWHC 3664 (Admin) (successful claim for judicial review of Council taxi licence fees)
- *R (Becker) v Hertfordshire CC* [2018] EWHC 1974 (Admin) (successfully resisted a challenge to the grant of planning permission for a green waste facility in the Green Belt. Acting for the Interested Party whose submissions were accepted in preference to the argument advanced on behalf of the Defendant)
- *R (Newey) v South Hams DC* [2018] EWHC 1872 (Admin) (succeeded in establishing that reasons were required for discharging conditions under delegated authority and that the Council had misconstrued NPPF policy on ground conditions.)
- *R (Spragge) v Westminster City Council* [2018] EWHC 2058 (Admin) (succeeded in establishing that officer time is recoverable in judicial review and costs are payable to a Defendant where and a claim for judicial review is withdrawn following the grant of permission.)
- *R (Delta Merseyside Ltd) v Knowsley MBC* [2018] EWHC 757 (Admin) (successful claim establishing illegality of policy restricting cross-boarder taxi licensing.)
- *R (KP JR Management Co Ltd) v Richmond Upon Thames LBC* [2018] EWHC 84 (Admin) (successfully resisted a judicial review regarding marine development on the basis of the approach to the planning unit and the relevance of policy to material change of use.)
- *R (Bishop) v Westminster CC* [2017] EWHC 3102 (Admin) (successful appearance for Westminster in a case establishing that planning permission should be quashed where a certificate negligently/ fraudulently obtained and the proper approach to consultation. Obtained an order awarding the Defendant its costs from the Interested Party.)
- *R (Rostron) v Guildford BC* [2017] EWHC 3141 (Admin) (judicial review of the

approach to setting taxi fares. Establishes the approach to EU freedom of establishment in this context and its relevance to judicial review on Wednesbury grounds.)

- *R (Qin) v Commissioner of Police for Metropolis* [2017] EWHC 2750 (Admin) (successful judicial review overturning refusal of compensation for closing alleged brothels in Soho. Now the leading case on the approach to compensation for Closure Orders.)
- *R (Shirley) v SoSCLG* [2017] EWHC 2306 (Admin) (leading case of approach to Air Quality in planning, Permission to Appeal granted.)
- *R (Working Title Films) v Westminster CC* [2016] EWHC 1855 (Admin) (successfully resisting judicial review of planning permission for large central London development on grounds relating to provision of facilities under s 106.)
- *R (Dilliner) v Sheffield CC* [2016] EWHC 945 (Admin) (high profile judicial review, on behalf of Sheffield Tree Protestors, of Sheffield City Council's / Amey's felling of trees in Sheffield under 'Streets Ahead' PFI contract on grounds of consultation/ requirement for EIA.)
- *R (Harris) v Broads Authority* [2016] EWHC 799 (Admin) (judicial review of decision to 'rebrand' the Broads as the 'Broads National Park'. Considers the 'Stanford Principle' and establishes that a decision to act in a way that is objectively misleading is unlawful.)
- *R (Lafarge Aggregates Ltd) v SoS Environment* [2015] EWHC 2388 (Admin) (meaning of waste recovery, successful on appeal - see *R (Tarmac Aggregates Ltd) v SoS Environment* [2015] EWCA Civ 1149 above.)
- *Ware v McAllister* [2015] EWHC 3086 (QB) (successfully obtained an injunction restricting publication of journalistic material regarding a developer. The court considered the correct balance between Articles 8 and 10 of the ECHR.)
- *R (Sainsbury's Supermarkets Ltd) v Hillingdon LBC* [2015] EWHC 2751 (Admin) (upholding grant of planning permission for a supermarket where there was a readily inferable explanation for inconsistent decisions.)
- *R (Central Bedfordshire Council) v SoS CLG* [2015] EWHC 2167 (Admin) (challenge to decision that CBC has failed to satisfy the duty to cooperate. Permission to appeal granted.)

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## Public Law

Charles is particularly highly regarded for his High Court/ judicial review work. He was appointed to the Attorney General's Panel of Counsel ('C Panel') at the first opportunity and is experienced well beyond his year of call. He has appeared in more than 20 cases before the Supreme Court, CJEU, Court of Appeal, and High Court. He is equally at home either as sole or junior counsel and has appeared un-led before the Court of Appeal on more than one occasion. He is tactically astute and extremely familiar with Administrative Court litigation, including interim and procedural applications.

His client base is wide ranging and includes commercial clients, central/ local government, and the third sector. He appreciates the roles and objectives of different parties in Administrative Court proceedings and understands the importance of presenting a case tailored to his client.

He has particular experience in cases raising difficult points of public, EU, or international law (for example under the Aarhus Convention).

Recent / significant cases include:

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- *R (Central Bedfordshire Council) v SoS CLG* [2015] EWHC 2167 (Admin) (challenge to decision that CBC has failed to satisfy the duty to cooperate. Permission to appeal granted.)

In addition to appearing in the High Court as part of his planning and environmental work, Charles practices in the following areas:

#### Human Rights

Charles has considerable human rights experience.

He has acted in cases concerning the right to liberty, freedom of expression, religion, privacy, and property (Articles 5, 8, 9, 10, and A1P1) . He regularly acts for and advises the government in relation to claims for unlawful detention and has appeared both for and against the Metropolitan Police in cases raising human rights issues.

For example, he successfully represented the Commissioner of the Metropolitan Police in a



ground breaking counter-terrorism application as part of operation ONTARIAN, and defeated the Commissioner's application to close a number of purported brothels in Soho following operation LANHYDROCK.

## Information / Privacy

Charles has a detailed knowledge and understanding of the law concerning access to and protection of information. Examples of his work include:

- Advising public authorities on Freedom of Information Act/ Environmental Information requests.
- Advising on the data protection implications of surveillance.
- Advising the Government on the approach to applications for anonymity when making a statement in open court in relation to a breach of privacy. He advised the government on its approach to the application in *SWS v DWP* [2018] EWHC 2282 (QB) up until the final hearing, where the High Court vindicated that approach.
- Obtaining an urgent injunction from the High Court (upheld at trial) preventing the publication of on-line and hard copy material by a journalist in *Ware v McAllister* [2015] EWHC 3086 (QB).

## Asset Confiscation / Proceeds of Crime

Charles has acted in a number of high value asset confiscation matters. Most recently, he acted for the Commissioner of the Metropolitan Police in an application to forfeit almost £1m seized in cash. Following more than two years of litigation, including a rare example of a contested application for a production order in which Charles succeeded before HHJ Lewin-Smith, Charles appeared successfully at trial before the Chief Magistrate, with the defendant withdrawing after Charles presented the Commissioner's case.

## Public Law Restitution

Charles has particular experience in relation to claims for restitution against public authorities. He appeared successfully for Westminster before the Supreme Court in the leading case on case on the extent of a claimant's entitlement to restitution in public law (*R (Hemming) v Westminster CC* [2017] UKSC 50). He has a detailed understanding of the interaction between public and private law in this area and is presently retained to defend a number of claims for restitution against public authorities. He is also bringing a claim for judicial review seeking restitution as a remedy, which has received the permission of the High Court and is due to be heard later this year.

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## Planning

### Residential

Charles has appeared for both developers and local authorities in numerous planning appeals concerning residential developments. He is fully conversant with the issues surrounding, and regularly acts in cases involving, the extent of a Council's 5 year supply of housing. Recent examples include:

- Presently acting, as junior to Hereward Philpott KC in an appeal against the refusal of planning permission for 370 dwellings. The case raises issues of housing land supply, heritage, landscape, sustainability/ transport, and prematurity.
- Sole counsel at a 7 day inquiry, successfully resisting the grant of outline planning permission for 95 dwellings in South Cambridgeshire on landscape grounds alone, notwithstanding the absence of a five year supply of housing land (APP/W0530/W/17/3178762). The Council (not previously represented by Charles) had failed to resist the last 9 appeals against the refusal of planning permission for between 20-200 dwellings.
- Sole counsel at a 5 day inquiry successfully resisting an appeal by a developer specialising in 'high-quality, bespoke residential development' (represented by Jeremy Cahill KC) against the refusal of full planning permission for 46 dwellings together with a so called 'village green' (APP/D3125/W/17/3182864). The appeal was dismissed on listed buildings and landscape grounds, notwithstanding the absence of a five year supply of housing land.
- Acting for a Rule 6 party in relation to a called-in decision to grant planning permission for a tall building at Ealing Broadway.
- Sole Counsel in 2 day inquiry in an appeal against the refusal of planning permission for a new dwelling in a conservation area in Tetbury (APP/F1610/C/16/3156262). Following cross-examination the appellant conceded that the development conflicted with the development plan and the NPPF. In light of these concessions, the inspector concluded the Appellant's perseverance with the appeal had been unreasonable and awarded the Council its full costs (see costs decision in APP/F1610/C/16/3156262).

Other examples of Charles' residential experience are available upon request.

#### Energy / Renewables

Charles has a detailed understanding of the relevant law/ policy in relation to energy development. Examples of his experience include:

- Successfully resisting a called-in appeal against the refusal of planning permission for a Wind Farm in Leicestershire.
- Advising Hirwaun Power Limited regarding the Secretary of State's jurisdiction to grant development consent and/or compulsory acquisition powers in a DCO for a power station in Wales.
- A judicial review of the grant of planning permission for a hydropower station (*R (Goring-upon-Thames PC) v South Oxfordshire DC* [2016] EWHC 2898 (Admin))

#### Minerals

Charles specialises in minerals cases which relate to sensitive locations including in the Green Belt and National Parks. He has considerable experience of minerals inquiries and judicial reviews, for example:

- Appearing for anti-fracking campaigners at an inquiry into the grant of consent for exploratory drilling for Shale Gas in Derbyshire.
- A challenge to the Secretary of State's decision not to revoke planning consent for an open cast coal mine.
- A challenge (by a rival minerals operator) to the grant of consent for an extension to a quarry in a National Park.
- Successfully overturning the approach of the Environment Agency, the Secretary of State

and the High Court to the use of material to backfill a quarry as required by a restoration condition in *R (Tarmac Aggregates Ltd) v SoS Environment* [2015] EWCA Civ 1149.

## Heritage

Charles enjoys planning work with a heritage element. His experience ranges across inquiries, judicial reviews, and criminal prosecutions. Examples include:

- Successfully resisting an appeal by a developer specialising in 'high-quality, bespoke residential development' (represented by Jeremy Cahill KC) against the refusal of full planning permission for 46 dwellings together with a so called 'village green' (APP/D3125/W/17/3182864). The appeal was dismissed on listed buildings and landscape grounds.
- Defending an appeal against the refusal of planning permission for a new residential dwelling in a conservation area. Charles secured concessions in cross examination that the development conflicted with the development plan and the NPPF. Full costs were awarded against the Appellant.
- Resisting the grant of planning permission in the called-in application for the comprehensive redevelopment of the Ealing Broadway Conservation Area.
- Appearing before the High Court and Court of Appeal in *R (Goring-upon-Thames PC) v South Oxfordshire DC* concerning s 72 of the Listed Buildings and Conservation Areas Act 1990 and the proper approach to discretion.
- Successfully prosecuting a former Chair of a council's planning committee and her partner for listed building offences resulting in a combined fine/ costs of more than £200,000

## Retail / Commercial

Examples of Charles' retail/ commercial planning experience include:

- The appeal against the refusal of planning permission for a new Sainsbury's store in Tadworth.
- The appeal against the refusal of planning consent for the redevelopment of iconic yard bar in Soho.
- An appeal of planning permission in relation to an animal lairage site in the Cotswolds.

## Advertising

Charles has is at home with the legislative scheme relating to advertising consents and has acted in a number of advertising cases including:

- Acting for Westminster in a judicial review concerning digital advertisements on the Vue Cinema in Leicester Square.
- Advising Westminster regarding proposed challenges to the grant of advertising consent on scaffolding in conservation areas/ adjacent to listed buildings.
- Successfully defending a prosecution by Hackney Council relating to large advertisement in Shoreditch.

## Enforcement / Crime

Charles has experience of a wide range of enforcement issues at inquiry and in the courts. He is at home with Certificates of Lawfulness, the principles in *Miaris and Iouannou*, and the law regarding concealment under *Wellyn Hatfield* and Planning Enforcement Orders.

Examples of his work include:

- Regularly appearing successfully for the Secretary of State in section 289 challenges before the High Court.
- Regularly acting in enforcement inquiries regarding residential and commercial developments for London Boroughs including Westminster, Hackney, and Islington.
- Successfully appealing an Enforcement Notice served against a large residential extension and securing permission on ground (a) for development described by the Inspector as “bulky”, “box like” and “not sympathetic” (see APP/N5090/C/16/3141620)
- Appearing before the criminal courts, including the Crown Court, in prosecutions for offences under the Planning Acts and subsequent POCA proceedings.
- Advising local authorities on complex CLEUD/ CLOPUD applications and representing them on appeal.

### Injunctions

Charles is an experienced High Court advocate. He is experienced beyond his call and regularly appears in the High Court at short notice and in urgent applications. He is able to turn pleadings around very quickly if required and has experience of obtaining injunctions out of hours.

### Planning Obligations / CIL

Charles has a detailed knowledge of the interrelationship between s 106 and CIL. He has advised on strategies for securing planning gain in the absence of an adopted CIL Schedule as well as on the lawfulness of s 106 agreements and planning conditions. Charles appeared successfully for Westminster in *R (Working Title Films) v Westminster CC* [2016] EWHC 1855 (Admin) regarding the provision of a community space under a s 106 planning obligation. He has advised on the meaning of 'chargeable development', the correct All in Tender Pricing Index Figure, and has recovered substantial debts payable under CIL in the County Court.

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## Major Infrastructure Projects

Charles regularly acts and advises in relation to major infrastructure projects. He has a solid understanding of the DCO process and other consenting regimes. His experience includes power stations, gas/ electrical connections, road schemes, railways, and large scale energy/ minerals development, such as:

- Advising Hirwaun Power Limited regarding the Secretary of State’s jurisdiction to grant development consent and/or compulsory acquisition powers in a DCO for a power station in Wales.
  - Advising on the approach to alternatives in relation to a grid connection for a power station.
  - Appearing unled for the Welsh Wildlife Trust resisting the M4 CaN extension.
  - Appearing unled to resist the grant of consent for an exploratory shale gas well in Derbysire.
  - Advising a local authority on its approach to the second phase of HS2.
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## Environment

Charles is very highly regarded for his environmental work generally, and for work with an international dimension in particular. He acts for central and local government, commercial parties, and environmental NGOs. In appropriate cases, Charles is willing to act pro bono and was nominated as Young Pro Bono Barrister of the Year by the Environmental Law Foundation, amongst others, for his work in this area. He has a strong grasp of EU law and the principles which underlie it, and is at home applying these principles to the interpretation of EU environmental legislation.

Examples of his environmental experience include:

### Energy / Climate Change

- Currently bringing a judicial review of the Secretary of State's refusal to give reasons for refusing to revoke planning permission for an open cast coal mine in light of changes to energy/ climate change policy following the grant of consent.
- Judicial review of the grant of planning permission for a hydropower station (*R (Goring-upon-Thames PC) v South Oxfordshire DC* [2016] EWHC 2898 (Admin)).
- Successfully resisting a called-in appeal against the refusal of planning permission for a Wind Farm in Leicestershire.
- Advising Hirwaun Power Limited regarding the Secretary of State's jurisdiction to grant development consent and/or compulsory acquisition powers in a DCO for a power station in Wales.

### Air Quality

- Appearing before the High Court and Court of Appeal in the leading case on the impact of the EU Air Quality Directive on planning decisions (see *R (Shirley) v SoSCLG* [2017] EWHC 2306 (Admin)).
- Struck out a judicial review of Bristol's policy on emissions standards in *R (Bristol Blue Taxi Association) v Bristol CC*.
- Advised a major airport on the methodology for monitoring air quality impacts.

### Environmental Assessment

- Acting in a high profile judicial review on behalf of Sheffield Tree Protestors of the felling of trees in Sheffield under 'Streets Ahead' PFI on the grounds that EIA was required (see *R (Dilliner) v Sheffield CC* [2016] EWHC 945 (Admin)).
- Securing a declaration that EIA should have been carried out for the grant of planning permission for a hydropower station (see *R (Goring-on-Thames PC) v South Oxfordshire DC* [2016] EWHC 2898 (Admin)).

### Waste

- Successfully resisting a challenge to the grant of planning permission for a green waste operation in the Green Belt (see *R (Becker) v Hertfordshire CC* [2018] EWHC 1974 (Admin)).
- Successfully overturning the approach of the Environment Agency, Secretary of State, and High Court to the definition of waste recovery under the Waste Framework Directive (see

*R (Tarmac Aggregates Ltd) v SoS Environment* [2015] EWCA Civ 1149).

- Prosecuting and defending offences under the Environmental Protection Act 1990, including acting for the prosecution in cases where custodial sentences have been imposed.

#### Habitats / Protected Species

Presenting the ecological case for the Wildlife Trust at the inquiry into the M4CaN extension. Following Charles' cross-examination, the Welsh Government undertook a number of further surveys.

Advising in relation to and resisting claims for judicial review engaging the Habitats/ Birds Directives.

Advising in relation to prosecutions under the Wildlife and Countryside Act 1981 and the Habitats Regulations 2017.

#### Aarhus

- Represented the Liverpool Green Party in relation to its intervention in *R (RSPB) v SoS Justice* [2017] EWHC 2309 (Admin).
- Acted in a number of judicial reviews in which the Aarhus 'Cost Cap' Under CPR 45 has been contested.
- Presently acting in a judicial review in which the relevance of the Aarhus convention to the duty to give reasons is in issue.
- Advised on the relevance of the Aarhus convention to requests for Environmental Information under the EIR.

#### Trees

- Acted for the Sheffield Tree Protestors in *R(Dilliner) v Sheffield CC* [2016] EWHC 945 (Admin)
- Successfully brought a section 288 challenge to the decision to make a TPO in relation to woodland intended for development.
- Defended prosecutions for breach of TPO.

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### Licensing

Charles is already regarded as one of the country's leading licensing lawyers. He acts across the full spectrum of licensing matters, including alcohol/ entertainment, taxis, gambling, sexual entertainment, and commercial regulation. He is especially highly regarded for licensing judicial reviews and for cases which involve both licensing and EU law. Recent examples of his work are:

#### Supreme Court

- *R (Hemming) v Westminster CC* [2017] UKSC 50 (For the successful Defendant in the leading case on the extent of a claimant's entitlement to restitution in public law.)

#### CJEU

- *C-316/15 Hemming v Westminster CC* [2017] 3 W.L.R. 317 (Compatibility of licensing fees

with the Services Directive.)

## High Court

- *R (Delta Merseyside Ltd) v Knowsley MBC* [2018] EWHC 757 (Admin) (Successful claim establishing illegality of policy restricting cross-boarder taxi licensing.)
- *R (Rostron) v Guildford BC* [2017] EWHC 3141 (Admin) (judicial review of approach to setting taxi fares. Establishes the approach to EU freedom of establishment in this context and its relevance to judicial review of Wednesbury grounds.)
- *R (Qin) v Commissioner of Police for Metropolis* [2017] EWHC 2750 (Admin) (Successful judicial review overturning refusal of compensation for closing alleged brothels in Soho. Now the leading case on the approach to compensation for Closure Orders.)
- *Association of Licensed Multiple Retailers v Tower Hamlets* (2017) (Successful Judicial Review of Tower Hamlets decision to adopt the Late Night Levy.)

## Commercial Regulation

- Presently instructed by the Traffic Commissioner to resist a claim for judicial review regarding the the application of the "exclusively for non-commercial purposes" exemption to EU road transport regulation.
- Acting for the interested party in a judicial review by the Institute of Chartered Accountants of England and Wales of the Lord Chancellor's decision to refuse its application to become a regulator and licensing authority for reserved legal services providers.

## Alcohol / Entertainment

- Acting in relation to the review of the licences of iconic music venues including Wireless Festival and the nightclub Fabric.
- Obtaining numerous licences at sub-committee hearings for household names such as Itsu, Shell, and Martins Newsagents.
- Acting for police forces across the country in summary reviews and closure order applications in sensitive or high profile cases. Cases include the closure of a Birmingham nightclub the day before international rap star Rick Ross was due to appear, and the revocation of the licences of London nightclubs following shootings/ stabbings at the premises.
- Representing local authorities including Camden, Westminster, and Dudley in appeals before the Magistrates' Court.
- Securing closure orders in both the Magistrates' and Crown Courts including following protracted trials.

## Taxis / PHV / Other Licensed Vehicles

- *R (Delta Merseyside Ltd) v Knowsley MBC* [2018] EWHC 757 (Admin) (Successful claim establishing illegality of policy restricting cross-boarder taxi licensing).
- *R (Rostron) v Guildford BC* [2017] EWHC 3141 (Admin) (judicial review of approach to setting taxi fares. Establishes the approach to EU freedom of establishment in this context and its relevance to judicial review of Wednesbury grounds).
- Currently advising the Traffic Commissioner in relation to a claim for judicial review of his decision not to hold an inquiry into the compliance of a community transport company with EU law.

- *R (Rossendale Taxi Association) v Rossendale BC* securing interim relief dissapplying the Council's newly adopted PHV policy. The claim was subsequently settled out of court.
- *R (Bristol Blue Taxi Association) v Bristol CC* (2017) successfully struck out a judicial review of Bristol's policy on emissions standards on licensed vehicles.

## Gambling

- Advised a gambling startup on licensing requirements in relation to a new online international gambling platform.
- Contributed to Smith and Monkom on the Law of Gambling.
- Advising local authorities on their gambling policies.
- Assisted with a seven figure claim against a major gambling operator following failures in relation to social responsibility requirements.

## Sex

- Acting for Westminster in the Hemming litigation (see *R (Hemming) v Westminster CC* [2017] UKSC 50 and C-316/15 Hemming v Westminster CC [2017] 3 W.L.R. 317).
- Acted for both the police and the local authority in relation to the review of a high profile SEV in Birmingham.
- Successfully resisted applications for closure orders against a number of purported brothels throughout London's Soho as part of operation LANHYDROCK.

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## Compulsory Purchase and Compensation

Charles has experience of a range of compulsory purchase and compensation matters. He is familiar with the legislation and policy relating to both obtaining compulsory purchase orders and compensation following acquisition. Current cases include:

- Acting for a claimant in relation to compensation for the acquisition of land with development potential, following compulsory acquisition to facilitate a comprehensive scheme.
- Advising Hirwaun Power Limited regarding the Secretary of State's jurisdiction to grant development consent and/or compulsory acquisition powers in a DCO for a power station in Wales.
- Acting for a local authority in relation to a claim for compensation for removing permitted development rights to change the use of a building from commercial to residential use.

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## Highways, Commons and Open Spaces

- Appeared for the applicant in a four day village green inquiry
  - Advised the Whitstable Beach Campaign in relation to the registration of the beach at Whitstable as a Town/Village Green and rights of access to the foreshore.
  - Appeared for Doncaster MBC in an inquiry into the modification of the definitive map.
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## Appointments, Education, Scholarships and Achievements

### Appointments

- Attorney General's B Panel of Counsel to the Crown (September 2021)
- Attorney General's C Panel of Counsel to the Crown (March 2018)

### Education

- MA Literae Humaniores (Classics) Lady Margaret Hall, Oxford University
- Bar Professional Training Course (Outstanding) City University
- Graduate Diploma in Law (Commendation) City University

### Scholarships

- Lord Haldane Scholarship, Lincoln's Inn
- Buchanan Prize, Lincoln's Inn
- Cholmeley Studentship, Lincoln's Inn
- Hardwick Scholarship, Lincoln's Inn

### Achievements

In 2015 Charles won the final of senior UKELA Lord Slynn Mooting Competition judged by Lord Carnwath.

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## Publications

Charles regularly delivers lectures and seminars on topical issues in public and environmental law. Recent papers he has presented have concerned information law, developments in the law relating to protected species and the application of closure powers to combat extremism.

His publications include:

- A Fit Country? The Impact of the Great War on Town and Country Planning (2015) 5 JPL 544 (with Gregory Jones KC)
- Raise a toast to the 2003 Act, Journal of Licensing Issue 11 July 2015 (with Leo Charalambides)
- Street Traders and Peddlers - an update, Journal of Licensing Issue 11 March 2015 (with Leo Charalambides)
- **Waste Not Want Not**: Quarry Restoration and Waste Recovery (2016), Journal of the Institute of Quarrying
- POCA Face: What to Do When the Chips are Down, E-Law (forthcoming with Jeremy Phillips and John Jolliffe)
- Book Review: Cornerstone on Antisocial Behaviour, Journal of Licensing

### Privacy Notice

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## Quotes

*"His tactical and commercial awareness is exceptional and his written arguments and oral advocacy are always extremely well received by the court."*

*Chambers and Partners, 2023*

*"Charles is a truly amazing talent. He is able to comfortably take on KCs and be an intellectual match for any opponent."*

*Chambers and Partners, 2023*

*"He is an excellent all-rounder who really understands the details and delivers results."*

*Chambers and Partners, 2023*

*"Extremely user-friendly, his advice is always clear, decisive and top-drawer, and he retains a calm and courteous demeanour while tenaciously pursuing his clients' interests."*

*Chambers and Partners, 2023*

*"Charles is a firm favourite. He is extremely user-friendly, making every effort to meet the client and professional team's needs, and his advice is always clear, decisive and top drawer; particularly given his breadth of experience in planning, environmental and administrative law. He is a true all-rounder and well loved by clients and solicitors alike."*

*The Legal 500, 2023*

*"Extremely user-friendly, his advice is always clear, decisive and top-drawer, and he retains a calm and courteous demeanour while tenaciously pursuing his clients' interests."*

*The Legal 500, 2023*

*"He has exceptional insight and is one to watch for the future."*

*The Legal 500, 2023*

*"A formidable opponent...a sharp thinker and a good strategist who isn't afraid to tackle difficult cases"*

*The Legal 500, 2022*

*"fiercely intelligent and a broad thinker. He isn't afraid to tackle difficult cases and solicitors have confidence that he will do everything in his (considerable) power to secure the best outcome for his clients."*

*The Legal 500, 2022*

*"Confident in presenting detailed technical points that others might shy away from"*

*The Legal 500, 2022*

*"A wonderful legal mind and extremely personable"*

*Chambers and Partners, 2022*

*"Great judgement and is very strategic in his thinking"*

*Chambers and Partners, 2022*

*"Experienced in handling tall buildings and other high-profile developments"*

*Chambers and Partners, 2022*

*"appears in high-profile judicial reviews"*

*Chambers and Partners, 2020*

*"Bright, hard-working and very thorough... he will go far"*

*Chambers and Partners, 2020*

*"very impressive and commercially sensitive to the client's needs"*

*Chambers and Partners, 2020*

*"a future star"*

*Chambers and Partners, 2019*

*"exceptional knowledge of EU constitutional law"*

*Chambers and Partners, 2019*

*"very bright and will cut straight through to the heart of the matter"*

*Chambers and Partners, 2019*

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