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## Michael Rhimes

Call: 2019 [Public Access](#)

Practice areas:

Planning, Environment, Licensing, Compulsory Purchase and Compensation, Major Infrastructure Projects, Local Government, Major Infrastructure Projects, Highways, Commons and Open Spaces



## Practice Profile

Michael has a developing practice in all areas of Chambers' expertise. He has repeatedly appeared in the High Court both challenging and defending decisions, often against much senior Counsel.

Michael read law at Queen Mary where he graduated with First Class Honours in 2014, and completed the BCL at Oxford University in 2015. He then worked as a law clerk to the British Judge at the Court of Justice of the European Union for two years. His main areas of interest include:

- Planning law;
- Public law and human rights;
- Licensing;
- Rating;
- Enforcement;
- Local Government;
- Infrastructure;
- Village greens and Public Rights of Way and
- Environmental law, in particular with an EU law dimension;

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## Planning

Michael has a wide experience of planning issues, including:

- Judicial review & statutory challenges;
- Challenges to officers' reports;
- Lawful development certificates;
- Enforcement notices;
- The interpretation of planning policy (including the NPPF 2021);
- Listed buildings & conservation areas;
- Interpretation & enforceability of planning conditions;

Michael has substantial experience of planning at all levels.

*Pre-permission stage* He recently advised a London local authority on a highly controversial planning application in a residential area, in the vicinity of a listed heritage facility. He has a solid grasp of planning policy and is happy to assist local authorities and potential developers alike on the full range of issues that arise in planning law.

*Inquiry stage* Michael represented a Parish Council at a hearing for a development raising complex points of law in relation to a redevelopment in a sea-side town. He was also instructed in a six-week Inquiry relating to a large infrastructure project in the green belt in Cambridge, which raised a number of cross-cutting planning issues.

*Post-permission* Michael is familiar with the challenges – both bringing and defending – to the grant of planning permission. He is able to offer practical advice on all aspects after the grant of permission.

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## Environment

During pupillage, Michael assisted Isabella Tafur in two cases before the Court of Appeal that raised broad-ranging issues in relation to Environmental Impact Assessments (after *People Over Wind*) and Appropriate Assessments under the Habitats Regulations: *R(Wingfield) v Canterbury City Council*, Redrow Homes and HNC Developments LLP [2020] EWCA Civ 1588.

Michael is happy to assist in all areas of environmental law, and has regularly advised developers and local planning authorities alike on various aspects of the Environmental Impact Assessment and Habitats Assessments processes.

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## Licensing

Michael has experience in acting for a range of parties in licensing matters, and has appeared for both license holders, licensing authorities and acted as legal advisor to Licensing Sub-Committees. He recently acted for a successful applicant for a licence in a busy London borough in a cumulative impact zone:

He has acted for a number of parties who have sought to challenge adverse decisions relating to licencing, including in the Crown Court.

Michael also has experience of gambling licensing, and has acted for a number of private hire vehicle owners seeking to challenge the revocation of their licence.

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## Compulsory Purchase and Compensation

Michael assisted Isabella Tafur in a multi-million pound compensation case before the Upper Tribunal (Lands Chamber), which settled during trial. At issue was whether a proposed development on the site would have been granted permission. The principal policy was a complex, 'tiered' policy, and there were significant heritage issues involving multiple Listed Buildings.

Michael also drafted pleadings for a landowner in a claim arising out of an order to purchase four homes. The claim raised complex points, including on situations where there is a "negative equity" and interests on mortgage repayments. The case settled prior to hearing in the Upper Tribunal on terms favourable to the client.

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## Major Infrastructure Projects

Michael represented Network Rail (lead by Rebecca Clutten) in its application for an Order under the Transport and Works Act 1992 to build a new station in Cambridge. The case – heard over six weeks – raised complex points regarding noise, vibration, and electro-magnetic interference. There were also heritage issues and legal issues regarding rights of way over the rails. Michael dealt with the handling of two expert witnesses, and assisted in drafting the Opening and Closing Submissions.

Michael assisted Rebecca Clutten on an important point of principle concerning the powers of an applicant for a development consent order to enter private land to carry out surveying and related matters under the Planning Act 2008 and the Housing and Planning Act 2016. The case settled as it became academic.

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## Local Government

Michael assisted in drafting an opinion for a local authority on a number of issues arising under the Road Traffic Regulation Act 1984 including issues of vires, procedure, and the powers of local authorities over public and private land; he has also advised a Welsh authority on whether certain acts were executive or non-executive in character.

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## Major Infrastructure Projects

Michael assisted Rebecca Clutten on an important point of principle concerning the powers of an applicant for a development consent order to enter private land to carry out surveying and related matters under the Planning Act 2008 and the Housing and Planning Act 2016. The case settled as it became academic.

Michael will also be junior to Rebecca Clutten on a three week-long Inquiry into a Transport and Works Act Order for a proposed station in Cambridge.

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## Highways, Commons and Open Spaces

Michael successfully represented a local community group (acting pro bono) in a non-statutory Inquiry concerning whether a ‘trigger’ event had taken place under the Commons Act 2006.

He also assisted other members of Chambers on whether ‘cul-de-sac’ ways could be dedicated under section 31 of the Highways Act 1980, and on potential recourses against an individual who submits a vexatious Definitive Map Modification Order.

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## Rating, Council Tax and CIL

Michael had substantial experience of rating and the Council Tax in Pupillage, which he has carried over to his current practice. He has represented local authorities in the VTE on complex points of council tax law (on the empty homes premium) and is currently instructed to defend an appeal from the VTE to the High Court.

He is also familiar with CIL, having recently advised a local authority on whether CIL could be claimed after the relevant development was completed.

He is happy to assist in all areas relating to these matters.

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## Advertising

Michael assisted in the drafting of a defence to a pre-action protocol letter for advertisement consent for a well-known high street brand on Oxford Circus. The case involved a complex interaction between the regimes of express and deemed consent under the Control of Advertisement Regulations 2007.

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## Enforcement

Michael has provided a range of advices – both to local authorities and to developers subject to enforcement notices – to those in need of assistance in this complex area. He has also represented people charged with breaching enforcement notices, and is comfortable representing defendants and prosecuting authorities in the Magistrates' Courts.

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## Qualifications

- Queen Mary, Law (First Class Honours) (2011 – 2014)
  - University of Oxford, Bachelor of Civil Law (2014 – 2015)
  - BPP University Law School, Bar Professional Training Course (Outstanding) (2018 – 2019)
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## Scholarships, Awards and Other Experience

### Bar Awards & Scholarships

- Sir Joseph Priestly Award (Inner Temple) (2019) (awarded to undertake a clerkship at the Constitutional Court of South Africa)
- Princess Royal Scholarship (Inner Temple) (2018) (awarded to study the Bar Professional Training Course)

- Pro Bono Award – awarded by BPP to study the BPTC (2018)
- Excellence Award – awarded by BPP to study the BPTC (2018)
- Gilbert Murray Trust Award; Global Justice Internship Fund; Southern African Judicial Assistance Project (awarded for various projects in 2015)

#### University Awards & Scholarships

- Leverhulme trust Prize (excellence in final year at University) (2014)
- Oxford University Prize (award for top marks Equity & Trust Law) (2013)
- Property Law Prize (award for top marks in Property Law) (2012)

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### Selected Publications

Is it really lawful to conduct licensing sub-committee hearings remotely? A sceptical view, *Journal of Licensing*, (forthcoming November 2021)

Forfeiting proceeds: civil forfeiture, the right to property and the Constitution. *South African Law Journal* (May 2021)

Greening the Law: the Reception of Environmental Law and Its Enforcement in International Law and European Union Law 2018 *Columbia Journal of European Law*

Charting the Charter: A UK Guide to the Application of the EU Charter, 2017 (3) *Judicial Review* 295.

Standing their Ground: Why are EU Standing Rules for Direct Actions (still) so Restrictive? 2016 *European Journal of Legal Studies* (online)

Cited with approval in Opinion of Advocate General Wathelet in C-244/16 P *Industrias Químicas del Vallés v Commission* ECLI:EU:C:2017:635

Michael is also a regular contributor to the UK Human Rights Blog

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### Professional Memberships

- UKELA
- PEBA
- ALBA

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