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Saira Kabir Sheikh KC

Call: 2000 QC: 2014

Practice areas:

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



Practice Profile

Saira's practice covers all aspects of planning and environmental law, local government and administrative law, highways, compulsory purchase, Transport and Works Orders and parliamentary. She regularly appears in the Court of Appeal, High Court, Public Inquiries and the Crown and Magistrates Courts in a wide range of proceedings.

She is ranked as a leading planning silk in Chambers and Partners, Legal 500 and by Planning Magazine. In 2020 and 2021 she was chosen by The Planner as one of the Women of Influence.

Planning

Saira specialises in all aspects of planning law. She appears regularly in the Court of Appeal and High Court and planning inquiries in respect of a range of issues. She acts on behalf of public authorities and developers. Her recent work includes acting in respect of major regeneration schemes, hotel development, housing development and logistics. She has also been involved in several high profile local plan examinations and cases relating to the interpretation of the CIL Regulations.

Recent work

Court of Appeal

- *Gardiner v Hertsmere Borough Council and Secretary of State* [hearing date 18/19 May 2022] – Community Infrastructure Regulations
- *New World Payphones Limited v Westminster City Council* [2019] EWCA Civ 2250 – Permitted Development Rights
- *King's Lynn and West Norfolk Council v Michelle Paula Bunning* [2016] EWCA Civ 1037 – Planning Enforcement
- *Kestral Hydro v SSCLG and Spelthorne Borough Council* [2016] EWCA Civ 784 – Green Belt and Enforcement
- *R. (on the application of Luton Borough Council) v Central Bedfordshire Council* [2015] EWCA Civ 537 – Urban Extension challenge
- *Westminster City Council v Secretary of State for Communities and Local Government & ANOR* [2015] EWCA Civ 482 – Hotel/Hostel interpretation
- *Peel Land and Property Investments PLC v Hyndburn Borough Council* [2013] EWCA Civ 1680 – Planning units and subdivision
- *Wokingham Borough Council v Oxford Diocesan Board of Finance* [2013] EWCA Civ 1718 – Housing development and sustainability
- *Westminster City Council v Davenport* [2011] EWCA Civ 458 – Planning injunction
- *Doran v Secretary of State for Communities and Local Government Court of Appeal (Civil Division)* [2011] EWCA Civ 1798 – Green Belt
- *Ilyas v Aylesbury Vale DC* Court of Appeal (Civil Division), [2011] EWCA Civ 1377 – Enforcement
- *Brent v Secretary of State and Ashiur Centre Ltd* [CA] – Strike out Decision of the Court of Appeal upholding an order of the High Court striking out a section 288 challenge to the grant of a Certificate of Lawfulness for a major leisure and retail centre in the London Borough of Brent

- *O'Brien and others v South Cambridgeshire District Council* [CA] - Injunction proceedings
- *Wychavon District Council v. Rafferty and Others* (CA) [2006] EWCA Civ 628 - injunction/committal proceedings relating to gypsies
- *Burkett (R on the application of) v. London Borough of Hammersmith & Fulham* [2004] EWCA Civ 105 - Environmental impact assessment

High Court

- *HFAG v Buckinghamshire Council* [2022] EWHC 523 (Admin)
- *National Highways v Persons Unknown* [2021] EWHC 3081 - Strategic Road Network wide injunction against Insulate Britain protestors
- *Secretary of State for Transport and HS2 v Persons Unknown* [2021] EWHC 822 - injunction and possession proceedings against protestors in tunnels.
- *T & P Real Estate Ltd v Sutton LBC* [2020] EWHC 879 (Ch) - Permitted development rights and strike out.
- *Sagar Patel v Dacorum Council* [2019] EWHC 2992 (Admin) - post office and supermarket development
- *Risby v East Hertfordshire District Council & Ors* [2019] EWHC 3474 - mixed use development
- *Westminster City Council v Secretary of State for Housing, Communities and Local Government and New World Pay Phones Ltd* [2019] EWHC 176 (Admin) - permitted development rights
- *R.(on the application of London Borough of Tower Hamlets) v Secretary of State for Housing, Communities and Local Government & Anr* [2019] EWHC 2219 (Admin)
- *East Hertfordshire District Council v Docherty and Ors* [2019] EWHC 2292
- *Shropshire Council v Secretary of State for Housing, Communities and Local Government* [2019] EWHC 16 (Admin)

More

Local Plans

Saira has wide experience in respect of advising and appearing at local plan examinations.

Her recent work includes:

- *Central Bedfordshire Local Plan* (adopted July 2021) Advised and appeared at the examination including acting for the Council in respect of related judicial review proceedings
- *Birmingham City Council - Area Action Plan* (adopted January 2021) Advised and appeared at the examination
- *Westminster City Plan* - Acted on behalf of the WPA challenging the affordable housing strategy in respect of employment use
- *Epsom and Ewell Local Plan* - advising in respect of the emerging plan
- *Lewisham Local Plan* - advising in respect of the emerging plan

Injunctions Proceedings

- *National Highways v Persons Unknown* - Injunction to prevent disruption across the Strategic Road Network by Insulate Britain
- *HS2 v Persons Unknown* - removal of protestors from tunnels under Euston Square

Gardens

- *Doncaster Council v Nigel Smith* – removal of makeshift business park on farm land in the Green Belt without planning consent
- *West Lindsey District Council v Prince and other* - preventing siting of caravans in Town Hall car park and other land
- *East Herts District Council v Daniel Chambers* - injunctive proceedings to prevent disruptive individual attending Council offices without permission
- *South Cambridgeshire District Council v Garner and other* - pre-emptive injunction over wide area of land in Willingham, South Cambridgeshire
- *Thurrock District Council v. Remblances* - injunctive proceedings against travelling showpersons
- *Thurrock District Council v. Second Thames Land Ltd and Others* - injunctive proceedings against unauthorised woodpile
- *Werbinski and another v. Chiltern District Council* - acting for the Council defending proceedings for an injunction in respect of direct action taken by the Council
- *Hart District Council v. Thomas* - injunctive proceedings against unauthorised statutory of caravans for residential purposes.

Major Public Inquiries

- Carlton Tavern Inquiry – Acting for Westminster City Council in respect of rebuilding of public house in planning enforcement appeal
- Victoria Station upgrade inquiry - Acting for Land Securities
- Fishguard to Bangor Bypass, Porthmadog inquiry - Acting for Network Rail
- Keekle Head Nuclear Waste Disposal Facility
- Local Development Framework - she acted for South Cambridgeshire in one of the first examinations into the LDF under the new Planning and Compulsory Purchase Act 2004 successfully promoting several Development Plan Documents including the Area Action Plan for the new town of Northstowe.
- Luton - Dunstable Guided Bus Transport and Works Order - she promoted the Luton - Dunstable Translink Order for a guided busway on behalf of Luton Borough Council

Other Recent Inquiry Work

- Former Tesco Car Park, Lewisham (Called in inquiry re redevelopment of car park to provide tallest building in borough. Issues raised about affordable housing and viability)
- Lygon Place Inquiry (Listed Buildings)
- Land to the west of Landford Road, Henlow, Bedfordshire (five year housing land supply)
- Coldharbour Conservation Area Inquiry
- Star Public House, St John's Wood (change of use and permitted development rights)
- 36 St John's Wood and 38 – 44 Lodge Road Inquiry
- Wandle Trading Estate, Mitcham Inquiry
- *Cappagh Public Works Ltd v London Borough of Sutton*, Secretary of State for Housing Communities and Local Government, and Prologis UK
- The Feathers Public House (viability)
- Powerday Skip and Waste Container Transport Operation (breaches of planning control for material change of use)
- Bishop Stortford Schools and housing development appeals (6 interlinked appeals before Secretary of State)
- Shinfield Glebe housing appeal, Wokingham

- Esbies Estate appeals, Herfordshire
- Thurrock Thames Gateway appeals (appeals relating to lorry parking and associated development)
- Newcross and Broadway inquiry - Teignbridge - major housing and regeneration development
- Land at Minety, major gypsy and traveller development site
- Former Twyford Tip inquiry development involving the removal of tipped spoil and erection of a major centre comprising hotel, television centre, social, community and leisure facilities (including open space and canal footbridge) with service roads and car parking.
- Robbs Nurseries - development of site to permit waste crushing and recycling activities on green belt
- Tom Jones Boatyard - Marina development on green belt
- Norstead Manor Farm - development for storage of holiday caravans
- Lauderdale Garages, Maida Vale - appeal against refusal for residential development acting for Westminster City Council. The issues included daylight, sunlight concerns, design and matters pertaining to trees and carparking
- Spade Oak - appeal against an enforcement notice concerning extension of residential cartilage into meadow
- Totternhoe Lime Works and Stone Company - redevelopment and closure of limeworks for erection of 40 dwellings and proposed open space area
- Appeal against gypsy encampment in South Cambridgeshire
- Sackville Street, re: Austin Reed premises in Westminster - temporary sleeping accommodation
- Croydon Gateway Inquiry - where she acted as junior counsel for the developer. This was a call-in against refusal by Croydon Borough Council to allow a scheme involving a major regeneration of land adjoining East Croydon Station
- Appeal against enforcement proceedings concerning temporary sleeping accommodation
- Numerous other Section 78 appeals, Lawful Development Certificate Appeals and Enforcement Appeals covering a wide range of issues including those relating to retail, residential, waste, environmental impact assessments, gypsy and travellers, listed buildings, conservation, trees and advertisements. She also acts for third parties such as Parish Councils

Crown Court and Magistrates Proceedings

- Prosecuting and defending for breaches of enforcement notices relating to unauthorized haulage and storage use or agricultural land, forestry activities, listed buildings and stop notices in respect of residential development and (s) 215 notices
- Statutory nuisance appeals relating to motocross, noise, smell, dangerous structures etc.
- Acting in matters pertaining to unauthorized advertisements
- Prosecuting for health and safety breaches including recent successful prosecution against Jewsons

Major Infrastructure Projects

Saira has acted and advised in relation to a number of infrastructure projects including:

- Network Rail (North Doncaster Chord) Order 2012 - Development Consent Order - acting

for Network Rail

- Crossrail (Kensal Green) Order 2012 under the Transport and Works Act 1992 - promoting the Order on behalf of Crossrail Ltd
 - Metrolink Second City Crossing Order - acting for Transport for Greater Manchester
 - Victoria Station Upgrade - major regeneration of Victoria Station (acting for Land Securities)
 - Fishguard to Bangor Bypass inquiry - acting for Network Rail
 - Crossrail - Acting for major petitioner, Network Rail in both the House of Commons and the House of Lords
 - Luton to Dunstable Guided Busway - promoting the Transport and Works Order
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Environment

Saira acts regularly in respect of a wide range of environmental law matters including in respect of Habitats and mitigation such as SANGs and SAMMs. She also appears both prosecuting and defending environmental offences.

Recent work include:

- Coln Park holiday homes development (flooding and Environmental Agency issues)
 - Aldi appeal against decision of Oxford City Council (flooding and Environmental Agency issues)
 - Asian Sky major retail and leisure development (contaminated land)
 - Sandford Farm appeal (contaminated land and housing issues)
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Compulsory Purchase and Compensation

Saira's practice includes experience in matters relating to land valuation and compensation. Recent work involving land valuation and compensation includes

- Bellamile / Chart Leacon (Acted for landowner of railway sidings. Successfully achieved significant settlement in compulsory acquisition and compensation proceedings)
 - Victoria Station upgrade inquiry
 - Luton Dunstable Guided Busway
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Public Law

Saira's practice covers a wide range of public law work. She appears regularly in the Court of Appeal and High Court. She has wide experience in Statutory and Judicial Review in respect of administrative law and planning law challenges, Local Government issues, Human Rights, European Union, Parliamentary, Public Procurement and Education

Recent cases Court of Appeal:

- *Gardiner v Hertsmere Borough Council and Secretary of State* [hearing date 18/19 May 2022] – Community Infrastructure Regulations
- *New World Payphones Limited v Westminster City Council* [2019] EWCA Civ 2250 – Permitted Development Rights
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- *Westminster City Council v Davenport* [2011] EWCA Civ 458 – Planning injunction
- *Doran v Secretary of State for Communities and Local Government* Court of Appeal (Civil Division) [2011] EWCA Civ 1798 – Green Belt
- *Ilyas v Aylesbury Vale DC* Court of Appeal (Civil Division), [2011] EWCA Civ 1377 – Enforcement
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- *O'Brien and others v South Cambridgeshire District Council* [CA] – Injunction proceedings
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- *Burkett (R on the application of) v. London Borough of Hammersmith & Fulham* [2004] EWCA Civ 105 – Environmental impact assessment

Recent cases High Court:

- *HFAG v Buckinghamshire Council* [2022] EWHC 523 (Admin) – NHS contributions challenge
- *National Highways v Persons Unknown* [2021] EWHC 3081 – Strategic Road Network wide injunction against Insulate Britain protestors
- *Secretary of State for Transport and HS2 v Persons Unknown* [2021] EWHC 822 – injunction and possession proceedings against protestors in tunnels.
- *T & P Real Estate Ltd v Sutton LBC* [2020] EWHC 879 (Ch) – Permitted development rights and strike out.
- *Sagar Patel v Dacorum Council* [2019] EWHC 2992 (Admin) – post office and supermarket development
- *Risby v East Hertfordshire District Council & Ors* [2019] EWHC 3474 – mixed use development
- *Westminster City Council v Secretary of State for Housing, Communities and Local Government and New World Pay Phones Ltd* [2019] EWHC 176 (Admin) – permitted development rights
- *R.(on the application of London Borough of Tower Hamlets) v Secretary of State for Housing, Communities and Local Government & Anr* [2019] EWHC 2219 (Admin)

- *East Hertfordshire District Council v Docherty and Ors* [2019] EWHC 2292
 - *Shropshire Council v Secretary of State for Housing, Communities and Local Government* [2019] EWHC 16 (Admin)
 - **More**
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Local Government

Highways, Commons and Open Spaces

Parliamentary

- Special Parliamentary Procedure - Acting for petitioners in respect of the Rookery South (Resource Recovery Facility) Order 2011
 - Crossrail Petition acting for Network Rail - appeared as junior counsel before both the House of Commons and House of Lords Committees
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Protest Law

Saira has developed a practice in high profile protest law. She has recently acted for National Highways and HS2. She is also advising local authorities and companies in respect of on-going issues engaging protestors and public law issues.

Recent case law:

- *National Highways v Persons Unknown* [2021] EWHC 3081 - Strategic Road Network wide injunction against Insulate Britain protestors
 - *Secretary of State for Transport and HS2 v Persons Unknown* [2021] EWHC 822 - injunction and possession proceedings against protestors in tunnels.
 - *Maxey v High Speed 2 Ltd and Secretary of State* [2021] EWHC 246 (Admin) - challenge to HS2 Ltd's removal of tunnel protestors under Euston Square Gardens
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Publications

- Consultant Editor, Halsbury's Laws of England, Highways (Volume 55 (2019))
- Editor, Encyclopedia of Compulsory Purchase and Compensation
- 'ECJ Ruling Causes Havoc' 2006 Property Law Journal
- 'The 10 Year Rule and the Greater London Council (General Powers) Act 1973; The Fairstate Decision' [2005] JPL 1547
- 'Standing and Fundamental Rights: A South Asian Perspective' [2002] JR 17

Qualifications & Appointments

- BA, LLB (Punjab), LLM (Lon) specialising in corporate and commercial law, LLM, (Lewis & Clark, USA) specialising in environmental law and policy
- Britannia Chevening Scholar
- Fulbright Scholar
- Member of PEBA, NIPA and CPA
- Has full rights of audience to practice in the High Court of Pakistan
- Speaks Urdu and basic French

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Quotes

"Saira is a fantastic all-rounder who is great with clients and has an eye for detail."
Chambers and Partners, 2023

"Saira is an amazing advocate. Her commercial and political awareness is very strong and she takes the time to really understand what her client wants to achieve."
Chambers and Partners, 2023

"Saira provides practical, relevant advice and she exudes calm and confidence."
Chambers and Partners, 2022

"A client friendly and pragmatic barrister, she is an excellent solution driven advocate with bags of charm."
The Legal 500, 2022

"She is outstanding. Approachable, great to work with, formidable advocate both in the High Court and public inquiry area."
The Legal 500, 2021

"She's very good at getting into the detail and she stands her ground against other counsel."
"She has a formidable mind and a comprehensive understanding of planning law."
Chambers and Partners, 2021

"She provides clear, incisive and strategic advice from the outset."
Chambers and Partners, 2020

"Extremely sound tactically and a lawyer who possesses a rare combination of technical expertise and commercial astuteness." *"She's very strong technically and gives solid, clear advice."*
Chambers and Partners, 2018

"She is personable, an innovative thinker and someone who is quick to grasp the fundamentals of the project."
Chambers and Partners, 2017

"She is a force to be reckoned with and a tough opponent."
Chambers and Partners, 2017
