

Landmark Chambers

Barrister CV

Paul Brown KC



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Paul Brown KC

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Paul's practice covers planning and environmental, public and local government law.



Expertise

Planning, Public and Administrative

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Practice Summary

Paul's practice covers all aspects of planning and environmental law, public and local government law. His clients include national and regional housebuilders and other developers, local planning authorities, central government, environmental groups such as Friends of the Earth and private individuals. He has extensive experience in the High Court and Court of Appeal, as well as at Public Inquiries and Hearings.

Recent, high profile cases include:

RAF Scampton and RAF Wethersfield: instructed by the Secretary of State for the Home Department in defending the challenges to the use of these two sites to house asylum seekers

Ashchurch Rural Parish Council v. Tewkesbury Council: instructed by the appellant in the Court of Appeal hearing on this successful challenge to the Environmental Impact Assessment of the "bridge to nowhere"

Secretary of State for Levelling Up, Housing and Communities v. Smith: instructed by PINS in the Court of Appeal in this challenge to the use of Appeal Planning Officers to assist Inspectors in making appeal decisions

West Cumbria Coal Mine: instructed by Friends of the Earth in their objection (on climate change grounds) to the development of a new coal mine in Cumbria. Appeared at the inquiry in 2021, and instructed in the subsequent High Court challenge

R (Rights:Community:Action) v. Secretary of State for Levelling Up, Housing and Communities: instructed by the claimant in the widely publicised challenge to the amendments to the General Permitted Development Order and the Use Classes Order, which introduced new permitted development rights to build upwards and the new Use Class E.

Westferry Printworks: instructed by Westferry Developments Ltd to promote the redevelopment of this site near Canary Wharf to provide 1524 new homes in 5 stepped towers.

Rother Valley Railway CPO: instructed by local landowners to object to the compulsory purchase of their land to extend the route of a heritage steam railway.

Paul's recent local plan work includes Mid-Sussex Site Allocations DPD (for the LPA); St Albans Local Plan and Maidstone Borough Local Plan (acting for supporting developers); Tandridge Local Plan and Tunbridge Wells Local Plan (acting for objectors).

Before taking silk in 2009, Paul was a member of the Treasury A Panel, where he acted for a wide range of government departments including DCLG, DEFRA, the Ministry of Justice, the Home Secretary and the Secretary of State for Education. In 2014, he was the legal adviser to the Committee on the Review of Planning Guidance, led by Lord Taylor. A member of the Joint Planning Law Committee responsible for organising the Oxford Planning Conference for more than 10 years, he chaired the Planning and Environmental Bar Association and was Joint Head of Landmark Chambers between 2019 and 2022.

Planning

As a specialist in town and country planning, Paul acts for developers, central government, 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.

Recent cases of note include:

- ***Ashchurch Rural Parish Council v. Tewkesbury Council***: instructed by the appellant in the Court of Appeal hearing on this successful challenge to the Environmental Impact Assessment of the "bridge to nowhere".
- ***Secretary of State for Levelling Up, Housing and Communities v. Smith***: instructed by PINS in the Court of Appeal in this challenge to the use of Appeal Planning Officers to assist Inspectors in making appeal decisions.
- ***West Cumbria Coal Mine***: instructed by Friends of the Earth in their objection (on climate change grounds) to the development of a new coal mine in Cumbria. Appeared at the inquiry in 2021, and instructed in the subsequent High Court challenge.
- ***R (Rights:Community:Action) v. Secretary of State for Levelling Up, Housing and Communities***: instructed by the claimant in the widely publicised challenge to the amendments to the General Permitted Development Order and the Use Classes Order, which introduced new permitted development rights to build upwards and the new Use Class E.

- *R (Ocado) v. London Borough of Islington*: instructed by Ocado in this application for judicial review of the revocation of a lawful development certificate.
- advising landowners in compensation claims associated with the compulsory purchase orders for Crossrail.
- the London “basement wars” saga (in which Paul acted for the owner of the much-publicised “stripey house” in Kensington and Chelsea).

Public and Administrative

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.

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)

Recommendations

"He is an excellent advocate." "I think he's great, strategic and very clever. His cross-examination is a thing of beauty, very carefully crafted."

Planning, Chambers and Partners, 2023

"Paul is hugely experienced, confident and well regarded, but also very down to earth." "He provides real gravitas as a team leader." "He always pulls the stops out and his responsiveness is amazing."

Planning, Chambers and Partners, 2023

"Paul is very thorough and cuts to the issues. He is academically very strong, as well as being commercial. His advocacy is excellent and he is a very good team player."

Planning, Legal 500, 2023

"Paul is calm, collected and a brilliant advocate. He is a force to be reckoned with." "His down-to-earth and practical advice is excellent."

Planning, Chambers and Partners, 2022

"Paul is in the very top echelon of planning silks. Paul is an excellent advocate both at planning appeals and in High Court matters. He is extremely approachable, flexible and responsive. He combines real intellectual gravitas with a friendly manner which is very reassuring for clients and instructing solicitors alike."

Planning, Legal 500, 2022

"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."

Planning, Chambers and Partners, 2021

"He is very amenable and flexible, super intelligent and very quick to get his head around cases." "An outstanding lawyer, an excellent advocate, very responsive and a fantastic team player."

Planning, Chambers and Partners, 2020

Cases and inquiries

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| 13 09 24 | High Court Quashes Whitehaven Coal Mine Permission |
| 20 06 24 | Supreme Court requires assessment of downstream environmental effects - Finch v Surrey CC [2024] UKSC 20 |
| 07 12 23 | High Court dismisses challenges to government's use of former airfields to accommodate asylum seekers |
| 26 05 20 | Secretary of State's decision to approve tall tower scheme quashed for apparent bias |
| 23 11 18 | HJ Banks & Company Ltd v Secretary of State for Housing Communities and Local Government [2018] EWHC 3141 (Admin) |
| 18 09 18 | City of York v Trinity One (Leeds) Ltd [2018] EWCA Civ 1883 |
| 26 06 18 | Druridge Bay Open Cast Coal Mine |
| 26 06 18 | Druridge Bay Open Cast Coal Inquiry |

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| 26 06 18 | London Russian Ballet School appeal allowed, with full costs |
| 26 06 18 | Lydd Airport Expansion |
| 26 06 18 | Gateforth Mushroom Farm, Selby - Change of Use to Travelling Showpeople's Quarters |
| 26 06 18 | Springfield Hospital, Wandsworth |
| 26 06 18 | Bryngwyn Livestock Market CPO |
| 26 06 18 | Mersey Docks & Harbour (Seaforth Terminal) Harbour Revision Order |
| 26 06 18 | Stevenage West |
| 26 06 18 | Kidderminster Incinerator Inquiry |
| 26 06 18 | Northern Gateway Access Road, Enfield |
| 26 06 18 | One Westminster Bridge, London |
| 26 06 18 | Castle Hill/A21 RSA Inquiry |
| 26 06 18 | Leeds U.D.P. Inquiry |
| 26 06 18 | M25 MSA Inquiry - Epping Forest |
| 26 06 18 | Redhill Aerodrome Inquiry |
| 13 06 18 | Flett v Matheson EAT/0516/04/SM; EWCA Civ 53 |
| 11 06 18 | Kemnal Manor v FSS [2005] EWCA Civ 535; [2006] 1 P&CR 10 (CA) |
| 08 06 18 | Edward Ware Homes v SSTLR [2004] 1 P&CR 6 |
| 08 06 18 | Ceredigion County Council v National Assembly for Wales [2001] EWHC (Admin) 694; [2002] P&CR 6 |
| 08 06 18 | R (Langton & Allen) v Secretary of State for the Environment, Food and Rural Affairs [2002] ENV LR 20 |
| 08 06 18 | R (Fernback and others) v LB Harrow [2001] EWLA admin 278 (2002) Env L.R.10, (2001) 98(23) LSG39 |
| 08 06 18 | Connaught Quarries v SSETR [2001] EWHC (Admin) 76; [2001] JPL 1210 |
| 08 06 18 | Thurrock BC v SSETR [2002] EWCA Civ 226; [2002] 2 PLR 43 (QB) |

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| 08 06 18 | Basildon District Council v SSETR [2001] JPL 1184 |
| 08 06 18 | Wandsworth London Borough Council v SSTLR [2003] JPL 319 |
| 08 06 18 | R v Schools Adjudicator ex p Wirral MBC [2000] EdCR 355; [2000] ELR 620 |
| 08 06 18 | Tandridge DC v Delaney [2001] 1 PLR 11 |
| 08 06 18 | I'm Your Man Ltd v Secretary of State for the Environment (1999) 77 P&CR 251 |
| 08 06 18 | R v Bassetlaw District Council ex p Oxby [1997] NPC 178 |
| 08 06 18 | R v Dacorum Borough Council ex p Cannon [1996] 2 PLR 45 |
| 08 06 18 | L v City of Salford [1997] ELR 455 |
| 08 06 18 | Joyce v Dorset [1997] ELR 26 |
| 07 06 18 | Chris Jaram Developments Ltd (R on the application of) v First Secretary of State [2004] EWHC 1220 (Admin) CO/339/2004 |
| 07 06 18 | R (Crichton and another) v Wellingborough Borough Council [2002] EWHC 2988 (Admin); [2004] Env LR 11 |
| 07 06 18 | Westminster v SSTLR [2003] JPL 1066 |
| 07 06 18 | R (Reid) v SSTLR [2002] 42 EGCS 158 |
| 07 06 18 | Wandsworth London Borough Council v SSTLR [2002] EWHC 1390; [2003] JPL 319 |
| 07 06 18 | Coghurst Wood Leisure Park v SSTLR [2003] JPL 206 |
| 07 06 18 | SSETR v Thurrock Borough Council [2002] JPL 1278 (CA) |
| 05 06 18 | Persimmon Homes Ltd, R (on the application of) v Secretary of State for Communities and Local Government & Ors [2007] EWHC 1985 (Admin) |
| 05 06 18 | R (Save Britain's Heritage) v Westminster CC [2007] EWHC 863 |
| 05 06 18 | R (London Borough of Hillingdon) v Secretary of State for Education and Skills [2007] EWHC 514 |
| 05 06 18 | M R Dean and Sons v Secretary of State for Communities and Local Government [2007] EWHC 1 (Admin) |
| 05 06 18 | Sager House v First Secretary of State [2006] EWHC 1251 (Admin), [2007] JPL 413 |

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| 05 06 18 | Ensign v First Secretary of State [2006] EWHC 255 (Admin), [2006] 2 P&CR 19 |
| 05 06 18 | Norris v First Secretary of State [2006] EWCA Civ 12, [2006] JPL 1574 (CA) |
| 05 06 18 | R (Tinn) v Secretary of State for Transport [2006] EWHC 193 (Admin) |
| 31 05 18 | Ashtenne Industrial Fund Ltd Partnership & Anor v Secretary of State for Communities and Local Government & Anor [2009] EWHC 1746 (Admin) |
| 31 05 18 | Secretary of State for Communities and Local Government v Ortona Limited [2009] EWCA Civ 863 |
| 31 05 18 | Fidler v Secretary of State for Communities and Local Government [2010] EWHC 143 |
| 31 05 18 | Rastrum Ltd v FSS & Rother District Council [2009] EWHC 160 (Admin) |
| 11 09 17 | Lisle-Mainwaring and the Secretary of State for Communities and Local Government v. Carroll |
| 12 06 17 | Government of the Republic of France v. Royal Borough of Kensington and Chelsea [2017] EWCA Civ 429 |
| 24 04 17 | R (Lisle-Mainwaring) v Isleworth Crown Court and Royal Borough of Kensington and Chelsea [2017] EWHC 904 (Admin) |
| 14 03 17 | R (on the application of Lisle-Mainwaring) v RBKC |
| 04 12 15 | Mulvena and Smith v Secretary of State for Communities and Local Government [2015] EWHC 3494 (Admin) |
| 27 11 15 | Government of the Republic of France v Royal Borough of Kensington and Chelsea [2015] EWHC 34373 (Admin) |
| 24 07 15 | Lisle-Mainwaring v Royal Borough Kensington and Chelsea [2015] EWHC 2105 (Admin) |
| 11 06 15 | Turner v Secretary of State for Communities and Local Government [2015] EWCA Civ 582 |
| 02 03 15 | R (Couves) v Gravesham Borough Council [2015] EWHC |
| 27 02 15 | R (Turner) v. Secretary of State for Communities and Local Government [2015] EWHC 375 Admin |
| 22 01 15 | R (Timmins and Lymn Family Funeral Service) v. Gedling Borough Council and Westerleigh Group Limited [2015] EWCA Civ 110 |
| 06 06 14 | Shell Centre Proposals Approved |

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| 17 05 13 | R (on the application of EO, RA, CE, OE and RAN) v Secretary of State for the Home Department [2013] EWHC 1236 (Admin) |
| 15 05 13 | Hotak v London Borough of Southwark [2013] EWCA Civ 515 |
| 26 09 12 | Cogent Land LLP v Rochford District Council [2012] EWHC 2542 |
| 17 02 12 | Jenkins v Gloucestershire County Council [2012] EWHC 292 (Admin) |
| 20 12 11 | CJ, R (on the application of) v Cardiff County Council [2011] EWCA Civ 1590 |
| 21 11 11 | Merryfield Park/RAF Sopley |
| 01 09 11 | Fidler v Secretary of State for Communities and Local Government [2011] EWCA Civ 1159 |
| 28 07 11 | Greyfort Properties Ltd v Secretary of State for Communities and Local Government [2011] EWCA Civ 908 |
| 31 10 10 | Veolia/Rufford Colliery Energy Recovery Facility Inquiry |
| 30 05 10 | Nutsgrove and French Farm Wind Farm Inquiries |
| 18 05 10 | Newton Lane, Ledston |
| 12 11 09 | Secretary of State for Communities and Local Government v Rastrum Ltd [2009] EWCA Civ 1340 |
| 15 10 09 | Connolly & Ors v Secretary of State for Communities and Local Government [2009] EWCA Civ 1059 |
| 31 07 09 | R (HM Coroner for East London) v Secretary of State for Justice and Sutovic [2009] EWHC 1974 |
| 27 01 09 | JG Ipswich v S/S Communities and Local Government & S/S Environment, Food and Rural Affairs [2009] EWHC 91 (Admin) |
| 01 09 08 | Lightwater Valley Inquiry |
| 17 07 08 | R (Finn Kelcey) v Milton Keynes Council [2008] EWHC 1650 |
| 01 02 08 | A421 (Bedford to M1) Improvement Scheme |
| 21 12 07 | Belfields Limited, Nextdom Limited & David Powell v Secretary of State & Sefton Borough Council [2007] EWHC 3040 (Admin) |
| 01 11 07 | Sandons Farm Inquiry |

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| 03 10 07 | R (Fingle Glen Business Action Group) v Department of Transport [2007] EWHC 2446 (Admin) |
| 25 09 07 | Bromley LBC v Secretary of State for Communities and Local Government [2007] EWHC 2480 (Admin) |
| 20 09 07 | Winchester City Council v Secretary of State for Communities and Local Government [2007] EWHC 2303 (Admin) [2008] JPL 315 |
| 25 05 07 | R (Kings Cross Railway Lands Group) v Camden LBC [2007] EWHC 1515 (Admin) |
| 25 01 07 | South Cambridgeshire Local Development Framework Examination |
| 15 12 06 | Hall Hunter Partnership v First Secretary of State [2006] EWHC 3842 (Admin) |
| 24 11 06 | R (Anderson) v Bradford MDC [2006] EWHC 3344 (Admin), [2007] JPL 1087 |
| 22 09 06 | Lady Dido Berkeley v First Secretary of State [2007] JPL 782 |
| 10 08 06 | First Secretary of State v Arun District Council and another [2006] EWCA Civ 1172 |
| 21 02 06 | English Partnerships - Kings Waterfront |
| 01 01 06 | South Cambridgeshire District Council LDF Examination |
| 01 01 06 | Station Road Car Park, Bromley |
| 23 12 05 | Lloyd v Environment Agency |
| 26 07 05 | R (Hardy & Maile) v Pembrokeshire Coast National Park Authority [2005] EWHC 1872 (Admin) |
| 18 07 05 | Corbett v First Secretary of State [2005] EWHC 5679 |
| 10 05 05 | Buckinghamshire County Council Minerals and Waste Local Plan Inquiry |
| 01 01 05 | M62 (Carlisle to Gretna Green) Roads Inquiry Agency |
| 10 11 04 | Ms Angele Dowmunt-Iwaszkiewicz v (1) First Secretary of State (2) Gedling Borough Council [2004] EWHC 2537 (Admin) |
| 12 10 04 | Tsagaan (Tulga) v Secretary of State for the Home Department [2004] EWCA Civ 1506 C4/04/0844 |
| 19 07 04 | 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 |

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| 26 02 04 | 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 12 03 | Agnello v Hounslow BC [2003] EWHC 3112; [2003] NPC 158; [2004] BLGR 536 |
| 21 02 03 | 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 |
| 09 07 02 | Bexley UDP Review |
| 04 04 00 | London International Freight Exchange Inquiry, Slough |
| 10 12 99 | S v Dudley MBC [2000] EdCR 410; (1999) 149 NLJ 1904 |
| 19 10 99 | S v Dudley MBC [2000] EdCR 200; [2000] ELR 330 |
| 27 04 99 | Nottinghamshire Waste Local Plan |
| 30 06 98 | Greenwich Peninsula CPO |
| 30 10 97 | Aylesbury Town Centre Pedestrianisation |
| 30 10 96 | B v Isle of Wight [1997] ELR 279 |
| 29 10 96 | Ligouri v City of Salford [1998] ELR 28 |
| 02 04 96 | House Builders' Federation v Royal County of Berkshire (1996) 73 P&CR 327 |
| 02 04 96 | Re: Subpoena Issued by the Commission for Local Administration (1996) 8 Admin LR 577 |
| 01 01 96 | Buckinghamshire Waste Local Plan |
| 05 05 95 | Wycombe District Council v Williams [1995] 3 PLR 19 |
| 01 01 95 | Eastbourne Local Plan Inquiry |
| 31 10 94 | M40 MSA Inquiry |
| 01 01 93 | Tunbridge Wells Borough Local Plan Inquiry |