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Christopher Jacobs

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Christopher has a mixed public law, property and planning practice.



Expertise

Planning, Property, Public and Administrative

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Practice Summary

Christopher advises and represents clients at all levels from the Supreme Court to the First-tier Tribunal.

Christopher has particular experience in public inquiries. Most notably he currently represents 156 subpostmaster Core Participants in the Post Office Horizon IT public inquiry. He has also represented core institutional and complainant core participants in IICSA and the Brook House Inquiry. In property law, Christopher has acted in a number of cases involving water courses and riparian rights and specialises in this area.

In planning law matters, Christopher has acted in a number of significant public inquiries dealing with compulsory purchase orders and urban regeneration schemes. He acted for the objectors to a regeneration scheme in the Aylesbury Estate CPO Public Inquiry. He also acts in relation to judicial and statutory review of planning decisions.

Planning

Christopher specialises in Compulsory Purchase Public Inquiry work.

He undertakes written work and advocacy in the following areas:

- Statutory Review applications under Section 288 TCPA 1990
- Judicial reviews of grants of planning permission
- Public Inquiries and appeals against planning decisions
- Enforcement appeals and Inquiries.
- Criminal proceedings in enforcement related matters.

He has represented objectors to large developments in the following inquiries:

- **Aylesbury Estate CPO** 2016 – 2018
- **Harrow Manorway CPO** 2018
- **Woodberry Down CPO** 2018.

Christopher is currently instructed by a freeholder in relation to the proposed demolition and redevelopment of the Cressingham Gardens Estate in Lambeth and was instructed for a resident freeholder in a related judicial review application **R (on the application of Plant) v Lambeth LBC** [2022] EWHC 3079 (Admin) .

Christopher acted for a developer in the Court of Appeal in a case concerning the meaning of reserved matters in outline applications for planning permission, **Crystal Property Limited v SSCLG** [2016] EWCA Civ 1265.

Christopher acted for the successful Claimant in **R. (on the application of Seventeen De Vere Gardens (Management) Ltd) v Kensington and Chelsea RLBC** [2016] EWHC 2869 (Admin) in which a Local Planning Authority decision to decline to determine a planning application under section 70C Town and Country Planning Act 1990 quashed.

Christopher acted for the successful claimant in a judicial review of LB Hackney's decision to grant planning permission in relation to a development which concerned the application of BRE guidelines to a children's playground, **R (on the application of Watt) v Hackney LBC** [2016] ACD 115.

Christopher represented the successful claimant in **Venn v Secretary of State for Communities and Local Government** [2013] EWHC 3546 (Admin); [2014] J.P.L. 447 and appeared with Richard Drabble KC in the Secretary of State's appeal in the same case – **SSCLG v Venn** [2015] 1 W.L.R. 2328 [2015] C.P. Rep. 12 [2015] 1 C.M.L.R. 52 [2015] Env. L.R. 14 [2015] J.P.L. 573 [2014] EWCA Civ 1539. The case concerned the scope under CPR r.45.41 of the availability of protective costs orders for environmental cases falling within the Aarhus Convention 2001

In October 2011, Christopher represented the travellers at the Dale Farm site in Basildon in proceedings in the Administrative Court and in the Court of Appeal – **R (on the application of Sheridan & others) v Basildon District Council** [2011] EWHC 2938 (Admin) in relation to a judicial review of enforcement action and rights of children.

Property

Christopher specialises in Water Courses and Riparian rights cases. He has advised extensively in the following areas:

- Legal duties and obligations in relation to Ports
- Coastal erosion
- Commercial leases
- Boundary disputes
- Easements
- Adverse possession
- Injunctions
- Rights of light and remedies
- Highways.

Christopher's notable cases include:

- ***Bernel Ltd v Canal and River Trust*** [2021] EWHC 16 (Ch) in which the court accepted that riparian rights can derive from artificially piped water and considered whether a claimed culverted natural watercourse was a land drain or sewer. The court also considered the acquisition of prescriptive rights to drain land by way of easement.
- ***Hounslow LBC v Devere*** [2018] EWHC 1447 (Ch). [2018] L.L.R. 764. The Court considered the legal character of River Works and held that Vessel owners had trespassed onto local authority land when mooring their vessels to posts holding up a riverside walkway. However, they had not interfered with the local authority's rights when mooring their vessels to structures which were sunk into the river bed.
- ***Port of London Authority v Mendoza*** [2017] UKUT 146 (TCC) – whether the act of mooring a boat was insufficient, by itself, to evidence an intention by the boat owner to take adverse possession of the river bed beneath the boat and whether it was possible to acquire title through adverse possession to the bed of a river that was subject to public navigation rights.
- In 2015 he represented the successful Respondent in the Property Tribunal in a dispute with the Port of London Authority over whether PLA was entitled to register land above Mean High Water on the Thames riverbank, ***Morlandia v PLA***.

Christopher has advised owners of beaches and seafront land and local authorities in relation to proceedings concerning coastal erosion. He also advises in cases involving boundary dispute issues in relation to riparian land.

Christopher's reported property cases include:

- ***Constandas v Lysandrou*** [2018] EWCA Civ 613. Christopher acted for the successful Respondent in the Court of Appeal, which reviewed the test for whether a judge was entitled to resort to the burden of proof when considering a disputed claim as to beneficial ownership of a property.
- ***Ofulue v Bossert*** [2009] 2 WLR 749 (House of Lords, adverse possession, acknowledgment of title).
- ***Broomleigh Housing Association Ltd v Okonkwo*** [2011] C.P. Rep. 4 [2010], EWCA Civ 1113 (Civil procedure – Enforcement of costs orders after possession proceedings – making of a committal order under CPR r.71.8).

Public and Administrative

Christopher Jacobs has been practising in a range of administrative and public law areas for more than 25 years.

Judicial Review

Christopher is a judicial review specialist and advises and represents clients in judicial review challenges across the public law spectrum. He is an acknowledged human rights expert and has developed an expertise in planning and property-related claims.

Christopher frequently represents local authorities in judicial claims brought against them and regularly advises local authorities on public law related matters.

Notable cases in which Christopher has acted include:

- ***R (on the application of Paling v (1) Ipswich Magistrates' Court (2) Mid-Suffolk District Council*** [2021]. Christopher represented a local authority in a challenge concerning the fairness of a hearing before magistrates. The application was heard on 20 July 2021 and judgment is awaited.
- ***R (on the application of Granger-Taylor) v High Speed Two (HS2) Ltd*** [2020] EWHC 1442 (Admin). The Court considered a challenge to the HS2 Scheme based on inherently dangerous engineering operations in the Euston area and whether the decision to proceed amounted to a justiciable breach of the rights guaranteed to a nearby homeowner under Article 8 ECHR and Protocol 1. Article 1.
- ***R (on the application of Seventeen De Vere Gardens (Management) Ltd) v Kensington and Chelsea RLBC*** [2016] EWHC 2869 (Admin). Christopher acted for the successful claimant management company in a case where a Planning Applications Committee had unlawfully declined to determine a revised application for retrospective planning permission which was subject to a pre-existing enforcement notice.
- ***R (on the application of Watt) v Hackney LBC*** [2016] EWHC 1978 (Admin) [2017] J.P.L. 192 [2016] A.C.D. 115 [2017] C.L.Y. 1754. Christopher acted for the successful Claimant in a challenge to a grant of planning permission where a daylight assessment before a planning committee had contained material errors of fact.
- ***R (Traveller Movement) v Office of Communications*** [2015] EWHC 406 (Admin) – a challenge to Ofcom's decision not to uphold a complaint that Channel 4 had breached broadcasting standards in relation to the TV programmes *My Big Fat Gypsy Wedding* and *Thelma's Gypsy Girls*.
- ***Venn v Secretary of State for Communities and Local Government*** [2014] EWCA Civ 1539 | [2015] 1 W.L.R. 2328 | [2014] 11 WLUK 778 | [2015] C.P. Rep. 12 | [2015] 1 C.M.L.R. 52 | [2015] Env. L.R. 14 | [2015] J.P.L. 573. Christopher was led by Richard Drabble QC in an important appeal (having acted for the Claimant at first instance) in relation to the scope under CPR r.45.41 of the availability of protective costs orders for environmental cases falling within the Aarhus Convention 2001.
- ***Binbuga v SSHD*** [2019] EWCA Civ 551. Christopher acted for the appellant in a case in which the Court of Appeal considered the impact of social environment and upbringing on the 'social and cultural integration' test in deportation cases.

- **Roszkowski v SSHD** [2017] EWCA Civ 1893; [2018] 1 W.L.R. 2848; [2018] 2 All E.R. 878; [2018]. Christopher represented, as leading counsel, the successful appellant in the Court of Appeal where the Court reviewed the lawfulness of the detention of an EU national deportee following the Secretary of State's refusal to release after a grant of bail.
- **(on the application of BS) v Secretary of State for the Home Department** [2018] EWHC 454 (Admin). Christopher acted for the successful Claimant in an unlawful detention judicial review claim where the continued detention for two months of an Indian national identified as a victim of torture, while waiting for verification of an emergency travel document application had been unlawful, in particular because SSHD had failed to act with reasonable diligence.
- **MSM (Somalia) v SSHD (UNHCR intervening)** [2016] EWCA Civ 715. Christopher represented, as leading counsel, the successful appellant asylum seeker in the Court of Appeal, which ruled that the principle in HJ (Iran) applies in cases where a fear of persecution arises from imputed political opinion.
- **Gurung & others v SSHD** [2013] 1 W.L.R. 2546, [2013] I.N.L.R. 634, [2013] EWCA Civ 8, in which Christopher represented one of a number of successful dependent children of members of Her Majesty's Brigade of Gurkhas in the Court of Appeal. The appellants were successful on a historic injustice Article 8 ECHR argument when appealing against decisions to refuse them entry to the United Kingdom in line with their parents.

Approximately 40% of cases in which Christopher has drafted letters before claim or grounds for judicial review have resulted in Respondents conceding at the pre-action, pre-permission or post permission stages of the claim.

Public Inquiries and Inquests

Christopher is currently instructed in the following public inquiries:

- **Post Office Horizon IT Public Inquiry:** Christopher represents (with Sam Stein KC) 137 former sub-postmasters who were convicted, prosecuted, sued, dismissed or reputationally damaged as a consequence of the Post Office scandal. The Inquiry has been ongoing since November 2001 and is due to continue until summer 2024. Christopher made detailed submissions before Sir Wyn Williams (the Inquiry Chair) in April 2023 during a hearing which led to an interim report to Parliament on the question of compensation for subpostmasters.
- **The Covid-19 Inquiry:** Christopher has been instructed to represent the Traveller Movement in Module 4 of the Covid-19 Inquiry, which will investigate the institutional conduct and responses by various groups to the Covid vaccination programme. The hearings are due to commence in July 2024.
- **The Brook House Inquiry:** Christopher acted for a core participant Detention Custody Officer in the Brook House Inquiry, which addressed institutional failings in safeguarding detainees at an Immigration removal centre. The final report of the Inquiry is awaited.

Other Public Inquiries Christopher has worked on:

- **The Independent Inquiry into Child Sexual Abuse (IICSA):** Between 2018 and 2023 Christopher represented over 60 core participants in IICSA, which was the largest ever Public Inquiry in England and Wales. Christopher represented core participants (victims and survivors, whistleblowers and senior members of staff within local authorities) in the following strands of the IICSA Inquiry.

- Nottinghamshire Councils Investigation
- Roman Catholic Church – Archdiocese of Birmingham Investigation
- Accountability and Reparations Investigation phase 1
- Roman Catholic Church – English Benedictine Congregation and Ealing Abbey
- Residential Schools Investigation
- Accountability and Reparations Investigation phase 2
- Roman Catholic Church – Wider Investigation
- Lambeth Council Investigation
- Organised Networks Investigation
- Allegations of child sexual abuse involving the late Lord Janner of Braunstone.

Christopher has conducted seminars and advised institutions on the criteria for Core Participant status in the forthcoming COVID-19 Public Inquiry.

Cases and inquiries

17 03 23	R (on the application of Gomes) v Kensington and Chelsea RLBC [2023] EWHC 778 (Admin)
01 01 23	Brook House Public Inquiry
02 12 22	R (on the application of Plant) v Lambeth LBC [2022] EWHC 3079 (Admin)
25 08 21	R (on the application of BS) v Secretary of State for the Home Department [2018] EWHC 454 (Admin)
20 07 21	R (on the application of Paling v (1) Ipswich Magistrates' Court (2) Mid-Suffolk District Council [2021]
27 01 21	Corbyn v Evans [2021] EWHC 130 (QB)
08 01 21	Bernel Ltd v Canal and River Trust [2021] EWHC 16 (Ch)
01 01 21	Post Office Horizon IT Public Inquiry
05 06 20	R (on the application of Granger-Taylor) v High Speed Two (HS2) Ltd [2020] EWHC 1442 (Admin)
19 03 19	Binbuga v SSHD [2019] EWCA Civ 551
26 06 18	Aylesbury Estate CPO Public Inquiry

14 06 18	Hounslow LBC v Devere [2018] EWHC 1447 (Ch). [2018] L.L.R. 764
13 06 18	R(ota) Hoxha v Special Adjudicator. [2005] UKHL 19; [2005] 1 W.L.R. 1063; [2005] 4 All E.R. 580; 19 B.H.R.C. 676; [2005] Imm. A.R. 272; [2005] I.N.L.R. 440; (2005) 149 S.J.L.B. 358; Times, March 11, 2005 [House of Lords].
13 06 18	Batayav v Secretary of State for the Home Department (No.2)
08 06 18	Haddadi v Secretary of State for the Home Department [2001] EWCA Civ 796 [Court of Appeal]
08 06 18	The Queen on the Application of Trunca v Special Adjudicator [2001] EWHC Admin 586. [Queen's Bench Division Administrative Court]
07 06 18	R. (on the application of Ekinci) v Secretary of State for the Home Department, [2003] EWCA Civ 765; [2004] Imm. A.R. 15; [Court of Appeal]
07 06 18	R. (on the application of Limbuela) v Secretary of State for the Home Department Court of Appeal (Civil Division).
07 06 18	R. (on the application of Limbuela) v Secretary of State for the Home Department Queen's Bench Division. [2004] EWHC 219 (QB); Times, February 9, 2004. S55 NIA Act 2002.
07 06 18	R. (on the application of Lika) v Secretary of State for the Home Department [2002] EWCA Civ 1855; (2003) 100(9) L.S.G. 28; Times, [Court of Appeal] 16 December 2002.
06 06 18	R (ota) AA (Afghanistan) v SSHD [2006] EWCA Civ 1550; [2007] A.C.D. 32; (2006) 103(47) L.S.G. 30; (2006) 150 S.J.L.B. 1570; Times, November 29, 2006
05 06 18	KH (Sudan) v Secretary of State for the Home Department. [2008] EWCA Civ 887; [2009] Imm. A.R. 139. [Court of Appeal]
05 06 18	AH (Sudan) v SSHD. [2007] UKHL 49; [2008] 1 A.C. 678; [2007] 3 W.L.R. 832; [2008] 4 All E.R. 190; [2008] Imm. A.R. 289; [2008] I.N.L.R. 100; (2007) 151 S.J.L.B. 1500; Times, November 15, 2007 [House of Lords].
05 06 18	Whitecap Leisure Ltd v. John H. Rundle Ltd. [2008] 2 Lloyd's Rep. 216; [2008] C.P.Rep.31; 152(18) S.J.L.B31; [2008] EWCA Civ 429; [Court of Appeal]
05 06 18	R (Lutete) v Secretary of State for the Home Department [2007] EWHC 2331 (Admin)
05 06 18	PM (Jamaica) v Secretary of State for the Home Department [2007] EWCA Civ 937 [Court of Appeal]
05 06 18	JB (Sudan) v Secretary of State for the Home Department [2008] EWCA Civ 766 [Court of Appeal]

05 06 18	ME (Sudan) v Secretary of State for the Home Department [2008] EWCA Civ 720 [Court of Appeal]
05 06 18	NG (Iran) v Secretary of State for the Home Department. [2008] EWCA Civ 312 [Court of Appeal]
05 06 18	R (on the application of Semere) v Asylum and Immigration Tribunal [2009] EWHC 335 (Admin) [Administrative Court]
05 06 18	R. (on the application of S) v Asylum and Immigration Tribunal.[2007] EWHC 426 (Admin) [Administrative Court]
05 06 18	R (ota) Mota v SSHD. [2006] EWHC 1070 Admin
05 06 18	Januzi v Secretary of State for the Home Department.[2006]
05 06 18	Ariaya v Secretary of State for the Home Department [2006] EWCA Civ 48; [2006] Imm. A.R. 347; Times, February 20, 2006 [Court of Appeal]
05 06 18	R (ota) Limbuela & others v SSHD [2005] UKHL 66; [2006] 1 A.C. 396; [2005] 3 W.L.R. 1014; [2007] 1 All E.R. 951; [2006] H.R.L.R. 4; [2006] H.L.R. 10; (2006) 9 C.C.L. Rep. 30; (2005) 102(46) L.S.G. 25; (2005) 149 S.J.L.B. 1354; Times, November 4, 2005;
05 06 18	KK v Secretary of State for the Home Department [2005] EWCA Civ 1082
04 06 18	AA (Saudi Arabia) v Secretary of State for the Home Department. [2009] EWCA Civ 1241
01 06 18	KH (Afghanistan) v Secretary of State for the Home Department. [2009] EWCA Civ 1354; Times, January 19, 2010 Court of Appeal (Civil Division).
31 05 18	R (on the application of Aiyegbeni) v Secretary of State for the Home Department [2009] EWHC 1241 (Admin); [2010] Imm. A.R. 42; [2010] I.N.L.R. 362 . [Queen's Bench Division. Administrative Court]
31 05 18	XL (China) v Secretary of State for the Home Department. [2010] EWCA Civ 575 Court of Appeal (Civil Division)
31 05 18	R. (on the application of Aziz) v Secretary of State for the Home Department. [2011] EWHC 554 (Admin).
31 05 18	Quila v Secretary of State for the Home Department 21 December 2010. [2010] EWCA Civ 1482; [2011] Fam. Law 232; Times, January 10, 2011 [Court of Appeal]
31 05 18	Secretary of State for the Home Department v DD (Afghanistan) [2010] EWCA Civ 1407
31 05 18	R. (on the application of K) v Secretary of State for the Home Department. [2010] EWHC 3102 (Admin)

31 05 18	Quila and others v SSHD [2011] UKSC 45 [2011] 3 WLR 836; (2011) 108(41) LSG 15; (2011) 155(39) SJLB 31; Times
31 05 18	Pun & others (Gurkhas – policy- article 8) Nepal [2011] UKUT 00377 (IAC)
31 05 18	R (on the application of Sheridan & others) v Basildon District Council
31 05 18	Broomleigh Housing Association Ltd v Okonkwo. [2010] EWCA Civ 1113; [2011] C.P. Rep. 4; [2011] H.L.R. 5; [2010] 42 E.G. 104 (C.S.); (2010) 107(41) L.S.G. 22; Times, November 18, 2010 Court of Appeal (Civil Division)
31 05 18	R. (on the application of ZA (Nigeria)) v Secretary of State for the Home Department. [2010] EWCA Civ 926; [2011] 2 W.L.R. 16; [2010] Imm. A.R. 776; [2011] I.N.L.R. 78. Court of Appeal (Civil Division)
31 05 18	AK (Kosovo) v Secretary of State for Home Department. [2009] EWCA Civ 1032 ; [Court of Appeal]
31 05 18	R. (on the application of Y) v Secretary of State for the Home Department 28 April 2009. [2009] EWHC 1649 (Admin); [2010].
31 05 18	Ofulue v. Bossert. [2009] UKHL 16; [2009] 2 W.L.R. 749; [2009] 3 All E.R. 93; [2009] 2 P. & C.R. 17; [2009] 11 E.G. 119 (C.S.); (2009) 106(12) L.S.G. 15; (2009) 153(11) S.J.L.B. 29; [2009] N.P.C. 40; Times, March 11, 2009; [House of Lords]
31 05 18	BK (Democratic Republic of Congo) v Secretary of State for the Home Department. [2008] EWCA Civ 1322 ; [Court of Appeal].
31 05 18	NB (Guinea) v SSHD. [2008] EWCA 1229. [2009] Imm. A.R. 337; [2009] I.N.L.R. 269.[Court of Appeal].
31 05 18	Boreh v Ealing LBC. [2008] EWCA Civ 1176; [2009] 2 All E.R. 383; [2009] H.L.R. 22; [2009] B.L.G.R. 65; (2008) 158 N.L.J. 1568; (2008) 152(42) S.J.L.B. 30; [2008] N.P.C. 114; Times, November 11, 2008 ; [Court of Appeal]
31 05 18	Northamptonshire CC v Entwhistle [2010] I.R.L.R. 740.
31 05 18	R. (on the application of ZO (Somalia)) v Secretary of State for the Home Department. [2010] UKSC 36; [2010] 1 W.L.R. 1948; [2010] 4 All E.R. 649; [2010] I.N.L.R. 503; Times, October 25, 2010 [Supreme Court]
30 05 18	R (on the application of MA (Sudan)) v Secretary of State for the Home Department [2015] EWHC 1354 (Admin)
30 05 18	R (Traveller Movement) v Office of Communications [2015] EWHC (Admin) 406 (Admin)
30 05 18	R (on the application of Ahmed) v Secretary of State for the Home Department [2013] EWHC 1536 (Admin)

30 05 18	BCT v Secretary of State for the Home Department [2014] EWHC 4265 (Admin)
30 05 18	SU (Bangladesh) v Secretary of State for the Home Department
30 05 18	Abdullah v Secretary of State for the Home Department [2013] EWCA Civ 42; [2013] EWCA Civ 427
30 05 18	R (on the application of KR) v Secretary of State for the Home Department [2012] EWCA Civ 1555
30 05 18	Gurung & others v SSHD [2013] EWCA Civ 8
30 05 18	DD v SSHD [2012] UKSC 54; [2012] 3 W.L.R. 1263
30 05 18	R (on the application of Kalumba) v Secretary of State for the Home Department
30 05 18	R (on the application of Alemi) v Secretary of State for the Home Department [2014] EWHC 3858 (Admin)
30 05 18	R (on the application of Qaza) v Secretary of State for the Home Department [2014] EWHC 2851 (Admin)
30 05 18	R (on the application of S) v First-tier Tribunal [2012] EWHC 1815 (Admin)
30 05 18	R (Lamari) v SSHD [2012] EWHC 1895 (Admin)
30 05 18	Bah (EO (Turkey): Liability to Deport), Re [2012] UKUT 196 (IAC); [2013] I.N.L.R. 115
30 05 18	SM (Afghanistan) v Secretary of State for the Home Department. [Court of Appeal]
29 05 18	R (on the application of BB (Algeria)) v Secretary of State for the Home Department [2016] EWCA Civ 25
29 05 18	Tsavdaris v Home Office [2014] EWHC 440 (QB)
29 05 18	R (on the application of Zermani) v Secretary of State for the Home Department [2015] EWHC 1226 (Admin)
29 05 18	P(DRC) [2013] EWHC 3879 (Admin)
29 05 18	R (Lamari) v SSHD [2013] EWHC 3130 (QB)
24 05 18	Secretary of State for the Home Department v MSM (Somalia) and UNHCR (Intervener) [2016] EWCA Civ 715
27 03 18	Constandas v Lysandrou [2018] EWCA Civ 613
12 10 17	Roszkowski v SSHD [2017] EWCA Civ 1893; [2018] 1 W.L.R. 2848; [2018] 2 All E.R. 878; [2018]

12 04 17	Port of London Authority v Mendoza [2017] UKUT 146 (TCC)
17 12 16	Ghising v Secretary of State for the Home Department [2015] EWHC 3706 (QB)
09 11 16	Crystal Property Limited v SSCLG [2016] EWCA Civ 1265
08 11 16	R. (on the application of Seventeen De Vere Gardens (Management) Ltd) v Kensington and Chelsea RLBC [2016] EWHC 2869 (Admin)
08 11 16	(on the application of Seventeen De Vere Gardens (Management) Ltd) v Kensington and Chelsea RLBC [2016] EWHC 2869 (Admin)
09 09 16	R. (on the application of Watt) v Hackney LBC [2016] EWHC 1978 (Admin) [2017] J.P.L. 192 [2016] A.C.D. 115 [2017] C.L.Y. 1754
09 09 16	R (on the application of Watt) v Hackney LBC [2016] ACD 115
01 01 15	Morlandia v PLA. 2015
27 11 14	Venn v Secretary of State for Communities and Local Government [2015] 1 W.L.R. 2328 [2015] C.P. Rep. 12 [2015] 1 C.M.L.R. 52 [2015] Env. L.R. 14 [2015] J.P.L. 573