

# Landmark Chambers

## Barrister CV

Guy Williams KC



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# Guy Williams KC

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Guy is a specialist planning barrister with particular expertise in planning and compulsory purchase inquiries and compensation claims. His practice covers s78 appeals and enforcement appeals, with a focus on residential and mixed-use development.



## Expertise

Planning, Environment, Rating and Valuation

## Contact Practice Managers

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## Practice Summary

Guy Williams won the award for Planning and Land Use Junior of the Year at the 2022 Legal 500 UK Bar Awards.

Guy appears very regularly at planning inquiries in relation to all kinds of development. He acts for developers, local authorities, public bodies and interest groups and has a wide experience of appeals, called-in applications, enforcement matters and compulsory purchase inquiries.

He has a particular caseload at inquiries for housing schemes, including where housing land supply is in issue. He acted for the Government on a number of cases on the proper interpretation of the NPPF (e.g. *Paul Newman New Homes Limited* on the triggers for the tilted balance; *City and Country Bramshill* on the approach to less than substantial heritage harm, and isolated new homes in the countryside; *Chichester DC* relating to the NPPF and neighborhood plans). He has a real interest in cases raising heritage issues, and appeared in the Court of Appeal in the leading case on heritage matters ***City and Country Bramshill Ltd v SSHCLG* [2021] 1 WLR 5761**.

He also specialises in judicial review and statutory challenges relating to planning and local government in the higher courts.

Guy has an extensive practice in all matters relating to compulsory purchase, from advising acquiring authorities and developers on strategy and promoting CPOs, to all matters of compensation arising from compulsory acquisition. Guy promoted the Brent Cross, Cricklewood CPOs for the London Borough of Barnet delivering a new mixed use town centre, a new Thameslink station and 7,500 homes. He is also advising HS2 limited in relation to a number of claims for compensation arising out of the first stage of the HS2 rail link from London to Birmingham, including those the subject of recent argument before the Supreme Court in *Secretary of State for Transport v Curzon Park Limited and others*. He has appeared in several high profile compensation cases (such as *Bishop v TfL*).

Guy Williams won the award for Planning and Land Use Junior of the Year at the 2022 Legal 500 UK Bar Awards.

### Rating and Valuation

He also has an active rating practice, including the litigation relating to the rating of ATMs that went to the Supreme Court in 2020, and the recent clarification by the Upper Tribunal (Lands Chamber) of the scope of the mode or category of occupation in ***SSE Plc v Moore (Valuation Officer)*** [2023] UKUT 24 (LC).

For many years Guy has been identified as a leading junior in Chambers and Partners, the Legal 500 and *Planning magazine's* Legal Survey (ranked in tier 1 in Chambers and Partners for at least the past three years).

### Cases

Guy regularly appears in the Higher Courts in claims for judicial review and statutory challenges focused on planning and was on the Attorney-General's A panel for 5 years prior to taking silk. As such he defended numerous challenges under sections 288 and 289 of the Town and Country Planning Act 1990 and under section 23 of the Acquisition of Land Act. Recent cases include:

- ***Manchester Ship Canal Company v SSEFRA*** [2022] EWHC Admin: a challenge to the Secretary of State's confirmation of a CPO authorizing the discharge of water from a sewage treatment facility into the Manchester Ship Canal raising issues of the scope of the protections afforded to the Ship Canal Company, and human rights and proportionality issues.
- ***Secretary of State for Transport v Curzon Park Ltd*** – in the Court of Appeal (2022) and Supreme Court (2023): a preliminary issue as to the proper approach to the determination of applications for certificates of appropriate alternative development relating to the planning potential of land in Birmingham acquired to deliver HS2.
- ***Abbotskerswell PC v SSHCLG*** [2021] Env LR 28: a s288 challenge to the grant of permission for a major mixed-use development raising issues of climate change and green house gases, and the interpretation and application of the Habitats Regulations and Appropriate Assessment including mitigation.
- ***City and Country Bramshill Ltd v SSHCLG*** [2022] 2 P&CR 5: Court of Appeal case on a s288 challenge where the key issues were the meaning of 'isolated housing in the countryside' and the proper approach to the heritage balance in cases of less than substantial harm in light of the statutory duties for listed buildings and conservation areas.
- ***Keep Bourne End Green v Buckinghamshire Council*** [2021] JPL 181: a High Court statutory review of the decision of the Council to adopt the Wycombe Local Plan focusing on the decision within the Plan to remove land from the Green Belt for housing purposes and whether there were exceptional circumstances for doing so based on housing need.
- ***Paul Newman Homes Ltd v SSCHLG*** [2021] PTSR 1054 Court of Appeal decision on a s288 challenge where the critical issue was the meaning of the phrase "where there are no relevant development plan policies or the policies most important

for determining the application are out of date” in the NPPF for the purposes of triggering the tilted balance.

- ***Dill v SSHCLG*** [2020] PTSR 907 Supreme Court decision on the ability for an appellant to raise on an appeal against the refusal of listed building consent and/or a listed building enforcement notice the question of whether the item was a listed building or not a building at all; and what the correct approach was to determining whether something was a building in that context.
- ***R (on the application of BACI Bedfordshire Ltd v Environment Agency)*** [2020] Env LR 16: Court of Appeal decision on a judicial review of the issue of an environmental permit under the Environmental Permitting Regulations for a waste incinerator raising issues of mistake of fact and/or irrationality based on scientific error.
- ***Chichester DC v SSHCLG*** [2020] 1 P&CR 9. Court of Appeal decision on a s288 challenge on the proper interpretation of Neighbourhood Plan policies seeking to limited development outside of the settlement boundaries and whether or not a development may be contrary to the underlying purpose of the plan but not contrary to its policies in a way that weighs in the planning balance.
- ***Norman v SSHCLG*** [2019] Env LR 14: High Court decision on a s288 challenge relating to the correct policy approach to the assessment of the odour impacts of an intensive poultry farm.

## Planning

Guy specialises in advice and advocacy on planning applications and planning appeals, and appears frequently at a broad range of planning inquiries (section 78 appeals, enforcement appeals and call-in inquiries), and informal hearings.

Guy acts for a range of clients in the private and public sectors.

**Residential:** Guy has promoted a number of medium and large scale housing schemes on behalf of developers and land promoters across England including in relation to land at Gloucester, Thurston, Newington, Dover, Deal, Saffron Walden, Takeley, Kensington, Woolwich, Windsor and Maidenhead, and Maidstone. He is also regularly instructed by local authorities resisting appeals for major housing development, including for Leeds City Council, Sheffield City Council, Wokingham Borough Council, Wycombe District Council, St Albans District Council and Bracknell Forest Borough Council. Guy appears very regularly at residential and residential-led mixed use planning inquiries for schemes of all sizes. These cases frequently focus on the application of the NPPF and the five year supply issue on development plan policies. Main site specific issues include consideration of Green Belt, Strategic Gap SPA, highways, AONB, valued landscapes, and flooding (risk and sequential test) issues, and the role of Neighbourhood Plans. Guy often acts for Gladman Development Limited and other land promoters, as well as acting on larger schemes on behalf of local planning authorities.

**Employment Land Uses:** Guy promoted the development of 500,000 sq m of B2 and B8 floorspace outside Coventry in 2014. In 2015, he promoted a proposed SRFI with 200,000 sq m of warehousing floorspace. Previously he acted for Hart DC resisting 100,000 sq m of employment floorspace as a distribution center in Hart district, and promoting re-use at the former Aston Down airfield in Gloucestershire. He also successfully promoted the Wycombe Local Plan through its examination in public to adoption. He promoted the Brent Cross CPO on behalf of the London Borough of Brent and Hammerson PLC which include the approximate doubling in size of the Brent Cross shopping centre.

**Planning Obligations:** As well as the usual consideration of planning obligations at planning inquiries Guy appeared in the Court of Appeal for Wokingham BC on the question of what considerations are relevant to the enforcement of planning obligations in **Millgate Homes Ltd v Wokingham BC**. He also appeared in the Supreme Court in the leading case on when obligations will be related to the development and so material to the grant of planning permission (**R (Sainsbury's Stores Ltd) v Wolverhampton CC**).

**Enforcement:** Guy has been involved in a great number of LDC and enforcement inquiries including cases of deception, and acted for Reigate in the inquiry as to the lawfulness of the dwellinghouse in the case of *Fidler*.

**Local Plans:** Guy also advises in relation to DPDs, and has appeared numerous times at examinations in public. He recently acted in relation to Leeds City Council's local plan, West Oxfordshire's, Chelmsford's OAN approach, and successfully promoted the Wycombe Local Plan in 2019/2020. He recently appeared on behalf of developers at the Sevenoaks and Spelthorne local plan examinations. He acted for Hambleton BC in the Court of Appeal in relation to a challenge to its Core Strategy, and has advised a number of authorities in relation to their emerging Local Plans and DPDs.

## Commercial/Retail

In 2016, Guy promoted the Brent Cross Cricklewood CPOs for LB Barnet acting with Hammerson and Argent to regenerate Brent Cross through the creation of a new town centre spreading across the North Circular, doubling the size of the shopping centre, with very significant highways and infrastructure provisions and a new living bridge.

## Compulsory Purchase and Compensation

Guy has developed a reputation as one of the leading juniors in the area of compulsory purchase and compensation, and has been instructed on behalf of HS2 Limited in relation to numerous compensation claims arising out of the new High Speed rail link to Birmingham, Crewe and Manchester.

In 2016, Guy acted for London Borough of Barnet (supported by Hammerson and Argent) promoting the Brent Cross Cricklewood CPOs. The inquiry lasted two months, and obtained an order to facilitate the regeneration of Brent Cross by the creation of a new mixed use town centre, the expansion of the existing Brent Cross Shopping centre, significant infrastructure works to re-configure the junctions of the North Circular and the M1 and A5 and deliver a new living bridge to span the North Circular, as well as delivering substantial retail and employment floorspace and 7,500 dwellings. Objections were made by commercial retail operators (Fenwick's, Waitrose, John Lewis, as well as on behalf of local residents).

He has also promoted a number of regeneration CPOS in London seeking to regenerate failing estates and deliver greatly improved housing and public realm. Most recently, Guy is acting for London Borough of Ealing promoting the regeneration of a number of its housing estates through compulsory acquisition and redevelopment.

Guy has also promoted a number of town centre CPOs including in Wolverhampton, Rugby, Northwich.

In 2023 Guy promoted a major CPO to deliver a mixed-use town centre regeneration scheme at Woolwich Exchange in the London Borough of Greenwich.

Guy regularly appears in the Upper Tribunal (Lands Chamber) on behalf of Claimants and Acquiring Authorities. These claims have ranged, ranging from high value claims down to obtaining nominal awards for acquiring authorities in relation to acquisition of listed buildings. For example, Guy is instructed in relation to the high value compensation claims arising out of the acquisition of land to deliver both the new London Terminus and the Birmingham Terminus of HS2 – the latter including the recent Supreme Court case relating to the proper approach to the determination of applications for certificates of appropriate alternative development under section 17 of the Land Compensation Act 1961 – *Secretary of State for Transport v Curzon Park Limited* and others.

He was also instructed in the long-running claim in *Bourne Leisure (Hopton) Ltd v Great Yarmouth Port Authority* [2014] UKUT 44 – a high value claim for injurious affection relating to the construction of an outer harbour and the claimed impacts on the claimant's holiday village down the coast arising under section 10 of the Compulsory Purchase Act 1990

Guy also has specific experience in relation to electricity wayleaves and the compensation issues arising therefrom (eg as in the Lands Tribunal and the Court of Appeal in *Welford v EDF Energy plc*).

## Heritage

Guy regularly acts for Historic England. In 2016, he acted for HE on complex enabling development proposals within the setting of Grade I listed buildings and Scheduled Ancient Monuments. Previously, he was instructed at the Call-In inquiry for the proposed EfW facility at New Barnfield, and in relation to the Rookery Pit EfW facility, as well as in relation to enabling development proposals in Leicestershire. Guy advises in relation to listed building consents and conservation area consent.

He acted for the Secretary of State in the leading Court of Appeal authority on the proper approach to the heritage balance within the NPPF (*City and Country Bramshill*).

## Infrastructure

In 2015, Guy promoted a Strategic Rail Freight Interchange on GB land outside Slough (seeking permission for an intermodal terminal and 200,000 sq m of B8). In 2013, Guy acted for King's Lynn Borough Council at a three month inquiry objecting to a proposed 275k tpa EfW facility on grounds of proximity, waste hierarchy, self-sufficiency, flooding and prematurity. Also in 2013, he acted for English Heritage (now Historic England) in relation to the New Barnfield EfW facility. In 2012, Guy acted for North Yorks CC in relation to the long-running Motorway Service Areas inquiry on the A1(M), and promoted the Bedale and Leeming Bar Bypass. He is advising National Highways in relation to certain aspects of the A12 improvement works.

## Planning Judicial and Statutory Reviews

Guy regularly appears in the Higher Courts in claims for judicial review and statutory challenges focused on planning and was on the Attorney-General's A panel for five years prior to taking silk. As such he defended numerous challenges under sections 288 and 289 of the Town and Country Planning Act 1990 and under section 23 of the Acquisition of Land Act. Recent cases include:

**Manchester Ship Canal Company v SSEFRA** [2022] EWHC Admin: a challenge to the Secretary of State's confirmation of a CPO authorising the discharge of water from a sewage treatment facility into the Manchester Ship Canal raising issues of the scope of the protections afforded to the Ship Canal Company, and human rights and proportionality issues.

**Secretary of State for Transport v Curzon Park Ltd** – in the Court of Appeal (2022) and Supreme Court (2023): a preliminary issue as to the proper approach to the determination of applications for certificates of appropriate alternative development relating to the planning potential of land in Birmingham acquired to deliver HS2.

**Abbotskerswell PC v SSHCLG** [2021] Env LR 28: a s288 challenge to the grant of permission for a major mixed-use development raising issues of climate change and green house gases, and the interpretation and application of the Habitats Regulations and Appropriate Assessment including mitigation.

**City and Country Bramshill Ltd v SSHCLG** [2022] 2 P&CR 5: Court of Appeal case on a s288 challenge where the key issues were the meaning of 'isolated housing in the countryside' and the proper approach to the heritage balance in cases of less than substantial harm in light of the statutory duties for listed buildings and conservation areas.

**Keep Bourne End Green v Buckinghamshire Council** [2021] JPL 181: a High Court statutory review of the decision of the Council to adopt the Wycombe Local Plan focusing on the decision within the Plan to remove land from the Green Belt for housing purposes and whether there were exceptional circumstances for doing so based on housing need.

**Paul Newman Homes Ltd v SSCHLG** [2021] PTSR 1054 Court of Appeal decision on a s288 challenge where the critical issue was the meaning of the phrase "where there are no relevant development plan policies or the policies most important for determining the application are out of date" in the NPPF for the purposes of triggering the tilted balance.

**Dill v SSHCLG** [2020] PTSR 907 Supreme Court decision on the ability for an appellant to raise on an appeal against the refusal of listed building consent and/or a listed building enforcement notice the question of whether the item was a listed building or not a building at all; and what the correct approach was to determining whether something was a building in that context.

**R (on the application of BACI Bedfordshire Ltd v Environment Agency)** [2020] Env LR 16: Court of Appeal decision on a judicial review of the issue of an environmental permit under the Environmental Permitting Regulations for a waste incinerator raising issues of mistake of fact and/or irrationality based on scientific error.

**Chichester DC v SSHCLG** [2020] 1 P&CR 9. Court of Appeal decision on a s288 challenge on the proper interpretation of Neighbourhood Plan policies seeking to limited development outside of the settlement boundaries and whether or not a development may be contrary to the underlying purpose of the plan but not contrary to its policies in a way that weighs in the planning balance.

**Norman v SSHCLG** [2019] Env LR 14: High Court decision on a s288 challenge relating to the correct policy approach to the assessment of the odour impacts of an intensive poultry farm.

Residential

In just two years (2015-2016), Guy appeared at 16 residential-led planning inquiries ranging from four days to four weeks. Many focused on the application of the NPPF and the five year supply issue on development plan policies and the issue of prematurity. Main site specific issues included consideration of Green Belt, Strategic Gap SPA, highways, and flooding (risk and sequential test) issues, and the role of Neighbourhood Plans. In early 2016, Guy acted for Leeds City Council resisting four appeals for development on greenfield sites outside settlements ranging from 150 to 300 units. He also acted for Gladman Homes securing consent for 1000 homes in the strategic gap outside Eastleigh.

## Environment

Guy acts for a range of clients in the private and public sectors.

He has acted regularly on behalf of the Environment Agency at inquiries relating to the regime of environmental permitting in particular relating to the waste sector and incinerators, and statutory challenges and judicial reviews relating to such permits (.g *R (oao BACI Bedfordshire v EA*; *R (oao Tigerfert Ltd) v EA*).

### Waste and Minerals

Acting for the Borough Council resisting a 275k tpa EfW facility in King's Lynn, and acted for the promoter of an extraction and landfilling proposal; Guy also appeared on behalf of the Borough Council as an objector to the Norfolk County Council Waste Site Allocations DPD.

## Rating and Valuation

Guy specialises in Local Government Law, and particularly in Rating. Guy regularly advises local authorities and ratepayers as to liability for rates and how this may be enforced. Notable recent issues include the treatment of charitable purposes, and health and leisure centres, and issues of delay in local authorities enforcing rates demands, following *Honda*.

Guy acted for the successful claimant in ***R (Reeves (Valuation Officer) v Valuation Tribunal for England*** [2015] RA 241. This was, unusually, a claim for judicial review brought by the valuation office to quash the decision of the VTE which ordered the valuation officer to delete a hereditament from the list following the quashing of a completion notice. The High Court agreed that the tribunal had no power to make such an order against the VO.

In 2016 to 2020, he represented Tesco Stores plc in relation to the rateability of ATM machines – a series of test cases – which were decided in the ratepayer's favour in the Supreme Court in 2020.

In 2023 he appeared for the Valuation Officer in the recent clarification by the Upper Tribunal (Lands Chamber) of the scope of the mode or category of occupation in ***SSE Plc v Moore (Valuation Officer)*** [2023] UKUT 24 (LC).

## Qualifications



- Politics, Philosophy and Economics at Brasenose College, Oxford (MA Hons)
- Diploma in Law at City University (Distinction)

## Recommendations

"Guy Williams is hugely capable, with amazing gravitas. He has a lovely manner - gentle, but also very incisive in his mannerisms."

**Planning, Chambers and Partners, 2024**

"Guy provides clear and pragmatic advice. He is able to cut through very complex issues and identify the key point which needs to be addressed."

**Rating and Valuation, Chambers and Partners, 2024**

"Guy is a seriously good advocate – courteous but incisive and delivers his submission and cross-examination with real gravitas. The sort of style that goes down well with judges and planning inspectors. And he's excellent on the law too. He's a tough opponent but a very reasonable one, and a thoroughly decent individual."

**Planning, Legal 500, 2024**

"He is excellent, very commercially aware, and appreciates the short timescales under which some clients operate." "He was an integral part of the team, approachable, knowledgeable, and had a great understanding of the law of compulsory purchase." "He is a good advocate. He has a calm and measured style, and gets to the point of matters quickly and effectively."

**Planning, Chambers and Partners, 2023**

"On a complicated high-value claim, he was very good at cutting through a lot of information and steering the claim where it needed to be. He was also very pleasant and impressed the client."

**Rating and Valuation, Chambers and Partners, 2023**

"Guy is a leading junior, he's thorough, calm, and gives clear advice - a first class and exceptional advocate combining genuine charm with huge but worn-lightly intelligence and great skill."

**Planning, Legal 500, 2023**

"Guy is an exceptionally diligent and thoughtful barrister, with utterly reliable judgement that is founded upon unfailingly careful consideration of the subject matter of the case."

**Local Government (including Rating Law), Legal 500, 2023**

"He is very measured and gets to grips with complex legal situations."

**Rating and Valuation, Chambers and Partners, 2022**

"He's got a real eye for detail as well as a strategic approach." "Guy is an excellent senior junior with particular CPO and compensation expertise."

**Planning, Chambers and Partners, 2022**

"Guy is an exceptionally diligent and thoughtful barrister, with utterly reliable judgement that is founded upon unfailingly careful consideration of the subject matter of the case."

**Local Government, Legal 500, 2022**

"Guy leaves no stone unturned in preparing his advocacy. Very responsive."

**Planning, Legal 500, 2022**

"He is very detailed, thought-provoking, very fastidious and careful – a very good senior junior who I can trust to run cases." "He is very accomplished, smooth, persuasive and unflappable."

**Chambers and Partners, 2021**

"He is very calm, measured and incisive." "He leaves no stone unturned in preparing his advocacy and is very responsive."

**Planning, Chambers and Partners, 2020**

"He is a highly skilled planning lawyer and is particularly strong in relation to compulsory purchase and compensation matters. He is incisive and quickly identifies the salient matters. Very client-friendly." "He is able to get to the heart of the matter and makes sure we don't lose focus despite all the complexities."

**Chambers and Partners, 2019**

"Guy Williams is particularly strong in relation to compulsory purchase compensation matters." "He grasps the issues very quickly, and provides clear, relevant and practical advice in a really pragmatic way. He is absolutely superb, and goes above and beyond what an advocate should do."

**Chambers and Partners, 2018**

## Cases and inquiries

23 04 24 High Court dismisses challenge to grant of planning permission for housing development in Suffolk

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11 10 23 R (Parkes) v SSHD [2023] EWHC 2580 (Admin)

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22 10 18 Chichester DC v SSHCLG

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22 10 18 Sainsbury's, Tesco, Co-op, Cardtronics v Valuation Officers

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22 10 18 Barker v SSCHLG and LB Brent

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22 10 18	Felicity Norman v SSHCLG
22 10 18	Marcus Dill v SSCLG
22 10 18	BACI Bedfordshire v Environment Agency and Covanta Energy Ltd
22 10 18	Wycombe Local Plan Examination
22 10 18	Runways Farm, Dacorum
22 10 18	Egerton Terrace, Kensington and Westminster
26 06 18	Holloway Farm
31 05 18	Sheikh and Akhtar v Docklands Light Railway (Lands Tribunal)
31 05 18	R (on the application of Harper) v Waverley BC (High Court)
31 05 18	Wandsworth BC v McHugh
31 05 18	HAT Limited v East Lindsey DC
31 05 18	Arun DC v Vanstian Ltd
31 05 18	R (Pelham Holdings Ltd) v Wealden DC (High Court)
30 05 18	R (on the application of Millgate Homes Ltd) v Wokingham Borough Council (CA)
30 05 18	R (on the application of Fidler) v Secretary of State and Reigate Borough Council (High Court)
30 05 18	R (on the application of Barker) v Hambleton District Council (High Court)
30 05 18	Barker v Hambleton DC [2013] 1 P&CR 1
30 05 18	R (on the application of Mishiku) v London Borough of Ealing (High Court)
30 05 18	Econometric Ltd, and Brewsters Waste Management v GLA
30 05 18	Challenge to new Tesco store rejected
30 05 18	Lake District National Park Authority v Hewitt (VO)
30 05 18	R (on the application of Salford Estates (No 2) Ltd v Durham CC [2013] JPL 293

30 05 18	R (John Reeves (Valuation Officer)) v Valuation Tribunal for England [2015] RA 241
30 05 18	Sunderland City Council v Stirling Investment Properties Ltd [2013] EWHC (Admin) 1413
29 05 18	R (W E Black) v St Albans City and District Council [2015] EWHC 2059 (Admin)
29 05 18	Rating of ATMs
29 05 18	Bourne Leisure (Hopton) Ltd v Great Yarmouth Port Authority [2014] UKUT 44
25 05 18	Mary Howe v East Northants DC and Roxhill Developments Ltd
25 05 18	Botley Rad, West End
25 05 18	Nigel and Max Bishop v Transport for London
24 05 18	Goodman Logistics Devt Ltd v SSCLG
24 05 18	CPRE Kent v Maidstone BC and Roxhill Developments Ltd
24 05 18	Wycombe DC v SSCLG
24 05 18	Tesco Stores Ltd v VOA
24 05 18	Swish Estates Ltd v SSCLG and LB Enfield
24 05 18	The Shore Limited v SSCLG
24 05 18	Stoke Poges PC v SSCLG
24 05 18	Tata Chemicals v Robin Hughes (VO)
24 05 18	Home Office v David Jackson (VO)
24 05 18	Cheshire East Council v SSHCLG and Barlow
15 07 16	High Court dismisses Stoke Poges Free School challenge