

Landmark Chambers

Barrister CV

Matthew Henderson



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Matthew Henderson

Call: 2016

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Matthew practices in planning and environmental, property and public law (including non-domestic rating and public procurement law).



Expertise

Planning, Property, Public and Administrative

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Practice Summary

Matthew acts for developers, local authorities and a range of individuals and interested parties. He frequently appears in the High Court, public inquiries and examinations, both led and unled. In 2020, Matthew was ranked in Planning Magazine's top 10 planning juniors under the age of 35.

Planning

Planning is Matthew's principal area of practice and he represents developers, local authorities and a range of other parties (including individuals, community groups, parish councils and residents associations) in all areas of planning law. Matthew's planning practice is broad, including both town and country planning and infrastructure planning under the Planning Act 2008. In 2020, Matthew was ranked in Planning Magazine's top 20 planning juniors under the age of 35.

Advisory

Matthew advises on a broad range of matters and notable examples include:

- Compulsory purchase (including advice on compensation).
- Advising on highways (including the extent of the highway, the creation and adoption of highways, the vesting of highways, footpaths and bridleways, and the diversion of footpaths to allow development to proceed).
- Advising on liability for and collection of community infrastructure levy.
- Advising on s. 106 agreements (including enforceability and subsequent development).
- Advising on five year housing land supply matters (for both developers and local authorities).
- Advising on enforcement matters, including the validity of enforcement notices, stop notices, and prosecutions for failing to comply with enforcement notices.
- Advising on habitats and EIA matters.

Infrastructure

In addition to town and country planning, Matthew's practice also includes infrastructure planning under the Planning Act 2008.

Notable examples of this work includes:

- Advising on the incorporation and drafting of arbitration clauses into a development consent order for an offshore wind farm.
- Acting, with Charles Banner KC, for the Arora Group, one of the principal landowners at and around Heathrow Airport and the promoter of the 'Heathrow West' proposal which seeks to construct and operate a new terminal facility at Heathrow as part of the North-West Runway scheme and in competition with the existing terminals operated by Heathrow Airport Limited.
- Advising on proposed amendments to a development consent order (with David Elvin KC).
- Advising on whether a development amounted to a nationally significant infrastructure project (with Charles Banner KC).

Planning Appeals, Inquiries and Hearings

Notable public inquiry work includes:

- *Rectory Farm, Bow Brickhill, Milton Keynes* – four day inquiry concerning residential development outside settlement boundaries and five-year housing land supply.
- *Doddington Estate, Nantwich, Cheshire* – four day inquiry concerning enabling development (112 dwellings) to fund the restoration of the Doddington Estate (the leading national collection of Wyatt architecture).
- *Oakington Manor School, Wembley, London* – three day enforcement inquiry concerning the event day parking in connection with Wembley Stadium.
- *Old Chase Farm, Chelmsford* – Matthew represented the local planning authority at a four day enforcement inquiry concerning the change of use of agricultural land to storage.
- *William Court, Hall Road, London* – Matthew represented a Rule 6 Party at a four day inquiry concerning the refusal of planning permission for a high value development of three homes adjacent to the St John's Wood Conservation Area. Key

issues included heritage, daylight and sunlight and transport.

- *Cabinet at Reed, Hertfordshire* – Matthew represented a Rule 6 Party at an appeal against the refusal of retrospective planning permission for the conversion of the Cabinet at Reed public house into residential use.
- *Queens Hotel, Croydon*– Matthew represented a Residents' Association at a four day inquiry into a proposal to enlarge the Queens Hotel, Croydon. Key issues included heritage (involving both the Church Road Conservation Area and locally listed buildings), transport (including parking stress and highway safety), design and residential amenity.
- *Hutton Cranswick, East Riding of Yorkshire*– Matthew represent the local planning authority, led by Charles Banner KC, at a six day public inquiry concerning the refusal of planning permission for 67 dwellings on an unallocated greenfield site. Key issues included whether the local planning authority could demonstrate a five year housing land supply and whether the appeal scheme was acceptable in terms of landscape and visual impact.

Recent public examination work includes:

- *York Local Plan* – Matthew acted for York City Council (with David Elvin KC and Scott Lyness KC) in the promotion of the new York Local Plan, with examination over 12 weeks.
- *Dorset Minerals Site Plan Examination*– Matthew represented a local action group at the public examination.

Planning Judicial and Statutory Reviews

Judicial reviews, statutory reviews, statutory appeals and injunctions

Matthew also has a busy court practice, including statutory reviews, statutory appeals, injunctions and judicial reviews. Notable examples of court work includes:

- ***R (ADVEARSE) v Dorset Council*** [2020] EWHC 807 (Admin) – Matthew represented the claimant, a local community organisation in a judicial review of a decision to grant planning permission concerning the approach to the assessment of heritage impact and changes in national planning policy relating to development in the AONB.
- ***London Borough of Lambeth v SSHCLG*** [2019] UKSC 33 – Matthew represented the London Borough of Lambeth, led by Matthew Reed KC, in an appeal to the Supreme Court concerning the approach to the interpretation of planning permissions and the extent to which it is possible to imply terms into a planning permission.
- ***London Borough of Brent v SSHCLG*** [2019] EWHC 1399 (Admin) – Matthew represented the second respondent, the landowner, in an appeal pursuant to section 289 of the Town and Country Planning Act 1990 concerning material changes of use by virtue of intensification and event day parking for Wembley Stadium.
- ***McLennan v Medway Council*** [2019] EWHC 1738 (Admin) – Matthew represented the local planning authority in a judicial review concerning whether the impact of a proposed development on a neighbour's solar panels was a material planning consideration.
- ***Frankl v London Borough of Barnet*** [2019] EWHC – Matthew represented the claimants in a judicial review of the local planning authority's decision to continue a prosecution pursuant to section 179 of the Town and Country Planning Act 1990 for failing to comply with an enforcement notice. After the grant of permission, the local planning authority reconsidered the decision to prosecute and acceded to an out of court disposal.

- ***HB (LCS) Limited v Chorley BC*** [2018] EWHC – Matthew represented the defendant (with Simon Pickles) in this Part 8 claim concerning a dispute over an overage provision in a s. 106 agreement. Key issues included the interpretation of the overage clause and whether an alternative dispute resolution clause was engaged.
- ***Loughlin v Wiltshire Council*** [2018] EWHC 2493 (Admin) – Matthew represented the local planning authority in a judicial review of a decision to grant planning permission concerning the interpretation of the NPPF policies on design.

Matthew is also involved in two ongoing High Court cases concerning injunctions for breaches of planning control pursuant to s. 187B of the Town and Country Planning Act 1990 and non-compliance with tree preservation regulations pursuant to s. 214A of the Town and Country Planning Act 1990.

Property

Matthew's property law practice compliments his planning work by encompassing a range of matters related to the acquisition of sites for development, overcoming obstacles to development and dealing with property disputes. He has appeared in the County Court and High Court on a range of property related matters and has a busy advisory practice. Notable work has included the following matters:

- Highways, including the extent of the highway, the creation and adoption of highways, the vesting of highways, footpaths and bridleways, and the diversion of footpaths to allow development to proceed.
- Restrictive covenants, including the enforceability of restrictive covenants relating to the development of land and claims for breach of restrictive covenants.
- Party walls, concerning issues arising from the ongoing development of land, including consideration of easements of support.
- Trespass and adverse possession, including boundary disputes and issues arising from encroaching developments.
- Landlord and tenant issues, including both residential tenancies and business tenancies under the Landlord and Tenant Act 1954, in the context of assembling land for development, obtaining possession, disrepair, property notices and the management of investment property.
- Leasehold enfranchisement, in particular costs arising from leasehold enfranchisement. Matthew appeared in ***Trustees of John Lyon's Charity v Terrace Freehold LLP*** [2018] UKUT (LC), one of the leading cases on the issue of such costs.
- Land registration.

Public and Administrative

Information law

Matthew has experience of matters under both the Freedom of Information Act 2000 ("FOIA 2000") and the Environmental Information Regulations 2004 ("EIR 2004"). For example:

- Advising the Department for Work and Pensions (led by Toby Fisher) on an appeal under the FOIA 2000.
- Acting in an appeal to the First-tier Tribunal under the EIR 2004.
- Acting for a complainant to the Information Commissioner's Officer under the FOIA 2000.

Procurement and Subsidy Control

Matthew has experience of a range of public procurement matters, in particular those within the scope of the Public Contract Regulations 2015. For example:

- Advising a local authority on a development agreement for the provision of housing and sports facilities.
- Advising the Secretary of State for the Home Department on a tender for the Youth Endowment Fund (a £200 million grant fund which is designed to help tackle serious youth crime).

Qualifications

- BA English Language and Literature – University College, University of Oxford
- Graduate Diploma in Law – City University, London
- Bar Professional Training Course – BPP University, London

Recommendations

"Matthew grasped complex issues really quickly." "Matt provides clear and practical advice in a pleasant and friendly manner. He listens to the clients and is responsive. He has good commercial knowledge and has an eye for detail."

Planning, Chambers and Partners, 2024

"Matthew is a complete star, he is destined for greatness." "He is superb, very responsive, and produces quality written work." "Matthew is a highly professional barrister, very thorough in his work, especially his attention to detail in highly complex, technical issues."

Planning, Chambers and Partners, 2023

"We were very impressed with Matthew's grasp of a complex case and his excellent level of service."

Planning, Chambers and Partners, 2023

"Matthew Henderson is a super junior who instils confidence, has great instincts and sound judgement, and is extremely responsive. He is very easy to work with and always available to discuss issues. He listens well and takes time to understand the client's drivers so it can be reflected in his advice."

Research for Chambers UK Bar, 2022

"He did the bulk of the work on a recent matter. I was really impressed with him and the quality of his work."

Research for Chambers UK Bar, 2022

Cases and inquiries

30 06 22 Proposal to convert the Grade I listed Custom House to a hotel refused on appeal

20 07 21 Bristol Airport planning inquiry opens

13 05 20 Land at Rectory Farm, Woburn Sands Road, Bow Brickhill, Milton Keynes

13 05 20 Doddington Estate, nr. Nantwich, Cheshire

13 05 20 Oakington Manor School, Wembley, London

13 05 20 Land north of Cranfield Road, Woburn Sands, Milton Keynes

13 05 20 Waterbeach Waste Management Park, Waterbeach, Cambridge

13 05 20 Napier Road, Gillingham, Kent

02 04 19 Proposed 67 dwelling development at Hutton Cranswick, East Riding of Yorkshire

04 03 19 Queens Hotel, Croydon

05 12 18 Melbourne Road, Leyton, London

05 12 18 Holme-on-Spalding Moor and Pocklington, East Riding of Yorkshire

05 12 18 The Cabinet at Reed, Hertfordshire

05 12 18 Parchment Street, Chichester

05 12 18 Old Chase Farm, Chelmsford

05 12 18 Dorset Mineral Site Plan Examination

05 12 18 William Court, Hall Road, St John's Wood, London

05 12 18 Old High Street, Headington, Oxford

05 12 18 Godfrey Ermen Playing Fields, Abbey Hey, Manchester
