

Landmark Chambers

Barrister CV

Charles Bishop



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Charles Bishop

Call: 2020

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Charles practises across all areas of public, planning, infrastructure and environmental law.



Expertise

Public and Administrative, Planning, Environment, Property

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Practice Summary

Charles practises across all areas of public, planning (including infrastructure) and environmental law.

He has appeared in a number of high-profile cases. His notable work includes:

- **COVID-19 care homes challenge** – Acting for the Secretary of State for Health and Social Care and Public Health England in *R (Gardner) v Secretary of State for Health and Social Care* [2022] PTSR 1338, [2022] EWHC 967 (Admin), a policy challenge relating to certain decisions around care homes at the start of the Covid-19 pandemic (in a team led by Sir James Eadie KC). The case was listed as one of The Lawyer's top 20 cases of 2020. There were two interlocutory hearings concerning applications for specific disclosure (including of WhatsApp messages) and cross-examination ([2021] EWHC 2422 (Admin)), and the use of expert evidence and parliamentary materials ([2021] EWHC 2946 (Admin)). The case was widely reported in the press, including by the [BBC](#), [Sky News](#), the [Telegraph](#), the [Guardian](#), and the [Daily Mirror](#).
- **Brexit** – Acting for the proposed intervener, the3million, in a judicial review claim brought by the Independent Monitoring Authority for the Citizens' Rights Agreements (led by Galina Ward KC and instructed by the Public Law Project) against the Secretary of State for the Home Department in respect of her implementation of the EU Settlement Scheme.
- **Napier Barracks** – Acting for the claimant in a successful challenge to the Town and Country Planning (Napier Barracks) Special Development Order 2021 which grants planning permission for use of an army barracks in Kent as asylum accommodation (led by Alex Goodman with Alex Shattock) in *R (Hough) v Secretary of State for the Home Department*

[2022] EWHC 1635 (Admin). Lieven J held that the Secretary of State had breached the public sector equality duty in making the Order. The case was reported on the front page of the Sunday Mirror, in the Guardian and Planning Magazine. An appeal has been lodged in respect of other matters.

- **Rent repayment orders** – Acting for the intervener, Safer Renting, in ***Rakusen v Jepsen*** [2022] 1 WLR 324, the leading case on rent repayment orders under the Housing and Planning Act 2016 (led by Justin Bates). Permission to appeal was granted by the Supreme Court in May 2022.
- **East Anglia ONE North offshore windfarm** – Acting as junior counsel for the claimant SASES (led by Richard Turney) in a judicial review of the grant of development consent for the East Anglia ONE North and East Anglia Two offshore windfarms (reported in the East Anglian Daily Times). Permission has been granted on all grounds.

Charles is a trustee and the Secretary of Rainbow Migration, a charity that supports LGBTQI+ people through the asylum and immigration system.

Immediately prior to starting at Landmark, Charles provided research assistance in relation to a wide variety of public law cases, including ***R (Miller) v College of Policing*** [2020] 4 All ER 31. He was also the Legal and Parliamentary Officer at the Immigration Law Practitioners' Association (ILPA) from 2019-2020 where he provided analysis on all areas of immigration, asylum and nationality law. He regularly advocated on behalf of ILPA members in high-level meetings with politicians, the civil service, the judiciary and other NGOs. In particular, he led on ILPA's work relating to the ending of free movement following Brexit, including with Parliamentary lobbying on the European Union (Withdrawal Agreement) Act 2020, the Immigration and Social Security Co-ordination (EU Withdrawal) Act 2020 and various pieces of secondary legislation. Charles regularly assisted with ILPA's Strategic Legal Fund. He is well-placed to advise NGOs and charities on strategic legal challenges.

Before the Bar course, Charles worked as a paralegal at Wesley Gryk Solicitors, a leading immigration firm, where he assisted with cases spanning the full range of immigration, asylum and nationality law. He previously volunteered with the Anti Trafficking and Labour Exploitation Unit (ATLEU), Stonewall Housing, the Communities Empowerment Network and Citizens Advice. During his studies, he spent a year abroad at the Université Panthéon-Assas (Paris II) and undertook an internship at the Académie Diplomatique Internationale.

Public and Administrative

Charles is developing a practice across the whole range of public law, acting for claimants, defendants and interveners. He is a member of the Government Legal Department's "Junior Junior" scheme.

His notable work includes:

- Acting for the Secretary of State for Health and Social Care and Public Health England in ***R (Gardner) v Secretary of State for Health and Social Care*** [2022] EWHC 967 (Admin), a high-profile policy challenge relating to certain decisions around care homes at the start of the Covid-19 pandemic (in a team led by Sir James Eadie KC). The case was listed as one of The Lawyer's top 20 cases of 2020. There were two interlocutory hearings concerning applications for specific disclosure (including of WhatsApp messages) and cross-examination ([2021] EWHC 2422 (Admin)), and the use of expert evidence and

parliamentary materials ([2021] EWHC 2946 (Admin)). The case was widely reported in the press, including by the [BBC](#), [Sky News](#), the [Telegraph](#), the [Guardian](#), and the [Daily Mirror](#).

- Acting for the proposed intervener, the3million, in a judicial review claim brought by the Independent Monitoring Authority for the Citizens' Rights Agreements (led by Galina Ward KC and instructed by the Public Law Project) against the Secretary of State for the Home Department in respect of her implementation of the EU Settlement Scheme.
- Instructed off-panel in ongoing proceedings for the Department for Work and Pensions relating to an appeal against a lump sum deduction order for non-payment of child support maintenance.
- Acting for the claimant in a successful challenge to the Town and Country Planning (Napier Barracks) Special Development Order 2021 which grants planning permission for use of an army barracks in Kent as asylum accommodation (led by Alex Goodman with Alex Shattock) in ***R (Hough) v Secretary of State for the Home Department*** [2022] EWHC 1635 (Admin). Lieven J held that the Secretary of State had breached the public sector equality duty in making the Order. The case was reported on the front page of the [Sunday Mirror](#), in the [Guardian](#) and [Planning Magazine](#). An appeal has been lodged in respect of other matters. An appeal has been lodged in respect of other matters
- Regularly acting in appeals to the First-tier Tribunal (Special Educational Needs and Disability) in relation to local authority decisions regarding special educational needs. This includes cases involving sections B, F and I of education, health and care plans (EHCPs); refusals to issue an EHCP; and transfers of an EHCP to a new authority. He has given training to local authorities on their obligations to those with special educational needs.
- Assisting a central government department to prepare evidence in an appeal under the Freedom of Information Act 2000.
- Advising on urgent claims for judicial review of removal directions.
- Assisting in advising public bodies on healthcare funding disputes.
- Acting as legal adviser/chair in disciplinary hearings.
- Advising claimants in relation to potential challenges under the Care Act 2014.
- Acting in health and welfare Court of Protection proceedings.
- Assisting in costs-only proceedings following a settled false imprisonment claim.

Prior to pupillage, Charles provided research assistance in relation to a wide variety of public law cases, including ***R (Miller) v College of Policing*** [2020] 4 All ER 31 (concerning the compatibility of the College of Policing guidance on non-crime hate incidents with Article 10 ECHR) and advisory work including the law of consultation, common law rights, ultra vires contracts, care home charges, the jurisdiction of an ombudsman and the jurisdiction of a tribunal.

Charles has particular expertise in the field of immigration, asylum and nationality law owing to his previous roles at ILPA and Wesley Gryk Solicitors. He is currently a trustee of the charity Rainbow Migration. Since starting at Landmark he has presented at the ILPA EU Free Movement Conference and has acted *pro bono* in immigration bail hearings for Bail for Immigration Detainees.

Charles takes a particular interest in public law cases involving discrimination issues, especially those affecting the LGBTQ+ community. He has significant experience in cases involving the Public Sector Equality Duty. He previously volunteered with Stonewall Housing where he assisted LGBT individuals facing discrimination issues in housing. At Wesley Gryk Solicitors many

of his cases involved same-gender couples or asylum claims on the grounds of sexuality and gender identity. He has been both a finalist and judge of the LSE-Featherstone Sexual Orientation and Gender Identity Moot Competition.

Planning

Charles is developing a varied practice across all areas of planning, infrastructure and environmental law. His notable planning work includes:

- Acting as junior counsel (led by James Maurici KC) for the successful developer in a six-day recovered appeal relating to a proposal for a waste metal recycling centre in West Norwood.
- Acting as junior counsel (led by James Maurici KC) for the successful developer in a two-week inquiry relating to a proposed development of 160 homes in Croxley Green, raising issues including heritage, design, landscape and housing supply.
- Acting as junior counsel for the claimant SASES (led by Richard Turney) in a judicial review of the grant of development consent for the East Anglia ONE North and East Anglia Two offshore windfarms (reported in the East Anglian Daily Times). Permission has been granted on all grounds.
- Advising on a proposed judicial review of a recent controversial development consent order decision.
- Acting as junior counsel for the claimant in a judicial review of a Conservation Area designation. Permission was granted in April 2022.
- Acting as junior counsel (led by John Litton KC) for the developer in an inquiry relating to a proposed development of up to 200 homes in Billericay, raising issues including Green Belt and housing supply.
- Acting for the claimant in a successful challenge to the Town and Country Planning (Napier Barracks) Special Development Order 2021 which grants planning permission for use of an army barracks in Kent as asylum accommodation (led by Alex Goodman with Alex Shattock) in ***R (Hough) v Secretary of State for the Home Department*** [2022] EWHC 1635 (Admin). Lieven J held that the Secretary of State had breached the public sector equality duty in making the Order. The case was reported on the front page of the Sunday Mirror, in the [Guardian](#) and [Planning Magazine](#). An appeal has been lodged in respect of other matters.
- Acting for a local authority (led by Sasha Blackmore) in relation to a complex enforcement matter, including applying for a s187B injunction and resisting a parallel Part 7 claim.
- Advising a housing developer (with James Maurici KC) on habitats issues arising from Natural England's advice on nutrient neutrality issues.
- Acting in planning enforcement prosecutions in the Magistrates' Court.
- Regularly advising on a wide variety of other planning matters, such as grounds for bringing a claim for judicial review of grants of permission, s106 agreements, local plan policies and conditions.

Charles headnotes for the Journal of Planning and Environmental Law from 2021 to 2022.

Environment

Charles is developing a varied practice across all areas of planning, infrastructure and environmental law. His notable planning work includes:

- Acting as junior counsel (led by James Maurici KC) for the successful developer in a six-day recovered appeal relating to a proposal for a waste metal recycling centre in West Norwood.
- Acting as junior counsel (led by James Maurici KC) for the successful developer in a two-week inquiry relating to a proposed development of 160 homes in Croxley Green, raising issues including heritage, design, landscape and housing supply.
- Acting as junior counsel for the claimant SASES (led by Richard Turney) in a judicial review of the grant of development consent for the East Anglia ONE North and East Anglia Two offshore windfarms (reported in the East Anglian Daily Times). Permission has been granted on all grounds.
- Advising on a proposed judicial review of a recent controversial development consent order decision.
- Acting as junior counsel for the claimant in a judicial review of a Conservation Area designation. Permission was granted in April 2022.
- Acting as junior counsel (led by John Litton KC) for the developer in an inquiry relating to a proposed development of up to 200 homes in Billericay, raising issues including Green Belt and housing supply.
- Acting for the claimant in a successful challenge to the Town and Country Planning (Napier Barracks) Special Development Order 2021 which grants planning permission for use of an army barracks in Kent as asylum accommodation (led by Alex Goodman with Alex Shattock) in ***R (Hough) v Secretary of State for the Home Department*** [2022] EWHC 1635 (Admin). Lieven J held that the Secretary of State had breached the public sector equality duty in making the Order. The case was reported on the front page of the Sunday Mirror, in the [Guardian](#) and [Planning Magazine](#). An appeal has been lodged in respect of other matters.
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- Regularly advising on a wide variety of other planning matters, such as grounds for bringing a claim for judicial review of grants of permission, s106 agreements, local plan policies and conditions.

Charles headnotes for the Journal of Planning and Environmental Law from 2021 to 2022.

Property

Charles draws on his experience in property matters to support his practice in public, planning and environmental law. He has experience with a broad variety of possession claims and various related public law issues in the homelessness context, acting for both claimants and defendants.

Charles is also experienced in rent repayment orders. He was instructed as junior counsel to the intervener (Safer Renting) in **Rakusen v Jepsen** [2021] EWCA Civ 1150, on rent repayment orders under the Housing and Planning Act 2016. Permission to appeal was granted by the Supreme Court in May 2022. During pupillage, Charles also assisted Brooke Lyne in **Kowalek v Hassanein Ltd (Housing – Rent Repayment Order)** [2021] UKUT 143 (LC).

Qualifications

- University of Law – BPTC (Very Competent) (2019)
- London School of Economics and Political Science – LLM (Distinction) (2017)
- University of Oxford (Wadham College) – BA Law with French Law (2.1) (2016)
- Université Panthéon-Assas (Paris II) – Certificat supérieur de droit français (2015)

Cases and inquiries

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| 18 03 24 | Success in a Tall Building Appeal for Abri Group |
| 14 03 24 | Court of Appeal decision on the position of EEA 'extended family members' post-Brexit |
| 07 12 23 | High Court dismisses challenges to government's use of former airfields to accommodate asylum seekers |
| 01 12 23 | Permission granted for "last piece in the jigsaw" of Elephant Park |
| 23 06 23 | Braintree District Council v Secretary of State for the Home Department & Anor [2023] EWCA Civ 727 |
| 24 06 22 | R (Hough) v SSHD [2022] EWHC 1635 (Admin). High Court rules Home Office's Special Development Order granting itself permission for asylum accommodation unlawful |
| 27 04 22 | High Court hands down judgment in judicial review of Government's COVID-19 policy on care homes |
| 21 03 22 | Divisional Court hears challenge to government's care homes policies at start of pandemic |
| 14 03 22 | R (Gardner) v Secretary of State for Health and Social Care named as one of the Top 20 cases for 2022 in The Lawyer |

Publications

Headnote writer, Journal of Planning and Environmental Law, Nov 2021 – Present.

“Zambrano EUSS rules declared unlawful on appeal (R (Akinsanya) v SSHD)”, LexisNexis, Feb 2022.

“Article 14 ECHR in the Supreme Court”, Judicial Review, 2021.

“MS (Pakistan) v Secretary of State for the Home Department (Case Comment)”, Sep 2020, Journal of Immigration, Asylum and Nationality Law Issue 34(3).

“Patel v Secretary of State for the Home Department; Shah v Secretary of State for the Home Department (Case Comment)”, Jun 2020, Journal of Immigration, Asylum and Nationality Law Issue 34(2).

“Secretary of State for the Home Department v Vomero (Case Comment)”, Dec 2019, Journal of Immigration, Asylum and Nationality Law Issue 33(4).

Author, Bloomsbury Immigration Law Briefing, Aug 2019 – Dec 2019.

Editor, ILPA Monthly, Aug 2019 – Jul 2020.
