

Landmark Chambers

Barrister CV

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Melissa Murphy KC

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Melissa specialises in planning and environmental work.



Expertise

Planning, Environment, Public and Administrative, Property

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Practice Summary

Melissa specialises in planning and environmental work. She has a proven track record in high profile cases (Westferry Printworks, Bramshill, Aylesbury Estate, HS2, Knightland). She has a particular interest in heritage, with clients including The National Trust, the Duke of Northumberland and the Mayor of London/GLA.

Before taking silk, Melissa was the top planning barrister under 35 for two years running, and top 3 as a senior junior. She is now the most highly ranked female KC in the country (Planning Magazine) and described as “a brilliant advocate” (Legal 500).

Melissa is the elected Vice Chair of the Planning & Environment Bar Association. She is on the organising committee for the JPLC Oxford Conference.

Planning

In 2023/24, Melissa has focused on promoting development at s.78 appeal and in the enforcement and CPO contexts. She secured planning permission for BoKlok (IKEA/Skanska partnership) for a residential development in Sussex, and secured planning permission for a scheme part within a Conservation Area for Esquire Developments in Kent. She represented the

London Borough of Southwark in the important *Dennis* case, applying *Hillside* in relation to an outline planning permission.

Melissa's planning expertise encompasses enforcement, representing clients at inquiry and in the High Court, including on case stated appeals.

Commercial/Retail

Various inquiries concerning the retention of employment land where higher value uses are proposed. For example, the development of a hotel on employment land in Norwich; the development of a Circle promoted private hospital in Test Valley; and logistics development on sites allocated for other employment purposes.

Part of a team promoting significant mixed use development in Polegate, East Sussex.

Strategic advice to Norwich City Council as landowner in relation to the promotion of a major mixed use development in its area.

Repeat instructions from Sainsbury's – including a rights of way inquiry to facilitate a store expansion on the Isle of Wight.

Compulsory Purchase and Compensation

Melissa has attracted particular attention for her strength in promoting "tricky compulsory purchase orders". She is interested in and enjoys CPO work, with notable success in relation to the recent successful promotion of the Aylesbury Estate CPO, a controversial estate regeneration scheme in Southwark. She is presently advising on other estate regeneration proposals. In addition to town and country planning CPOs, she has also advised in relation to CPOs under the Highways and Housing Acts. As part of her major CPO/planning inquiry work, Melissa was part of a team representing Schrodgers and Stanhope plc, objecting successfully to Croydon Council's controversial proposals at the Croydon Gateway site.

Recent clients include:

- Southwark Council (Aylesbury Estate)
- Basildon Council (Craylands Estate)
- Cambridge County Council (A605)
- Ralli Solicitors (Salford Central)
- Ceredigion County Council (Aberystwyth town centre).

Melissa has considerable experience of disputes relating to compulsory purchase compensation. She has been instructed in Lands Tribunal proceedings by the London Development Agency, Dover District Council, Essex County Council and Kent County Council, as well as by private individuals.

Her work has included detailed consideration of matters such as: valuation of the land taken, compensation for severance, injurious affection and disturbance, mitigation, betterment, planning assumptions and the application of statutory disregards, Point Gourde (on which she has given talks to both public and private sector audiences) and costs.

She appeared in the Lands Tribunal in the following reported cases:

- ***Charlton & another v. Northumbrian Water Limited*** [2022] UKUT 313 (LC)
- ***Scotia Plastic Binding Limited (in administration) v. LDA*** [2010] RVR 307
- ***Essex Showground v. Essex County Council*** [2006] RVR 336.

Much compensation work, of course, is directed to ensuring that settlement is achieved required, Melissa is happy to work with a team to achieve that outcome, providing sensible and timely advice.

Development Plans and other planning policy

Advice and representation in relation to local plans.

Melissa has appeared at numerous local plan examinations, for the most part as one of a team promoting the plan, but she has also appeared for objectors, including at the London Plan examination. Most recently, Melissa helped Westminster City Council with its City Plan examination, providing a blend of advice and representation.

Below is a list of housing and mixed use development plans Melissa has been involved in:

- Duke of Northumberland (Northumberland Estates). Syon House cross-funding application for build to rent accommodation on former allotments.
- Westferry Printworks. Politically explosive planning case, infamous for its national political implications. A large scale appeal notwithstanding the politics: a 1,500 unit London redevelopment scheme heard in a major public inquiry, which considered the impact of the proposal on the iconic Tower Bridge, as well as complex viability evidence. Paul Brown KC for the applicant. Melissa represented the Mayor of London /Greater London Authority. Melissa's team focused on viability and heritage. Inspector agreed with objections & recommended refusal. The Secretary of State disagreed. The challenge to the Minister's decision led to a quashing by consent. The re-determination led to the dismissal of the appeal, in line with the Mayor's position.
- Bramshill. One of the most significant listed buildings in the country. A major public inquiry which dealt with the proposed redevelopment of the Jacobean Grade I listed building & grounds. Melissa represented The National Trust throughout. Its objection to the redevelopment succeeded, as did its defence of the decision in High Court (with the Department and Historic England). The Court of Appeal upheld the High Court's decision, in a judgment which provides important guidance in respect of national heritage policy.
- VIP Industrial Estate/VIP Trading. Large scale London mixed use (771 unit housing, plus employment): inquiry. Melissa appeared for Royal Borough of Greenwich, with a junior (Caroline Daly), objecting to the proposals. Appeal dismissed in accordance with the Council's objections.
- Promoting and resisting major residential and mixed use developments. Melissa has promoted the Aylesbury Estate redevelopment scheme for Southwark Council (see the Compulsory Purchase experience section for further details). A long-term scheme which required particular sensitivity, grit and teamwork. As part of large multi-disciplinary teams, Melissa has also been instructed in relation to a new neighbourhood for Crawley; and 1,900 dwellings or "streetscapes for filming" in the Green Belt, in a very glamorous planning application promoted by Pinewood Studios, the home of the James Bond films.

- Numerous instructions in relation to housing in the countryside (in Wales and in England), involving consideration of the adequacy of the 5 year housing land supply; affordable housing and viability; heritage issues; and impact on the landscape.
- Experience of appeals concerning housing for the elderly, including residential care homes.
- Significant experience of resisting development including housing in the Green Belt (on behalf of local authorities and third parties).
- Strategic advice dealing with the promotion of sites for housing through the local plan process, including substantial experience of dealing with Green Belt / AONB matters.

Heritage

Melissa has a longstanding interest in heritage planning, with considerable experience of London-based heritage work. Her major clients include The National Trust and the Mayor of London / Greater London Authority, but she is also happy to advise and represent much smaller organisations in relation to heritage matters. She has a particular affinity for and expertise in litigation concerning listed buildings and registered parks and gardens.

Infrastructure

Melissa has knowledge and experience of major infrastructure projects from the perspective of both promoter and objector, giving her excellent insight into the key strategic, tactical and technical issues which often arise. Recent examples include:

- Cory Riverside Energy from Waste (for the Western Riverside Waste Authority – DCO objection including in relation to compulsory acquisition).
- Advice to EDF on Sizewell C.
- Heathrow Airport – (Cranford) appeal.
- Manston Airport – section 78 appeal inquiry on behalf of the promoters of the airport.
- HS2 – Melissa acted for Hillingdon with Craig Howell Williams Q.C. in its test case judicial review in relation to Schedule 17 of the new HS2 Act: Hillingdon's challenge succeeded in the Court of Appeal. The Supreme Court refused permission to appeal.
- HS2 petitioning & HS2 accommodation works instructions. Melissa advised local authorities along the route & presented in Parliament.

Planning Crime

- Unusually for a busy planning specialist, Melissa accepts Crown Court and criminal appellate instructions. Her practice includes a substantial component of regulatory criminal work (including Proceeds of Crime Act matters): she has both prosecuted and defended in the criminal courts, in relation to listed building and planning enforcement prosecutions. She has also appeared in the Court of Appeal (Criminal Division) twice recently. Most notably, she successfully defended the decision of a Crown Court judge to stay a prosecution brought by a London Borough. Experience of the sharp end of the planning process is invaluable when it comes to providing robust advice when required.

- Melissa has undertaken numerous inquiries concerning the impact of development on listed buildings and the character and appearance of conservation areas.
- See e.g., ***Pathfield Estates v. Haringey LBC*** [2023] EWHC 1970 (Admin), which was an appeal by way of case stated.
- See also ***Knightland Foundation v. Islington LBC*** [2018] EWCA Crim 1860, in which the Court of Appeal supported the exceptional course taken by the Crown Court judge to stay the prosecution proceedings as an abuse of process.

Planning Enforcement and Injunctions

Melissa is well versed in planning enforcement matters. She has frequently appeared at public inquiries in relation to s.174 appeals, concerning a wide range of development, from Gypsy sites, to stables for polo ponies, to residential development in a national park. She has had considerable success in dealing with enforcement notice prosecutions.

Planning Judicial and Statutory Reviews

The majority of Melissa's public/administrative law practice is linked to her other specialist practice areas.

Melissa has acted in the following cases:

- ***Pathfield Estates v. Haringey LBC*** [2023] EWHC 1970 (Admin).
- ***City & Country (Bramshill) Limited v. SSHCGL and others inc National Trust*** [2019] 12 WLUK 237. Court of Appeal judgment: [2021] EWCA Civ 320.
- ***R. (On the application of Hillingdon Council) v. SST, SSHCLG*** [2019] 12 WLUK 425. Court of Appeal judgment: [2020] EWCA Civ 1005.
- ***R. v. (1) Knightland Foundation (2) Friedman*** [2018] EWCA Crim 1860
- ***Hargrave House Limited v. Highbury Corner Magistrates' Court*** [2018] EWHC 279 (Admin)
- ***R. (on the application of Sainsbury's Supermarkets Limited) v. Hillingdon LBC*** [2015] EWHC 2571 (Admin)
- ***Delaney v. SSCLG*** [2013] EWCA Civ 585 (High Court: [2012] EWHC 1303)
- ***LB Hillingdon v. SSCLG*** [2012] EWHC 1557
- ***Chetwynd v. South Norfolk DC*** [2010] EWHC 1070
- ***Taylor Wimpey v. Crawley Borough Council*** [2008] EWHC 2644
- ***Thompson v. Secretary of State*** [2004] EWHC 1492 (Admin).

Environment

Melissa has a particular expertise in the developing field of ESG – Environmental Social Governance, with a focus on corporate (and third sector) compliance. Melissa's practice combines the necessary commercial, environmental and regulatory expertise which means she is well placed to offer specialist advocacy and advisory services in this area. Recent advice in this regard

includes strategic advice to a major UK charity.

Environmental Assessment (Environmental Outcomes)

Melissa has a particular interest in the interrelationship of domestic and EU law, particularly post-Brexit. Given that interest, she has regularly conducted seminars addressing sustainability and environmental assessment, including the practical implications of Brexit, to private and public sector audiences

Melissa advises developers and local authorities in relation to the adequacy of assessments at both a strategic and site level.

Public and Administrative

Melissa advises on and appears in cases concerning public and administrative law matters, principally those with a planning/compulsory purchase focus.

Notable cases include:

- ***City & Country (Bramshill) Limited v. SSHCGL and others inc National Trust*** [2019] 12 WLUK 237. Court of Appeal judgment: [2021] EWCA Civ 320
- ***R. (On the application of Hillingdon Council) v. SST, SSHCLG*** [2019] 12 WLUK 425. Court of Appeal judgment: [2020] EWCA Civ 1005. *R. v. (1) Knightland Foundation (2) Friedman* [2018] EWCA Crim 1860
- ***Hargrave House Limited v. Highbury Corner Magistrates' Court*** [2018] EWHC 279 (Admin)
- ***R. (on the application of Sainsbury's Supermarkets Limited) v. Hillingdon LBC*** [2015] EWHC 2571 (Admin).

Property

Melissa is happy to provide practical advice in relation to the intersection of planning and property matters. Good recent examples include re overriding rights in the context of major redevelopment schemes, and mechanisms for delivery where land is in multiple ownership.

Recommendations

"Clients really like her. They find her very approachable, and she's got a really forensic brain." "politically clued up" "Thoughtful" with a "significant amount of gravitas"

Planning Magazine 2024

"Melissa is very good on her feet and very good at making submissions." "Melissa is very tenacious, bright and effective."

Planning, Chambers and Partners, 2024

"Melissa is a brilliant advocate. She leaves no stone unturned and grasps the most complex matters very quickly. Melissa is excellent with clients and always gives advice with the client's strategic concerns and objectives in mind."

Planning, Legal 500, 2024

"She is extremely strong, very effective to work with, and really enjoys forensic cross-examination of documents."

Chambers and Partners, 2023

"She is terrific, very authoritative and very commanding."

Chambers and Partners, 2023

"She has the ability to cut through the information and get to the most important elements of the matter."

Chambers and Partners, 2023

"Very impressed with how quickly she was able to grasp and master the technical issues in the case, and she is absolutely brilliant on cross-examining."

Chambers and Partners, 2023

"Melissa is a brilliant advocate. She leaves no stone unturned and grasps the most complex matters very quickly. Melissa is excellent with clients and always gives advice with the client's strategic concerns and objectives in mind."

The Legal 500, 2023

"Melissa is excellent. She's very authoritative and impressive in the way that she identifies and unravels complex issues." "Her detailed knowledge is remarkable and her retention is excellent." "Her team-working and reassurance for the client is second to none."

Chambers and Partners, 2022

"Particularly impressive and starting to get the recognition she deserves."

The Legal 500, 2022

"She can get a very good grip of the issues, understand her brief clearly and be extremely thorough." "She is particularly good on detail and gives particularly forensic analysis."

Chambers and Partners, 2021

"She is excellent, very patient and forensic and hard-working."

The Legal 500, 2021

"She is very forceful, sticks to her guns and really does her best to represent her clients."

Chambers and Partners, 2020

"She is very hard-working and has a prodigious memory and capacity for detail."

Chambers and Partners, 2020

"Thorough, committed and enthusiastic"

The Legal 500, 2020

"Gives clear and robust advice with a good understanding of the commercial drivers in any case."

Chambers and Partners, 2019

"She is excellent, tenacious and very good with clients."

Chambers and Partners, 2019

"A very technically bright junior with a great understanding of the law who produces a very high standard of work."

Chambers and Partners, 2018

"She anticipates the unexpected, is very measured and considered, and has very good relationships with solicitors."

Chambers and Partners, 2018

"Recommended for compulsory purchase orders."

The Legal 500, 2018

"A real pragmatist. Especially on planning inquiries, she is very, very persuasive."

Chambers and Partners, 2017

"Very pleasant and approachable, she has a detailed knowledge of the environmental aspects of planning in particular."

Chambers and Partners, 2017

"She is technically excellent, has a quick grasp of the issues and is very user-friendly."

Chambers and Partners, 2015

"She is clear, methodical and gives good reliable advice."

Chambers and Partners, 2015

"Experienced in CPO inquiries."

Chambers and Partners, 2015

"Melissa Murphy maintains a strong presence in the planning arena, handling compulsory purchase, compensation and administrative law matters for clients."

Chambers and Partners, 2014

"She's proactive, gives clear advice and is good at meeting deadlines"

Chambers and Partners, 2014

"A strong advocate for promoting tricky compulsory purchase order matters."

The Legal 500, 2014

"Fighter" Melissa Murphy "doesn't give up - which is not quite as common at the Planning Bar as it should be."

Chambers and Partners, 2013

"Her busy year saw her acting as junior to Simon Bird QC on the Pinewood Studios case, as well as receiving instructions to resist the making of the Salford Central CPO."

Chambers and Partners, 2013

"She also "has the ability to make sure a team focuses on the real issues."

Chambers and Partners, 2013

"...earmarked as one of the rising stars amidst the younger generation at the Bar."

Chambers and Partners, 2009

Cases and inquiries

10 09 24 Dorset housing appeal dismissed

17 01 24 Planning Court hands down judgment in important case for drop-in planning permissions
