

Charles Forrest

Call: 2014 [Public Access](#)

Practice areas:

Planning, Environment, Highways, Commons and Open Spaces, Major Infrastructure Projects, Compulsory Purchase and Compensation, Ecclesiastical Law and Religious Liberty, Local Government, Rating



Practice Profile

Charles welcomes instructions to advise and represent clients across all of Chambers' practice areas. He is regularly instructed by local authorities and other public bodies, large and small developers, action groups and similar, and individuals.

He specialises in Planning and Environment; Public and Local Government including judicial review; Rights of Way, Highways and Traffic; Infrastructure; Compulsory Purchase and Compensation; Licensing; and related areas (see section of this profile on 'Practice Areas and Experience' for further information)

Charles has appeared as sole counsel before the High Court, planning inquiries, enforcement inquiries, traffic inquiries, DCO issue specific hearings, the Valuation Tribunal, Crown Court, County Court, Magistrates' Court, and Council sub-committees. Recent/current work includes:

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- Currently acting for TfL, with Andrew Fraser-Urquhart KC, in three High Court claims against hundreds of people protesting under the banner of Insulate Britain, Just Stop Oil, and other groups. This has included obtaining and extending multiple interim injunctions, all initially granted on an urgent without notice basis
- Acted, with Andrew Fraser-Urquhart KC, in the High Court on behalf of the Claimant in *Bouchti v LB of Enfield* [2022] EWHC 2744 (KB), having advised as sole counsel in the first instance. This case, which concerned an LTN and the procedural requirements for making and varying/modifying such a scheme, including lawful consultation
- Acted for an LPA prosecuting an offence under s.196D TCPA 1990 (demolition of an unlisted building in a conservation area) in an 11-day trial at the Old Bailey involving expert structural engineering and brickwork evidence in the context of historic buildings and legal argument on the interpretation of the statutory defence
- Acted, with Jeremy Phillips KC, on behalf of a suspended social worker in an appeal in the High Court in the case of *PSA v Social Work England and Bennett* [2021] EWHC 3593 (Admin)
- Currently acting for local authorities being sued in misfeasance in public office and in negligence in

connection with different grants of planning permission

Charles is direct and licensed access qualified, which means in appropriate cases he can be instructed by members of the public directly or through a professional other than a solicitor. Charles is also happy to work pro bono in appropriate cases

Planning

Charles is regularly instructed in and has experience of a wide variety of planning matters, including Green Belt; heritage including listed buildings, conservation areas and non-designated heritage assets; planning permissions including conditions; enforcement and CLEUDs/CLOPUDs; permitted development including prior approval; housing land supply; planning obligations under s.106 TCPA 1990; CIL; AONBs/National Parks etc.; and special controls including advertisements, s.215 TCPA 1990 maintenance notices, and trees. He is regularly instructed to represent clients in court, draft pre-action correspondence and pleadings, and to advise.

Charles was previously seconded to the planning department of HB Public Law, which provides legal services to London local planning authorities. He also previously attended and provided legal advice to the LB of Bexley's planning sub-committee. Both these roles gave him a close insight into the workings of local planning authorities and decision-taking by committee.

s.78 planning appeals including residential

Charles' experience includes:

- *Parklands, Wokingham*, acted, with Morag Ellis KC, for a successful appellant in a four-day s.78 inquiry concerning a scheme of up to 55 dwellings which involved an SPA and SANG and SAMM
- *Kenton Lane Farm*, acted on behalf of the local planning authority in a two-day s.78 inquiry concerning a scheme involving enabling development and heritage issues
- Advised on a range of matters for different clients including on housing land supply, annual position statements, and First Homes
- Co-author of the chapter on 'Achieving Sustainable Development' (including the presumption in favour of sustainable development) in the upcoming FTB NPPF Handbook

Enforcement and CLEUDs/CLOPUDs

Charles has experience of a wide range of enforcement and CLEUD/CLOPUD issues, including at inquiries and in criminal proceedings. His experience includes:

- *Rose Gardens, Cambridge Road*, acted for an appellant caravan and motorhome business in an enforcement inquiry in relation to land in the Green Belt. This also included advising on the enforcement register and what must be submitted at different stages of the appeal process
- *Sarsville, 67 Icknield Way*, acted for the successful local planning authority in an enforcement inquiry
- *7 Hodford Road*, acted for the successful local planning authority in an enforcement inquiry
- *73 Kyverdale Road*, acted for an appellant homeowner in an enforcement inquiry
- *Former Travellers Rest Public House*, drafted written representations for a successful appellant small

developer in a written-representation enforcement appeal which involved heritage issues. This included advising on standing to bring an enforcement appeal, withdrawal and re-issue of an enforcement notice, and the lawful scope of a ground a) appeal

- *298-300 Brixton Hill*, drafted written representations for an appellant company in a written-representation enforcement appeal.
- Acted for both the prosecution and defence in Regulatory/Criminal proceedings concerning offences under e.g. ss.179, 187A, and 196D TCPA 1990, see the section of this profile specifically concerning Regulatory/Criminal work.
- For details of Charles' experience in relation to injunctions, see the section of this profile specifically concerning that
- Advised on a range of enforcement matters for different clients including s.289 TCPA 1990 appeals and procedure, nullity/invalidity of an enforcement notice, immunity from enforcement and the extent of any immunity, compliance with Planning Contravention Notices, conditions precedent, enforcement discretion, and who can be served with an enforcement notice/breach of condition notice
- Advised or assisted in advising on a range of CLEUD/CLOPUD matters for different clients including appeals and procedure, objecting to the grant of a CLEUD, revocation of a CLEUD, definition of a dwelling in planning law, changes in matters going to lawfulness in the context of CLOPUDs, and the interaction between CLEUDs and enforcement notices.

Planning permissions including applications and conditions, permitted development, Use Classes Order

Charles' experience includes:

- Acted for a local authority in a County Court preliminary issue hearing concerning the interpretation of a planning permission in the Peak District National Park
- Advised on a range of matters for different clients including PD and prior approval issues; the procedure for making and handling planning application; call-ins; outline planning permissions; validity of conditions and severing invalid conditions; implied conditions; Grampian conditions; excluding PD/Use Class Order rights by condition; planning units; ss.73 & 96A TCPA 1990; fallback; ancillary/incidental uses; abandonment of use

S.106 TCPA 1990 and CIL

Charles' experience includes:

- *R (Newton Longville PC) v Aylesbury Vale DC* [2019] CO/5165/2018, acted in the High Court on behalf of the local planning authority in this case which concerned a s.106 agreement and the planning register and Reg.122 CIL Regulations 2010
- advised on a range of matters for different clients including on the enforcement of s.106 agreements, modifying or discharging a planning obligation by agreement under s.106A(1)(a), the relationship between a s.106 agreement and a planning permission, publicization of a draft obligation under Art 40 DMPO 2015, the chargeable amount under Reg. 40 CIL Regs 2010, and agreements under s.16 Greater London Council (General Powers) Act 1974
- reviewing s.106 agreements on behalf of local planning authorities

Special controls including advertisements, s.215 maintenance notices, trees etc.

Charles' experience includes:

- Advertising: advising on what constitutes an advertisement including political placards near Downing Street; different categories of advertisement; the relationship between advertisement and planning and heritage control, Article 10 ECHR in the context of advertisement control; and different advertisement offences and enforcement methods.
- s.215 TCPA 1990 maintenance notices: acted for a successful appellant farmer in which the local planning authority was forced to withdraw its notice prior to the appeal hearing due to submissions made on behalf of the appellant
- Trees: acted for an LPA in a prosecution for breach of TPO regulations in the Magistrates' Court

Environment

Charles is regularly instructed in environmental law matters, either in their own right or as a dimension of other areas of his practice such as planning, infrastructure etc. (see other sections of this profile). In addition to work as part of those other practice areas, his experience includes:

- Acted on behalf of Natural England in a number of issue specific hearings across 4 days for the Hornsea Project Three Offshore Windfarm DCO (up to 300 turbines). This included a significant number of environmental and ecological issues involving SPAs, SACs, SSSIs, MCZs, European Protected Species Licences, Habitats, and marine licensing
- *Parklands, Wokingham*, acted, with Morag Ellis KC, for a successful appellant in a four-day s.78 inquiry concerning a scheme of up to 55 dwellings which involved an SPA and SANG and SAMM
- Advised or assisted in advising on a range of matters for different clients including EIA, EIR and FOI (including their interaction with the law of copyright), the Aarhus Convention and costs protection, European Protected Species Licences, and littering offences under EPA 1990.
- Co-authored a number of Lexis Nexis PSL Practice Notes and Precedents on different aspects of statutory nuisance, environmental criminal liability (in the case of companies, directors, and individuals), environmental anti-social behaviour and how to deal with it (including Community Protection Notices (CPNs), Public Space Protection Orders (PSPOs), Part 1 ASBCPA 2014 injunctions) and wildlife crime (see 'Publications' section of this profile)
- Co-author of the chapter on 'Facilitating the sustainable use of minerals' in the upcoming FTB NPPF Handbook

Highways, Commons and Open Spaces

Charles has a particular interest in these areas of law.

His experience in rights of way and highways law includes:

- *R (Ramblers Association) v SoSE and Ors* [2017] EWHC 716 (Admin), acted, with Juan Lopez, in the High Court on behalf of the successful Network Rail in a case which concerned incapacity to dedicate arising from statutory incompatibility under s.31 HA 1980 and cul-de-sacs
- Advised and assisted advising on a range of matters for different clients including whether a way is a highway; the extent of a highway; s.38 and s.278 HA 1980 agreements; s.37 HA 1980 notices; highway authority duties under s.130 HA 1980; offences under s.132 HA 1980; rights of way over a

common including vehicular rights; rights acquired through different types of prescription and dedication and the scope of those rights; drainage of highways; abandoned vehicles on the highway; common law presumptions such as hedge to hedge and ad medium filum; resisting the confirmation of a modification order for a footpath

Charles has traffic experience in many matters under the Road Traffic Regulation Act 1984 and Traffic Management Act 2004. He has a particular interest in the introduction of low traffic neighbourhoods (LTNs). His experience in traffic law includes:

- He acted, with Andrew Fraser-Urquhart KC, in the High Court on behalf of the Claimant in *Bouchti v LB of Enfield* [2022] EWHC 2744 (KB), having advised as sole counsel in the first instance. This case, which concerned an LTN and the procedural requirements for making and varying/modifying such a scheme, including lawful consultation
- *The Camden (Torrington Place to Tavistock Place) (Prescribed Routes, Waiting and Loading Restrictions and Loading Places) Traffic Order* [2017], acted on behalf of the Licensed Tax Drivers' Association (LTDA) in a four week traffic inquiry in relation to the Torrington Place to Tavistock Place corridor in Camden. The LTDA and others succeeded in persuading the inspector to recommend making a traffic order in a different form from that proposed by the traffic authority
- Advised on a range of matters for different clients including temporary traffic orders; speed limit orders; traffic authority duties under RTRA 1984 incl s.122; different parking regimes (both charged and uncharged) on: the public highway, both on-street and off-street, on housing estates, in car parks, on roads in public parks, on grass verges, and on private land; powers to remove/immobilise illegally parked vehicles; enforcement for different traffic contraventions in different areas (including civil enforcement areas); appeals in relation to parking contraventions.

Charles also has experience of street works and has advised street authorities on unreasonably prolonged occupation of the highway and on objections made to proposed street works.

Major Infrastructure Projects

Charles' experience includes:

- Acted on behalf of Natural England in a number of issue specific hearings across 4 days for the Hornsea Project Three Offshore Windfarm DCO (up to 300 turbines). This included argument on the appropriateness of an arbitration mechanism in a DCO, as well as environmental and ecological issues involving SPAs, SACs, SSSIs, MCZs, European Protected Species licences, and marine licensing.
- As pupil to Meyric Lewis KC, assisted with a number of petitions to the House of Commons from residents and businesses directly and specially affected by the construction and operation of High Speed Rail 2. He attended the House of Commons Select Committee hearings
- Assisted with a challenge brought following an appeal allowed under Schedule 17 to the High Speed Rail (London to West Midlands) Act 2017
- Assisted in advising a major energy company in relation to the replacement under existing planning consents of plant for the purposes of electricity generation, a public transport body in respect of the legality of its consultation which considered a number of proposed routes, and a business in relation to the heads and quantum of a claim for compensation for land which will be temporarily possessed under a DCO

Compulsory Purchase and Compensation

Charles acted, with Guy Roots KC, on behalf of a business park landowner in a compensation claim under the Electricity Act 1989 following the grant of a necessary wayleave. Compensation was successfully agreed between the parties prior to the hearing.

He has assisted in advising a landowner in relation to advance payments compensating for HS2 and a public body on the means by which the property register of land compulsorily acquired under the London Underground (East London Line Extension) Order 1997, could be discharged.

Ecclesiastical Law and Religious Liberty

Charles acted, with Gregory Jones KC, in Consistory Court proceedings concerning a substantial extension of a church in the Diocese of Chester, which raised issues in relation to the relationship between the planning and faculty jurisdictions and of lawful consultation requirements.

Local Government

Rating

Professional Discipline

Charles acted, with Jeremy Phillips KC, on behalf of a suspended social worker in an appeal in the High Court in the case of *PSA v Social Work England and Bennett* [2021] EWHC 3593 (Admin)

Public (including human rights, European law, and equalities)

Charles is regularly instructed in public law matters, either in their own right or as an aspect of other areas of his practice such as planning and local government (see other sections of this profile). He is regularly instructed in matters which involve the following:

- fair consultations: acted, with Andrew Fraser-Urquhart KC, in the High Court on behalf of the

Claimants in *Bouchti v LB of Enfield* [2022] EWHC 2744 (KB) which concerned whether a lawful consultation had been carried out for a low traffic neighbourhood

- duty to give reasons: *R (Newton Longville PC) v Aylesbury Vale DC* [2019] CO/5165/2018, acted in the High Court on behalf of the local planning authority in this case which concerned the duty to give reasons under a delegated authority decision
- procedural impropriety including bias and predetermination: *Bouchti v LB of Enfield* [2022] EWHC 2744 (KB) involved predetermination
- legitimate expectation, unreasonableness/irrationality, mistake of fact, and duty of candour
- ECHR and Human Rights Act 1998: currently acting for TfL, with Andrew Fraser-Urquhart KC, in three High Court claims against hundreds of people protesting under the banner of Insulate Britain, Just Stop Oil, and other groups. These claims involve a number of human rights issues
- public sector equality duty: *R (Khala) v Kingston Crown Court*, Commissioner of Police of the Metropolis [2019] CO/15/2019, acted in the High Court and below on behalf of the successful Police in this claim which included an alleged breach of the PSED
- public law remedies and refusal to grant relief: *R (Ramblers Association) v Secretary of State for Environment and Ors* [2017] EWHC 716 (Admin), acted, with Juan Lopez, in the High Court on behalf of the successful Network Rail

Charles also previously drafted summary grounds of resistance on behalf of the Home Office in immigration public law claims

Regulatory / Criminal

Charles has experience prosecuting and defending individuals and companies in both the Crown Court and Magistrates' Court. He appears in trials as well as in preliminary and sentencing hearings. His experience includes:

- Acted for an LPA prosecuting an offence under s.196D TCPA 1990 (demolition of an unlisted building in a conservation area) in an 11-day trial at the Old Bailey involving expert structural engineering and brickwork evidence in the context of historic buildings and legal argument on the interpretation of the statutory defence
- Acted for Defendants (a company and a director) prosecuted for offences under s.196D TCPA 1990 and s.80(4) Building Act 1984 in the Crown Court. This included expert valuation evidence, drafting a basis of guilty plea, and providing advice on the following: parallel criminal and planning enforcement proceedings, sentence for demolition in a conservation area, costs, newton hearings, the role of a defendant's means, credit for guilty plea, ancillary orders such as confiscation orders under proceeds of crime, victim surcharge, and compensation orders.
- Acted for an LPA prosecuting Defendants for failure to comply with a breach of condition notice (BCN) under s.187A TCPA 1990 in a 3-day trial (including sentencing) in the Magistrates' Court. This included advising on defence disclosure and how to deal with intimidation of witnesses before trial.
- Acted for Defendants in prosecutions under s.179 TCPA 1990 for breach of an enforcement notice in both the Crown Court and Magistrates' Court
- Acted for an LPA prosecuting for breach of Tree Preservation Order (TPO) regulations in the Magistrates' Court
- Currently acting for a Defendant subject to receivership, restraint, and external confiscation orders following his conviction for drug trafficking in Australia in the 1990s

- Advised on the most appropriate criminal defendant in cases involving companies, directors, and individuals including piercing the corporate veil
 - Co-authored various Lexis Nexis PSL Practice Notes on criminal liability in the environmental sphere (see 'Publications' section of this profile).
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Protests, Injunctions and Committal Proceedings

Direct action protests and proceedings brought against them have become increasingly common and contentious in recent years. Charles has experience in complex and high-profile such proceedings, including the grant of urgent interim injunctions and the human rights implications of this. He is currently acting for TfL, with Andrew Fraser-Urquhart KC, in three High Court claims against hundreds of people protesting under the banner of Insulate Britain, Just Stop Oil, and other groups. This has included obtaining and extending multiple interim injunctions in a number of hearings, all initially granted on an urgent without notice basis, and advising on all procedural and substantive aspects of such claims.

Charles also has experience of various statutory injunctions, including Planning Injunctions under s.187B TCPA 1990, Gang Injunctions under the Police and Crime Act 2009, and Part 1 ASB Injunctions under the Anti-social Behaviour Crime and Policing Act 2014.

Charles has experience dealing with various different types of civil and criminal contempt of court and ensuing committal proceedings, including:

- Currently acting for the Metropolitan Police in committal proceedings for multiple breaches of a gang injunction (previously successfully obtained by the Police when represented by Charles).
 - Advised on pre-trial witness intimidation in a case he was prosecuting for an LPA
 - Acted in a hearing involving the making of reporting restrictions under the Contempt of Court Act 1981
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Licensing, Police and Anti-social Behaviour

Charles has appeared before the Crown Court, Magistrates' Court and Licensing Sub-Committees on behalf of licence holders, licensing authorities, and the Police in relation to different licences e.g. alcohol, late night refreshment, regulated entertainment, taxis, special treatment (massages), and shotgun licences. He has also acted as a legal clerk to a licensing sub-committee.

He has advised on a range of matters including the scope of a licensing authority's powers on a variation application and the scope of its delegation powers; he has frequently advised on the licensing of street trading in different parts of the country and how it interacts with other areas of law such as planning, highways, and European law.

Charles has extensive experience acting for the Metropolitan Police in the High Court, Crown Court, County Court, and Magistrates' Court in matters concerning civil orders and anti-social behaviour. His experience includes:

- *R (Khala) v Kingston Crown Court*, Commissioner of Police of the Metropolis [2019] CO/15/2019, acted in the High Court and below on behalf of the successful Commissioner in a challenge relating to the grant of a closure order
- *R (Hitchens) v Thames Magistrates' Court*, Commissioner of Police of the Metropolis [2017] CO/4077/2017, acted in the High Court and below on behalf of the successful Commissioner in a challenge relating to the legality of a Community Protection Notice (CPN)
- Currently acting for the Metropolitan Police in committal proceedings in the County Court for multiple breaches of a gang injunction. He also successfully acted for the Police in the County Court when that Gang Injunction was made following a 3-day hearing and when it was upheld on appeal following a 1-day hearing
- Acting for the Metropolitan Police in dozens of cases before the Crown Court, County Court, and Magistrates Court concerning sexual civil orders (SHPOs, SOPOs, SROs, notification orders), closure orders, Part 1 ASB Injunctions, shotgun certificate appeals, civil proceedings for proceeds of crime, and return of property by the Police.
- Advising the Metropolitan Police on CPNs, littering offences under s.87 EPA 1990, and data protection under the GDPR. Some of this advice concerned political fly posting in close proximity to Downing Street

Charles has also co-authored various Lexis Nexis PSL Practice Notes on anti-social behaviour matters and how to deal with them including PSPOs, CPNs etc (see 'Publications' section of this profile).

Local Government Including Council Tax and Rating

In addition to the local government experience Charles has gained from his other work such as planning, highways etc., he has also been involved in the following local government matters:

- Acted as a legal clerk to a Standards Committee in relation to breaches of the code of conduct by Parish Councillors
- Advised different local authorities on a range of matters including their powers under s.111 LGA 1972 (subsidiary powers), s.122 LGA 1972 (appropriation of land for a different purpose) and s.123 LGA 1972 (disposal of land); the legality of policies aimed at tackling anti-Semitism; the making of byelaws under different legislation; the letting of Council properties; the transfer of land from a maintained school to an academy

Charles is also instructed in Council Tax and Rating matters. His experience includes:

- Property on Camberwell Road, acted for an appellant in a rating matter in Valuation Tribunal for England
- Property in Moorgate, acted for a ratepayer in a rating matter in the Magistrates' Court
- Advising on a range of matters including advising HMRC on amending an entry in a closed rating list; advising a local authority in relation to Council Tax student disregards, single person discounts, and discretionary reductions; and advising an individual in relation to Council Tax premiums in Wales

Tort and Land

Charles has been instructed in civil tort claims with a planning or other public law dimension, including:

- Currently acting for a local authority (including in summary judgment and trial of preliminary issue hearings) being sued for misfeasance in public office in connection with the grant of planning permission. This has included advising on Part 36 offers and limitation periods
- Currently acting for a local authority (including in a summary judgment hearing) being sued in negligence in connection with the grant of planning permission
- Currently acting for TfL, with Andrew Fraser-Urquhart KC, in 3 claims in the High Court against hundreds of Insulate Britain and Just Stop Oil protesters for trespass, private nuisance, and public nuisance on the public highway.
- Currently acting for an individual being sued in trespass and private nuisance, including against an application for appeal following successful strike out of the claim
- Advised on potential private nuisance and damages arising from invasive Japanese knotweed
- Assisted in advising a local authority in occupiers liability arising from disused mines within their ownership but of unknown location

He also has experience of land and housing matters, either in their own right or as an aspect of his other practice areas such as planning, rights of way, or local government. His experience includes advising or assisting in advising on easements created through different types of prescription; what constitutes substantial interference with an easement; determining the boundary between plots of land; issues under the Access to Neighbouring Land Act 1992; right to manage companies; discharge of restrictive covenants; discharging the register of charges or mortgages and the appeal procedure from a decision of the Registrar; compensation under Part II Landlord and Tenant Act 1954.

Charles has experience of a number of different types of private law procedural hearings, including summary judgment/strike out, trial of preliminary issue, unless orders, relief from sanctions, allocation, and costs and case management.

Qualifications, Achievements and Other Experience

Qualifications

- University College London, BA (Hons) History (First Class)
- BPP University, GDL (Distinction)
- BPP University, BPTC (Very Competent)

Scholarships, awards and prizes

- Major Scholarship, Inner Temple
- Duke of Edinburgh Scholarship, Inner Temple
- Internship Award, Inner Temple
- GDL Exhibition, Inner Temple
- Winner of the Senior UKELA Lord Slynn Mooting Competition (2016) judged by The Hon Mrs Justice Patterson DBE

Other experience

Prior to starting pupillage Charles spent three months at *The Advocates for Human Rights* in Minnesota, USA where he helped to draft laws for the Somali Constitution. Through Reprieve in Houston, USA he was part of a legal team which secured a life sentence with parole for one of the longest serving death row prisoners in Texas history. He also taught law for the *African Prisons Project* to inmates in a maximum security prison in Kampala, Uganda as part of their rehabilitation and education.

Professional Memberships

Charles is a member of the Planning and Environmental Bar Association (PEBA) and the Administrative Law Bar Association (ALBA).

Publications

Recent publications include:

- Co-author of the chapters on 'Achieving Sustainable Development' and 'Facilitating the sustainable use of minerals' in the upcoming FTB NPPF Handbook
 - (subscription required)
 - (subscription required)
 - (subscription required)
 - , Lexis Nexis PSL Practice Note (subscription required)
 - , Lexis Nexis PSL Practice Note. (subscription required)
 - . (subscription required)
 - , for Lexis Nexis. (subscription required)
 - , for Lexis Nexis. (subscription required)
 - , for Lexis Nexis. (subscription required)
 - , for Lexis Nexis. (subscription required)
 - , Solicitors Journal, 13 December 2016 (SJ 160/47).
 - Posts to the FTB Environmental Law Blog on Conservations Covenants under the Environment Act 2021, Available , , and .
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