

## Charles Merrett

Call: 2016

### Practice areas:

**Planning, Compulsory Purchase and Compensation, Rating, Major Infrastructure Projects, Highways, Commons and Open Spaces, Licensing, Public Law, Environment, Local Government**



## Practice Profile

Charles' practice spans all areas of Chambers' work, with a particular focus on planning and environmental, public law, non-domestic rating and compulsory purchase. He 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 in his own right and as junior counsel. Charles is ranked by Legal 500 as a "rising star" for planning

Recent and ongoing court work includes:

- *R (Okedina) v Royal Borough of Greenwich* – Series of applications for judicial review seeking to challenge grant of planning permission for comprehensive redevelopment of an estate providing up to 254 dwellings;
- *Guildford Borough Council v Secretary of State for Levelling Up, Housing and Communities [2023] EWHC 575 (Admin)* – Successful challenge to the decision of the Secretary of State to grant planning permission on basis of misinterpretation of Green Belt policy concerning the meaning of "original building";
- *Bournemouth, Christchurch and Poole Council v Troika Developments Ltd [2023] (KBD)* – As junior counsel, successfully defended an appeal against the decision of the County Court that a strip of land was not highway. Charles was also instructed as junior counsel in the County Court trial on behalf of the successful claimant;
- *R (Kinsey) v London Borough of Lewisham [2022] EWHC 1774* and *R (Helen Kinsey) v London Borough of Lewisham [2021] EWHC 1286* – Junior counsel for the defendant in two judicial reviews against the decision of a local planning authority to grant planning permission for the demolition of existing buildings to provide 110 residential units;
- *Build Hollywood v London Borough of Hackney [2022] EWHC 2806 (Admin)* – Leading case concerning the issue of who is a "person with an interest in the site" for the purposes of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007;
- *London Borough of Hackney v JCDecaux (UK) Ltd [2022] EWHC 2621 (Admin)* –

Leading case concerning the approach a court should take in determining whether a display of advertisements is continuous;

- *National Highways Limited v Insulate Britain* – Obtained a series of injunctions to prevent the group Insulate Britain protesting on the country's strategic road network;
- *R (Red Lion Leisure Ltd) v South Cambs DC* – Successfully resisted an application for judicial review against a grant of planning permission for a hotel near the Imperial War Museum;
- *R (Boruch Roth) v London Borough of Lewisham CO/1049/2021* – Sole counsel for the defendant in a judicial review against the decision of a local planning authority to exercise their discretion under section 70C of the Town and Country Planning Act 1990 to decline to determine the Claimant's application for planning permission;
- *R (Swainsthorpe Parish Council) v Norfolk County Council CO/4064/2020* – Sole counsel for the claimant in a judicial review against the formal response of a highways authority, the first case to consider the scope of the duty imposed upon a statutory consultee under the Town and Country Planning (Development Management Procedure) (England) Order 2015;
- *R (Julia Ewans) v Suffolk District Council [2021] EWHC 511 (Admin)* – Sole counsel for the claimant in a judicial review against the grant of outline planning permission for the erection of up to 300 dwellings;
- *Sevenoaks District Council v Secretary of State for Housing, Communities and Local Government [2020] EWHC 3054 (Admin)* – Junior counsel for the claimant in a judicial review against the decision of a planning inspector that a draft local plan had to be withdrawn as the local authority had failed to comply with the Duty to Cooperate;
- *Wokingham BC v Scott [2019] EWCA Crim 205* – Junior counsel for the appellant in one of the leading cases concerning the enforcement powers available to a local planning authority when seeking to prosecute breaches of planning control and the correct exercise of those powers;
- *R (Shiva) v London Borough of Lambeth [2019] EWHC 2387 (Admin)* – Junior counsel for the defendant in an application for permission for judicial review which sought to challenge a part of the Westminster Bridge Road Regeneration Scheme. Permission was refused by both the High Court and Court of Appeal;
- *East Hertfordshire District Council v Docherty and Ors [2019] EWHC 2292 (QB)* – Charles acted for the successful party in committing 19 individuals for contempt of an injunction obtained to prevent breaches of planning control;

Recent and ongoing public inquiry and examination work includes:

- *Glory Hill, Holtspur* – upcoming planning appeal concerning the provision of three football pitches and associated facilities in the green belt;
- *Willow Way, London* – six day inquiry concerning a mixed use scheme (comprising 60 residential units and 1,401 sqm of employment floorspace) on a plot forming part of a wider site allocated as Local Employment Land (identified as a LSIS in the emerging local plan);
- *Quinbury Farm, Braughing* – three day combined planning and enforcement hearing concerning the demolition and proposed erection of buildings in the rural area beyond the green belt;
- *Former Staple Hill Infants School, South Gloucestershire* – four day inquiry for the redevelopment of a site to form 42 retirement apartments;
- *Barn Springs, Andover* – two day enforcement hearing concerning a change of use and redevelopment of land located within a gap between settlements;
- *HM Prison Grendon, Grendon Underwood* – two week inquiry concerning the construction of

a new Category C prison to create provision for 1,468 prisoners;

- *Barnet Local Plan review* – Charles acted for the London Borough of Barnet (with Gregory Jones KC and Flora Curtis) in the promotion of the Barnet Local Plan
- *Dun Roamin, Buckinghamshire* – three week inquiry into 21 conjoined appeals for the continued use of land as Gypsy and Caravan plots
- *Homestead Farm, Bothenhampton* – four day inquiry concerning an appeal against the refusal of planning permission for the demolition of a farmhouse in a conservation area and the erection of a 4-bedroom low carbon house;
- *Land west of Finchampstead Road, Wokingham and Land off Finchampstead Road, Wokingham* – four day inquiry concerning development of up to 80 dwellings outside of a settlement boundary and a Suitable Alternative Natural Greenspace.

Alongside appearing in the High Court and Planning Inquiries, Charles frequently appears in specialist tribunals such as the Valuation Tribunal for England. Charles has also appeared in and welcomes instructions to appear in the magistrates' court and to appear in front of local authority committees (most commonly for licensing matters).

Before coming to the Bar, Charles read Philosophy and Theology at Oxford University. He completed the GDL and the Bar Course at City University. Charles was a paralegal at a specialist planning and environmental law firm.

In appropriate cases, Charles is happy to work on a pro-bono basis.

---

## Planning

Charles is a specialist in the law of town and country planning. He is frequently instructed to appear in court, both in his own right and as junior counsel. He also regularly appears in planning and enforcement inquiries and hearings.

Select examples of his court work includes:

- *R (Okedina) v Royal Borough of Greenwich* – Charles successfully acted as sole counsel on behalf of the defendant in relation to a series of applications for judicial review seeking to challenge grant of planning permission for comprehensive redevelopment of an estate providing up to 254 dwellings;
- *Guildford Borough Council v Secretary of State for Levelling Up, Housing and Communities [2023] EWHC 575 (Admin)* – Successful challenge to the decision of the Secretary of State to grant planning permission on basis of misinterpretation of Green Belt policy concerning the meaning of "original building";
- *R (Kinsey) v London Borough of Lewisham [2022] EWHC 1774* and *R (Helen Kinsey) v London Borough of Lewisham [2021] EWHC 1286* – Junior counsel for the defendant in two judicial reviews against the decision of a local planning authority to grant planning permission for the demolition of existing buildings to provide 110 residential units;
- *Build Hollywood v London Borough of Hackney [2022] EWHC 2806 (Admin)* – Leading case concerning the issue of who is a "person with an interest in the site" for the purposes of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007;
- *London Borough of Hackney v JCDcaux (UK) Ltd [2022] EWHC 2621 (Admin)* – Leading case

concerning the approach a court should take in determining whether a display of advertisements is continuous;

- *R (Red Lion Leisure Ltd) v South Cambs DC* – Successfully resisted an application for judicial review against a grant of planning permission for a hotel near the Imperial War Museum;
- *R (Boruch Roth) v London Borough of Lewisham CO/1049/2021* – Sole counsel for the defendant in a judicial review against the decision of a local planning authority to exercise their discretion under section 70C of the Town and Country Planning Act 1990 to decline to determine the Claimant's application for planning permission;
- *R (Swainsthorpe Parish Council) v Norfolk County Council CO/4064/2020* – Sole counsel for the claimant in a judicial review against the formal response of a highways authority, the first case to consider the scope of the duty imposed upon a statutory consultee under the Town and Country Planning (Development Management Procedure) (England) Order 2015;
- *R (Julia Ewans) v Suffolk District Council [2021] EWHC 511 (Admin)* – Sole counsel for the claimant in a judicial review against the grant of outline planning permission for the erection of up to 300 dwellings;
- *Sevenoaks District Council v Secretary of State for Housing, Communities and Local Government [2020] EWHC 3054 (Admin)* – Junior counsel for the claimant in a judicial review against the decision of a planning inspector that a draft local plan had to be withdrawn as the local authority had failed to comply with the Duty to Cooperate;
- *R (Voice4Deptford) v London Borough of Lewisham CO/2569/2020* – Charles was instructed as junior counsel for the defendant in a judicial review relating to a comprehensive redevelopment of a major site. Successfully defended the application for permission as being totally without merit – importantly, the court agreed with the defendant that the claimant's challenge, in reality, was to the grant of outline permission over 10 years prior to the challenge being issued;
- *Wokingham BC v Scott [2019] EWCA Crim 205* – Junior counsel for the appellant in one of the leading cases concerning the enforcement powers available to a local planning authority when seeking to prosecute breaches of planning control and the correct *exercise of those powers*;
- *R (Shiva) v London Borough of Lambeth [2019] EWHC 2387 (Admin)* – Junior counsel for the defendant in an application for permission for judicial review which sought to challenge a part of the Westminster Bridge Road Regeneration Scheme. Permission was refused by both the High Court and Court of Appeal;
- *East Hertfordshire District Council v Docherty and Ors [2019] EWHC 2292 (QB)* – Charles acted for the successful party in committing 19 individuals for contempt of an injunction obtained to prevent breaches of planning control;

Charles frequently acts in both planning and enforcement inquiries, and welcomes instructions from appellants, local authorities and interested parties who may wish to join proceedings as a rule 6 party.

Examples of his inquiry work include:

- *Willow Way, London* – six day inquiry concerning a mixed use scheme (comprising 60 residential units and 1,401 sqm of employment floorspace) on a plot forming part of a wider site allocated as Local Employment Land (identified as a LSIS in the emerging local plan). The main issues in this inquiry included the impact of the proposal on a number of heritage assets, the quantification and acceptability of the employment floorspace and matters relating to the masterplan for the wider site allocation;
- *Quinbury Farm, Braughing* – three day combined planning and enforcement hearing concerning the demolition and proposed erection of buildings in the rural area beyond the green belt;
- *Former Staple Hill Infants School, South Gloucestershire* – four day inquiry for the redevelopment of a site to form 42 retirement apartments. Whilst the appeal was allowed as a result of the agreed

need for retirement housing, the inspector agreed with the council that the design was contrary to policy and the economic benefits of the proposal were less than relied upon by the appellant;

- *Barn Springs, Andover* – two day enforcement hearing concerning a change of use and redevelopment of land located within a gap between settlements;
- *HM Prison Grendon, Grendon Underwood* – two week inquiry concerning the construction of a new Category C prison to create provision for 1,468 prisoners. The main issues in the inquiry included the need for prison places (and the extent to which this was a result of the Conservative 2019 manifesto as opposed to a genuine need for new places), the impact of the proposal on a Grade II listed building and the impact of the proposal on the character and appearance of the area;
- *Dun Roamin, Buckinghamshire* – three week inquiry into 21 conjoined appeals for the continued use of land as Gypsy and Caravan plots. These conjoined appeals all turned on consideration of the Council's supply of pitches, and also included considerations such as sustainability, impact on character and appearance and design considerations;
- *Homestead Farm, Bothenhampton* – four day inquiry concerning an appeal against the refusal of planning permission for the demolition of a farmhouse in a conservation area and the erection of a 4-bedroom low carbon house. The primary issues were the impact of the proposal on the conservation area and its impact on neighbouring properties;
- *Land at Haresfoot Farm, Berkhamsted* – Charles is instructed to appear for the appellant in a complex appeal against an enforcement notice relating to the allegedly unlawful construction and use of 8 buildings within the Green Belt;
- *Land at the Drive, London APP/R5510/W/20/3244256* – Charles acted for the local planning authority in a complicated hearing which concerned the relevance of policies in the soon to be adopted London Plan. The application was for backland development constituting the erection of two semi-detached houses with associated parking;
- *Land at Love Lane, Woolwich APP/E5330/W/19/3233519* – Charles assisted the Rule 6 party, Speak Out Woolwich, in successfully opposing a large-scale development for the construction of a 27-storey tower and a further 3 buildings between 9 and 16 storeys in Woolwich;
- *Land west of Finchampstead Road, Wokingham APP/X0360/W/18/3213163 and Land off Finchampstead Road, Wokingham APP/X0360/W/18/3212916* – Charles acted for the successful party in getting planning permission refused for a development of up to 80 dwellings outside of a settlement boundary and a Suitable Alternative Natural Greenspace. The local planning authority successfully argued the SANG was not suitable, contrary to Natural England's recommendation;
- *Land at 39 Selborne Gardens, London APP/N5090/C/18/3197214* – Charles acted for the successful local planning authority in upholding an Enforcement Notice issued against the unlawful erection of a building and use as a residential dwelling;
- *Land at 8 Leopold Road, London APP/N5090/C/18/3195336* – Charles acted for the successful local planning authority in upholding an Enforcement Notice issued against the unlawful conversion of a dwelling into 5 self-contained flats

Charles also welcomes instructions to appear in the Magistrates' Court and in front of planning committees. He has significant experience of appearing in the Magistrates' Court for planning matters, including prosecutions for non-compliance with enforcement notices under s. 179 of the Town and Country Planning Act 1990.

Charles has a strong understanding of the advertising regime and has acted in two of the most significant recent advertising cases (*Build Hollywood v London Borough of Hackney* [2022] EWHC 2806 (Admin) and *London Borough of Hackney v JCDecaux (UK) Ltd* [2022] EWHC 2621 (Admin)).

Charles frequently advises on CIL and subsidy control.

Charles has a keen interest in issues that arise alongside the development of land. He has advised on contractual matters such as misrepresentation and damages, and tortious liability, especially with regards to claims in nuisance. Charles has significant experience in relation to matters concerning the restriction of use of land.

#### PLAN-MAKING

Charles has a particular interest and expertise on matters relating to local plans and neighbourhood plans. He was instructed as junior counsel for the promotion of the Barnet Local Plan, and frequently advises local authorities in relation to both local plans and neighbourhood plans.

He acted as junior counsel for the claimant local planning authority in *Sevenoaks District Council v Secretary of State for Housing, Communities and Local Government* [2020] EWHC 3054 (Admin), one of the leading cases on the requirements of the Duty to Cooperate. He acted as sole counsel for the claimant in *R (Julia Ewans) v Suffolk District Council* [2021] EWHC 511 (Admin), in which the court considered the argument that an officer's report failed to properly apply paragraph 48 of the NPPF (the weight to be given to emerging policies). He has experience issuing challenges to local plans under s. 113 of the PCPA 2004

He has experience acting on behalf of both local planning authorities promoting plans and interested parties objecting to draft local plans and neighbourhood plans. He advises parties on legal and procedural matters relating to the creation of local and neighbourhood plans as well as appearing at local plan examinations.

#### INJUNCTIONS

Charles is frequently instructed to advise in relation to and appear on behalf of local authorities to apply for injunctions pursuant to s. 187B of the Town and Country Planning Act 1990, including obtaining numerous injunctions restraining breaches of planning control such as unlawful gypsy and traveller encampments and unlawful waste facilities. Charles was instructed as junior counsel on behalf of National Highways Limited in obtaining a series of injunctions against Insulate Britain that prevented members protesting on the country's strategic road network – at the time, one of the widest-ranging injunctions successfully applied for in the country.

#### ADVISORY

Charles advises on all matters relating to planning and environmental law.

---

## Compulsory Purchase and Compensation

Charles has a strong interest in compulsory purchase and compensation matters and is instructed by both acquiring authorities as well as individuals objecting to an order and landowners seeking compensation subsequent to the compulsory purchase of their land.

Some examples of the work that Charles has done in this field include:

- *Harrow Grange Farm Estate regeneration* – providing advice, both as junior counsel and in his own right, on a number of different procedural and legal matters relating to the promotion of the CPO;
- Advising a local authority in relation to use of compulsory purchase powers in relation to gypsy and

traveller sites, including consideration of the public sector equality duty;

- Advising a local authority in relation to whether compensation for disturbance was in principle payable and, if so the amount payable, following the compulsory acquisition of a property;
  - The application of the compensation code, in particular the assessment of compensation under s. 5 of the Land Compensation Act 1961;
  - The correct basis for valuation of land purchased from a landowner in which it was argued by the acquiring authority that the land had nil-value due to a lack of market comparables alongside the no-scheme principle. This case resulted in a settlement substantially higher than the valuation suggested by the authority;
  - The formulation of an objection to a compulsory purchase order which required significant alterations in order to suitably protect the interests of the landowner.
- 

## Rating

Charles regularly acts in rating and valuation matters. He has appeared in both the magistrates' court and valuation tribunal on a wide range of matters including applications to quash liability orders and appeals against valuations. He is frequently instructed to provide advice for both ratepayers and billing authorities.

Charles has appeared numerous times in the Valuation Tribunal for England and High Court since commencing practice. He also welcomes instructions for appeals under section 16 of the Local Government Finance Act 1992 that individuals are not liable for council tax.

Charles advises on all matters relating to non-domestic rating.

---

## Major Infrastructure Projects

Charles has a strong interest in infrastructure work. Some recent examples of his work include being instructed in the Heathrow litigation and providing advice on an element of an order made under the Planning Act 2008. Charles also has advised on matters relating to Transport and Works Act Orders and Nationally Significant Infrastructure Projects.

---

## Highways, Commons and Open Spaces

Charles has a strong understanding of the law relating to highways and rights of way.

He was instructed as junior counsel in the County Court and subsequent appeal to the High Court in the case of *Bournemouth, Christchurch and Poole Council v Troika Developments Ltd [2023] (KBD)*, which concerned an application for a declaration that land was not public highway/ publicly maintainable highway and an order that the disputed land be removed from the local authority's list of streets maintainable at the public expense kept under s. 36 of the Highways Act 1980. He was instructed as junior counsel for the defendant in *R (Shiva) v London Borough of Lambeth [2019] EWHC 2387 (Admin)*, which

was an application for permission to judicially review a decision to approve parts of an extensive scheme of road redevelopment works under s. 23 of the Road Traffic Regulation Act 1984.

Charles frequently advises and acts on matters relating to both private and public rights of way.

---

## **Licensing**

Charles frequently appears before licensing committees, acting on behalf of applicants for premises licences, premises licence holders subject to review and responsible authorities. Charles has successfully obtained multiple premises licences, for establishments such as restaurants, pubs and bars.

He recently acted for a premises licence holder in a review of their premises licence following multiple alleged breaches of Covid-19 regulations, where he successfully obtained a 3-week suspension of the premises licence rather than a revocation, as initially sought by the applicant for the review.

Charles has also acted for local authorities in appeals under s. 61 Local Government (Miscellaneous Provisions) Act 1976 against revocation of taxi driving licences.

---

## **Public Law**

Charles has a keen interest in broad public law cases and principles, including cases giving rise to issues relating to human rights. He has helped advise on a number of broad public law matters including legitimate expectation, the legality of resolutions made by local authorities, the procedural requirements imposed upon a local authority and the correct interpretation of legislation in the Divisional Court. Charles welcomes instructions in cases raising such issues.

He is junior counsel in *R (Helen Kinsey) v London Borough of Lewisham CO/8/2021*, in which one of the primary issues is the requirement to make background papers available under s. 100D of the Local Government Act 1972.

---

## **Environment**

---

## **Local Government**

---



## Public Speaking

Charles frequently gives talks on planning law. Recent talks given include the enforcement powers of local authorities, the correct approach to heritage assets and the interpretation of the revised 2018 NPPF.

---

## Qualifications

- Oxford University, Philosophy and Theology (2.i) 2014
  - City University, (Distinction) GDL 2015
  - City Universty, (Very Competent) BPTC 2016
- 

## Quotes

*"Charlie is top-notch on the law and procedure. He is an impressive advocate, not a word wasted and on top of his brief."*

Legal 500, 2024