

Isabella Tafur

Call: 2009

Practice areas:

Planning, Major Infrastructure Projects, Public Law, Compulsory Purchase and Compensation, Local Government, Environment



Practice Profile

Isabella is a leading junior at the Planning Bar, described in the legal directories as “*one of the best juniors for planning JRs at the Bar...with excellent drafting skills and superb in court*”; “*Really impressive, amazingly hard-working and destined for great things.*”

She is consistently ranked in the top ten junior barristers in the Planning Magazine survey where she has also been recognised as one of the top ten ‘sector leading’ barristers in the field of infrastructure.

Isabella advises widely on all aspects of planning and infrastructure law and has particular expertise in housing, compulsory acquisition and nationally significant infrastructure projects. She has a busy inquiry and infrastructure practice, both promoting and resisting all forms of development and has appeared in numerous reported cases in the High Court and Court of Appeal. She acts for major companies; housebuilders; public authorities and individuals. Notable clients include bp; National Grid; Dong Energy; the GLA and several London authorities.

Planning

Isabella regularly appears for both developers and local authorities in complex planning appeals, often involving disputes over housing land supply. She frequently appears against silks at planning inquiries.

Through her appeal work, Isabella has gained experience of a wide ambit of planning matters, including the Green Belt, where she has appeared at two inquiries into proposals for large-scale cemeteries in the Green Belt; promoted an energy storage facility; and appeared at both planning and enforcement inquiries relating to gypsy and traveller sites in the Green Belt. Her residential experience includes numerous tall-building cases in London, where she has successfully resisted two tall-building schemes in east London for the London Legacy Development Corporation. Her planning work often raises heritage as

well as design issues. For example, she appeared at a seven-week inquiry into the proposed redevelopment of a Grade I listed mansion set in a Grade I Registered Park and Garden in Hampshire. Isabella has also appeared at a number of inquiries relating to employment schemes. She has experience of both promoting and resisting large-scale employment proposals on greenfield sites at motorway junctions and has appeared at inquiries that raise issues regarding the loss of existing employment land to housing development. Isabella advises regularly on neighbourhood planning matters and has successfully appeared in two court challenges to neighbourhood planning decisions.

Recent examples of Isabella's planning appeal work include:

- Acting for a developer in promoting a residential development of 100 dwellings on a greenfield site outside the settlement boundary of Oakham in Rutland in circumstances where the local authority could not demonstrate a five year supply of housing land
- Acting for a developer in promoting a residential scheme of 30 dwellings refused permission by the local authority on landscape and biodiversity grounds.
- Acting for a developer in promoting a residential scheme of 9 dwellings on an area of disused open space in London
- Acting for Harrow Council in a 5-day inquiry, resisting a residential-led mixed use development of 3-7 storeys that adversely affected the character and appearance of the area, and in particular a local allotment
- Advising a renewable energy company in respect of a proposal for a 50MW battery storage facility in the Green Belt
- Acting for the London Legacy Development Corporation in an 8-day inquiry, resisting a residential scheme for 435 dwellings in three 26-storey towers at the Bow Interchange, in East London
- Acting for Newcastle Council in a 4-day inquiry into a mixed-use residential and hot-food takeaway scheme redevelopment of a former police station
- Acting for the London Legacy Development Corporation in resisting two conjoined appeals for the redevelopment of a brownfield site in Hackney which was refused on the basis that they failed to maximise the provision of affordable housing. The appeal focused on viability matters and the dispute between the parties as to the appropriate benchmark land value.
- Acting for Worthing Council in an 8-day inquiry into residential development on a site proposed for designation as a green gap in the emerging Local Plan
- Acting for Hillingdon Council at a 7-day inquiry into a residential scheme for 233 apartments and a health facility that was refused on the basis of the appellant's failure to satisfy the flood risk sequential test
- Acting for the GLA in a 9-day planning inquiry in resisting a mixed-use scheme comprising 11 buildings of 2-10 storeys in an Opportunity Area in south-east London. The appeal was recovered by the Secretary of State and refused on grounds relating to design and conflict with a Supplementary Planning Document.
- Acting for Guildford Council at a 7-day enforcement inquiry relating to the change of use of a site in the Green Belt to mixed-use storage and residential

Major Infrastructure Projects

Isabella has been involved in numerous DCOs, both promoting and resisting nationally significant infrastructure projects. She has considerable experience of the DCO procedure and is a contributing author to the 'National Infrastructure Planning Service' and 'National Infrastructure Planning Handbook',

edited by Michael Humphries KC. Her experience covers a broad range of infrastructure projects, including nuclear and offshore wind; airports; carbon capture and road schemes. As part of her infrastructure practice, Isabella has significant experience of matters relating to EIA; HRA; consultation and land acquisition.

Her experience includes:

- Promoting the Net Zero Teesside Project carbon capture project (as junior to Hereward Phillpot KC) on behalf of bp
- Promoting the Lower Thames Crossing (as junior to Andrew Tait KC) on behalf of Highways England
- Promoting Manston Airport (as junior to Michael Humphries KC), a scheme to reopen and develop Manston airport in Kent as a dedicated air freight facility. This was the first airport application to be considered under the Planning Act regime. Isabella is currently acting for the developer in resisting a judicial review challenge to the grant of development consent.
- Representing the owner of a sensitive biochemical testing site in the Sunnica Energy Farm DCO examination
- Representing East Suffolk Council (as junior to Andrew Tait KC) at the Sizewell C nuclear power station DCO examination
- Representing East Suffolk Council (as junior to Andrew Tait KC) at the DCO examination into applications by Scottish Renewable Energy for the offshore windfarms, East Anglia One North and East Anglia Two
- Promoting Heathrow Airport's third runway scheme;
- Objecting to the Thanet Extension Offshore Windfarm on behalf of Ramac Holdings Ltd. The ExA accepted that the applicant had not made out the case for the acquisition of Ramac's land and recommended that the compulsory acquisition should not be authorised.
- Representing East and Suffolk Water (Northumbria Water Ltd) at the DCO examination into the third road-crossing of Lake Lothing in Lowestoft;
- Promoting Dong Energy's application for the Walney Extension offshore wind farm. The DCO granted consent for the construction and operation of an offshore wind farm with a capacity of up to 750MW, located in the Irish Sea.
- Promoting the development consent application for the improvement of the A30 trunk road, on behalf of Cornwall Council (as junior to Michael Humphries KC)
- Promoting the Yorkshire and Humber Carbon Capture and Storage DCO, a pipeline and associated infrastructure for the transportation of carbon dioxide on behalf of National Grid Carbon Ltd (as junior to Hereward Phillpot KC)
- Promoting the Able Marine Energy Park on the River Humber (as junior to Gregory Jones KC) and representing Able Humber Ports Ltd at the Special Parliamentary Procedure (as junior to Simon Bird KC) and in respect of the subsequent judicial review challenge by ABP.
- Representing Natural Resources Wales at the DCO examination into the application for development consent Hirwaun Power Station in Wales
- Representing a number of affected persons and the National Farmers Union on the Triton Knoll Electrical System DCO application

Public Law

Isabella is highly regarded for her judicial and statutory review work. She appears regularly in the Courts for both applicants and defendants. The legal directories describe her as '*one of the best juniors for*

planning JRs at the Bar; 'superb in court'; 'calm, authoritative and persuasive' and 'known for her impressive advocacy skills'.

Recent or notable cases include:

- ***R (on the application of Spitalfields Historic Building Trust) v Tower Hamlets LBC*** [2022] EWHC 2262 (Admin): Isabella acted successfully for Tower Hamlets LBC in resisting a judicial review challenge to the voting procedure adopted by the local authority. The applicant alleged that certain members were unlawfully prevented from voting on the application. The Court held that the local authority's procedural rule of preventing members from voting on deferred applications if they had not been present at the ***previous consideration was lawful***.
- ***Worthing BC v Secretary of State for Levelling Up, Housing and Communities*** [2022] EWHC 2044 (Admin): Isabella successfully challenged the Secretary of State's grant of permission on appeal for the development of a site proposed for designation as a Green Gap in the emerging Local Plan. The Court found that the Inspector had failed to assess the development against the relevant policies of the emerging Local Plan or to give weight to the adverse impacts of the development on the South Downs National Park.
- ***R (on the application of SAV Development Limited) v London Borough of Tower Hamlets*** [2021] EWHC 3211 (Admin): Isabella successfully resisted a judicial review application alleging that a Supplementary Planning Document seeking financial contributions towards the provision of affordable housing on development sites of less than ten dwellings was in conflict with the London Plan and therefore unlawful. The Court found that while a similar provision had been deleted from the London Plan at the direction of the Secretary of State, the mere absence of such a policy in the London Plan did not result in conflict with the SPD.
- ***R. (on the application of Hillingdon LBC) v Mayor of London*** [2021] EWHC 3387 (Admin): Isabella acted for the Mayor of London (as junior to Douglas Edwards KC) in successfully resisting a judicial review challenge by the London Borough of Hillingdon to the Mayor's grant of planning permission for tall buildings. The buildings were not in a location identified as appropriate for tall buildings in Hillingdon's Local Plan and the Council argued that in granting permission, the Mayor had misinterpreted the tall building policy in the London Plan, policy D9; had adopted a procedure that was unfair in failing to hold a second representation hearing once the London Plan had been adopted and in failing to disclose certain information pertaining to the air quality impacts of the development. The application was dismissed by Lang J, following a two-day substantive hearing.
- ***R (on the application of Wingfield) v Canterbury City Council*** [2020] EWCA Civ 1558: Isabella successfully resisted an application to re-open the decision refusing permission to appeal, pursuant to CPR rule 52.30. The Court of Appeal explained that finality of litigation was a general rule of high public importance particularly in planning cases. There were no exceptional circumstances to justify re-opening the refusal of permission to appeal.
- ***Girling v East Suffolk Council*** [2020] EWHC 2579 (Admin): Isabella acted for East Suffolk Council (as junior to Andrew Tait KC) in successfully resisting a judicial review challenge to the grant of planning permission for preliminary works to facilitate the delivery of Sizewell C nuclear power station. The decision was challenged on the basis of the Council's approach to major development in the AONB and its conclusions that the Environmental Statement was up to date as required by Regulation 26 of the EIA Regulation 2017, given the age of the survey data informing the ES.
- ***R (oao Wingfield) v Canterbury City Council*** [2019] EWHC 1974 (Admin): Isabella acted successfully for Canterbury CC in resisting a judicial review challenge to the grant of planning permission for residential development at a site known as Hoplands Farm. The court endorsed the

Council's approach of carrying out a Habitats Regulations Assessment at reserved matters stage in circumstances where no such assessment had been undertaken at outline permission stage on the basis of established case law prior to the ECJ judgment in *People Over Wind*.

- *R (oao Wingfield) v Canterbury City Council* [2019] EWHC 1975 (Admin): Isabella acted successfully for Canterbury City Council in resisting a judicial review challenge to the grant of planning permission for residential development at a site known as Chislet Colliery. The court rejected the suggestion that the Council should have treated the development at this site together with development proposed at an adjacent site as a single 'project' for the purposes of the EIA.
- *Gladman Developments Ltd v Canterbury City Council* [2019] EWCA Civ 669: Isabella acted successfully for Canterbury City Council in challenging the Secretary of State's decision to grant planning permission for a housing development in Canterbury. The High Court quashed the Inspector's decision on the basis of his misinterpretation of permissively worded policies in the development plan. The Court of Appeal upheld that decision. In light of the Inspector's misinterpretation of policy, he had failed to discharge the s.38(6) duty and his decision could not stand.
- *R (Cairns) v Hertfordshire County Council* [2018] EWHC 2050 (Admin): Isabella acted for the Interested Party, Hertfordshire County Council as education authority in successfully defending the decision to grant planning permission for a new school in the Green Belt.
- *R (on the application of Legard) v Royal Borough of Kensington and Chelsea* [2018] EWHC 32 (Admin): Isabella successfully acted for the Royal Borough of Kensington and Chelsea (as junior to Hereward Phillpot KC) in defending a challenge to its decision to proceed to referendum on a Neighbourhood Plan. The Claimant had alleged that the decision was tainted by bias and by a misinterpretation of planning policy in the NPPF.
- *D2M Solutions Ltd v SSCLG* [2017] EWHC 3409 (Admin): Isabella successfully defended the Planning Inspectorate's interpretation of an ex gratia scheme for compensation to those affected by errors on the part of the Inspectorate. The scheme did not cover payments for loss of profits arising from unlawful appeal decisions that were subsequently quashed by the courts.
- *Barton v SSCLG* [2017] EWHC 573 (Admin): Isabella successfully defended the Inspector's decision on an enforcement appeal. The case concerned the interpretation of the General Permitted Development Order insofar as it related to the demolition and alteration of structures in Conservation Areas.
- *R (on the application of Patel) v SSCLG* [2016] EWHC 3354 (Admin): Isabella acted successfully for the Secretary of State. The planning Inspector had been entitled to grant prior approval for the change of use of a shop to residential accommodation and had had due regard to the public sector equality duty in doing so.
- *R (on the application of Kent) v Royal Borough of Kensington and Chelsea* [2016] EWHC 2809 (Admin): Isabella successfully represented RBKC's decision to grant planning permission for a basement development in a case which turned on the application of the Local Plan's basement policy.
- *Tandridge DC v Secretary of State for Communities and Local Government* [2015] EWHC 2503 (Admin): Isabella successfully defended the Secretary of State's decision that the exception in paragraph 89 of the NPPF for the replacement of a building in the Green Belt permitted the replacement of a group of dwellings with a single building that was not materially larger than the group it replaced.
- *R (oao Westminster City Council) v Secretary of State for Communities and Local Government* [2015] JPL 1276: Isabella acted successfully for Westminster City Council (as junior to Saira Kabir Sheikh KC) in its appeal to the Court of Appeal. The Court accepted that the Inspector had erred in

finding that there had not been a material change of use from a hotel to a mixed hotel and hostel and had failed to have regard to the off-site impacts of the new use.

- *R (on the application of Daws Hill Neighbourhood Forum) v Wycombe District Council* [2014] EWCA Civ 228 and [2013] EWHC 513 (Admin): Isabella successfully defended the first ever judicial review challenge to a local authority's decision to designate a neighbourhood area (as junior to Suzanne Ornsby KC)
 - *Bowring v Secretary of State for Communities and Local Government* [2013] EWHC 1115 (Admin): Isabella acted successfully for the Claimant in persuading the Court to quash an enforcement notice appeal decision. The case established that an enforcement notice could only require the removal of works which were part and parcel of an unauthorised change of use, and not works which had been undertaken for a different and lawful use.
-

Compulsory Purchase and Compensation

Isabella has extensive experience of advising and representing claimants and acquiring authorities on compulsory purchase and compensation matters. The legal directories describe her as having 'an excellent planning and compulsory purchase practice' and giving 'good commercial' and 'high quality' advice.

Examples of Isabella's CPO work include:

- Representing the claimant in a c.£30m compensation claim against HS2 (as junior to James Pereira KC). The heads of claim included r2 value of the acquired land, including a ransom claim; disturbance costs (the costs of relocating to replacement premises and of accelerating the construction programme to meet HS2's programme); diminution in value to the retained land through severance and injurious affection and professional fees. The claim was settled following two days of evidence in the Upper Tribunal.
- Representing National Grid Electricity Transmission at a CPO inquiry into the Little Horsted Substation Connection CPO. The CPO was made to facilitate the reinforcement of the 132kV power network in order to maintain security of electricity supply to the Lewes/Newhaven area.
- Advising a claimant in respect of a compensation claim against HS2 for r2 value on the basis of Appropriate Alternative Development; severance/injurious affection to the retained land and losses arising from temporary possession.
- Representing a claimant in the Upper Tribunal in a disputed blight notice arising from the National Grid (Hinkley Point C Connection Project) DCO.
- Advising National Grid Electricity Transmission in respect of the Dinrowig to Pentir Cable Replacement Project CPO. The CPO was made to facilitate the replacement of two 400kV underground cables between Dinrowig Power Station and Pentir substation in Wales. Following NGET's work to secure the withdrawal of all objections, the programmed CPO inquiry was vacated.
- Acting for the claimant (as junior to Richard Glover KC) in a multi-million pound compensation claim arising from the acquisition of the Dreamland amusement park in Margate, which settled during the course of the Tribunal hearing.
- Acting for Transport for London in defending a number of compensation cases arising from the Crossrail Project
- Promoting the Reigate and Banstead town centre CPO
- Appearing for objectors at the Sugar House CPO inquiry in East London
- Advising London authorities on estate regeneration CPO proposals

- Successfully objecting to the exercise of compulsory purchase powers as part of the Thanet Offshore Windfarm Extension DCO.
-

Local Government

Isabella regularly advises local authorities on the exercise of their powers and duties and represents them in planning appeals and statutory reviews.

Recent / notable examples include:

- *R (on the application of Spitalfields Historic Building Trust) v Tower Hamlets LBC* [2022] EWHC 2262 (Admin): Isabella acted successfully for Tower Hamlets LBC in resisting a judicial review challenge to the voting procedure adopted by the local authority. The applicant alleged that certain members were unlawfully prevented from voting on the application. The Court held that the local authority's procedural rule of preventing members from voting on deferred applications if they had not been present at the previous consideration was lawful.
- *Worthing BC v Secretary of State for Levelling Up, Housing and Communities* [2022] EWHC 2044 (Admin): Isabella successfully challenged the Secretary of State's grant of permission on appeal for the development of a site proposed for designation as a Green Gap in the emerging Local Plan. The Court found that the Inspector had failed to assess the development against the relevant policies of the emerging Local Plan or to give weight to the adverse impacts of the development on the South Downs National Park.
- *R (on the application of SAV Development Limited) v London Borough of Tower Hamlets* [2021] EWHC 3211 (Admin): Isabella successfully resisted a judicial review application alleging that a Supplementary Planning Document seeking financial contributions towards the provision of affordable housing on development sites of less than ten dwellings was in conflict with the London Plan and therefore unlawful. The Court found that while a similar provision had been deleted from the London Plan at the direction of the Secretary of State, the mere absence of such a policy in the London Plan did not result in conflict with the SPD.
- *R (oao Wingfield) v Canterbury City Council* [2019] EWHC 1974 (Admin): Isabella acted successfully for Canterbury CC in resisting a judicial review challenge to the grant of planning permission for residential development at a site known as Hoplands Farm. The court endorsed the Council's approach of carrying out a Habitats Regulations Assessment at reserved matters stage in circumstances where no such assessment had been undertaken at outline permission stage on the basis of established case law prior to the ECJ judgment in *People Over Wind*.
- *Dudley Muslim Association v Dudley Metropolitan Borough Council* [2015] EWCA Civ 1123: Isabella acted for the Dudley Muslim Association (as junior to David Matthias KC) in a dispute with the local authority over a land swap, by which the Association was required to return the site to the local authority in the event that the Mosque development was not completed by a certain date. As a result of the Council's actions, it proved impossible to complete the Mosque by the relevant date. The Association resisted the Council's attempt to enforce the agreement on the basis that the Council's actions breached its legitimate expectation and amounted to an abuse of power.
- Representing a claimant in seeking a High Court declaration that a historic s.106 obligation requiring the transfer of a site to the Council for a nominal fee in the event a failure to deliver affordable housing on the site, is no longer enforceable.

Environment

In environmental law, Isabella's experience extends to Environmental Impact Assessments and Appropriate Assessments. In the High Court she has successfully defended challenges to the adequacy of EIA and HRA assessments in *R (oao Wingfield) v Canterbury City Council* [2019] EWHC 1974 (Admin) and *R (oao Wingfield) v Canterbury City Council* [2019] EWHC 1975 (Admin).

As part of her infrastructure work she has frequently advised clients about the implications of both the EIA and Habitats Regulations and has reviewed and advised clients on major applications as to the adequacy of their Environmental Statements and Habitats Regulation Assessments. Recent work for both developers and local authorities has involved matters relating to Nutrient Neutrality. Isabella has advised the National Trust in relation to the implications of the UNESCO World Heritage Convention on planning decisions in the UK likely to adversely affect World Heritage Sites; and the Canal & Rivers Trust in relation to works in a SAC and SPA required to ensure the ongoing safety of reservoirs. Isabella co-authored a chapter in the Hart publication: *The Habitats Directive: A Developer's Obstacle Course?* (Edited by Gregory Jones KC), entitled 'Are Imperative Reasons Imperilling the Habitats Directive?'

Publications

- Contributor, National Infrastructure Planning Service and National Infrastructure Planning Handbook, Bloomsbury Professional
 - Yes minister, but audi alteram partem, Solicitor's Journal, August 2016
 - Changing Development Consent Orders, (with Hereward Phillpot KC), Local Government Lawyer, May 2016
 - Untangling the knots in the golden thread – the NPPF and the delivery of sustainable development, Journal of Planning and Environment Law, 2015
 - Staying the course?, Local Government Lawyer, December 2013
 - Urgent injunctive relief and the giving of notice to local authorities, Local Government Lawyer, December 2013
 - Neighbourhood planning under the Localism Act: the Daws Hill case, Local Government Lawyer, March 2013
 - Local Government Precedents and Procedures, Planning update, 2012
 - Are Imperative Reasons Imperilling the Habitats Directive? (with Rebecca Clutten), Habitats Directive: A Developer's Obstacle Course (Hart publishing, 2012)
 - Reviewing earlier decisions: are public authorities required to reconsider a matter if it has already been determined by another authority? (with Ned Westaway), S.J. 2011, 155(44), 21
 - Uncharted territory – the Bar's perspective on the National Planning Policy Framework (with Gregory Jones KC), S.J. 2011. 155(41) Supp (Bar Focus November 2011), 13-15
-

Associations

- Member of PEBA
 - Member of NIPA
 - Member of the CPA
 - Member of the Denning Society, Lincoln's Inn
-

Qualifications & Achievements

- Buchanan Prize, Lincoln's Inn, 2009
 - Bar Vocational Course (Outstanding), The College of Law, 2009
 - Graduate Diploma in Law (Distinction), The College of Law, 2007
 - Lord Denning Scholarship, Lincoln's Inn, 2007
 - Lord Brougham Scholarship, Lincoln's Inn, 2006
 - Hardwicke Entrance Award, Lincoln's Inn, 2006
 - BA(Hons) Modern History (II.I) , St Catherine's College, Oxford University, 2004
 - St Catherine's College Scholarship, 2001
-

Other Experience

Prior to coming to the bar Isabella worked as a Programme Officer for an international NGO in Quito, Ecuador. She speaks fluent Spanish.

Quotes

"She has a very good rapport with judges, is well researched and has a good grasp of planning."
Chambers and Partners, 2024

"Isabella provides clear, commercially minded advice."
Chambers and Partners, 2024

"Isabella is technically excellent, with a calm and reassuring manner. While very easy to work with, she retains a distinct gravitas and marshals professional teams deftly towards a common goal. Her advice is clear, pragmatic and turned around at a lightening pace. Isabella consistently exceeds expectations."
The Legal 500, 2023

"She is extremely pragmatic and gives good commercial advice". "Isabella is an excellent advocate, friendly and a team player". "Isabella has an excellent planning and compulsory purchase practice and provides high-quality advice". "She is always the most prepared person in the room and it allows her to pick holes in her less prepared opponent's case".
Chambers and Partners, 2023

"Isabella is very calm, authoritative and persuasive." "She is popular with clients and experts and has excellent all-round knowledge."

Chambers and Partners, 2022

"She is popular with clients and experts, with excellent all-round knowledge."

The Legal 500, 2022

"For us she is one of the best juniors for planning JRs at the Bar. A real expert in planning with excellent drafting skills and superb in court"

The Legal 500, 2021

"She gets to the nub of the issues before I even know it, she can turn papers around incredibly quickly and she's very easy to work with." "She is popular with clients and experts and she has excellent all-round knowledge."

Chambers and Partners, 2021

"Really impressive, amazingly hard-working and destined for great things."

Chambers and Partners, 2020

"She has a very good manner on her feet and is very practical at giving advice in meetings and writing."

Chambers and Partners, 2020

"unflappable and quick to grasp the issues"

The Legal 500, 2019

"highly regarded junior, known for her impressive advocacy skills and her expertise in infrastructure projects"

Chambers and Partners, 2019

"an absolutely excellent junior who will go very far"

Chambers and Partners, 2019

"She might be one of the strongest planning juniors for some years."

The Legal 500, 2018