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## Isabella Tafur

### Practice Profile

Isabella Tafur

Year of call 2009

Isabella is ranked as a leading junior at the Planning Bar in the Legal 500 and described in Chambers and Partners 2019 as a "*highly regarded junior, known for her impressive advocacy skills and her expertise in infrastructure projects*" and "*an absolutely excellent junior who will go very far*"

Isabella advises widely on all aspects of planning law and has particular expertise in housing, regeneration and infrastructure work. Since 2013 she has been consistently ranked among the top twenty planning juniors in the country in Planning Magazine.

She was appointed to the Attorney General's C Panel in 2013 and regularly appears in the High Court acting both for and against the Secretary of State in planning challenges. Isabella also has a very busy inquiry practice, representing both appellants and local authorities in planning, enforcement and compulsory purchase cases.

### Testimonials

"Really impressive, amazingly hard-working and destined for great things." Chambers UK 2020

"She has a very good manner on her feet and is very practical at giving advice in meetings and writing." Chambers UK 2020

"unflappable and quick to grasp the issues" Legal 500 2019

"highly regarded junior, known for her impressive advocacy skills and her expertise in infrastructure projects" Chambers UK 2019

"an absolutely excellent junior who will go very far" Chambers UK 2019

"She might be one of the strongest planning juniors for some years.? Legal 500 2018

## **Experience**

### **Planning**

#### *Housing*

- Isabella advises a variety of clients in respect of residential schemes
- She regularly appears at inquiries into housing appeals
- She has considerable experience of dealing with housing land supply issues (both the OAN and supply side) and development proposals in the countryside and is very familiar with the assessment of landscape and visual impacts in the context of housing development

#### *Green Belt*

- Isabella has considerable experience of planning and enforcement issues in the Green Belt
- She has recently appeared at two separate inquiries concerning controversial proposals for large-scale cemeteries in the Green Belt
- She regularly appears at both inquiries and in court in cases relating to gypsy and traveller sites in the Green Belt and is familiar with the competing issues raised in such cases

#### *Heritage*

- Isabella has appeared at numerous inquiries relating to the impact of development on listed buildings and conservation areas
- She recently appeared (as junior to Simon Bird QC) at a 7-week inquiry into the proposed redevelopment of a Grade I listed mansion set in a Grade I registered park and garden in Hampshire
- Isabella also has experience of appearing at listed building enforcement appeals.

#### *Neighbourhood Planning*

- Isabella regularly advises a number of local authorities on neighbourhood planning matters
- She has successfully appeared in two court challenges to neighbourhood planning decisions

#### *Employment*

- Isabella has 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
- She has also advised and appeared at inquiries concerning the loss of existing employment space to housing development.

#### *Enforcement / prosecutions*

- Isabella has considerable experience of advising in respect of enforcement matters
- She has appeared at numerous enforcement inquiries, including many that raise technical issues relating to the validity of the enforcement notice
- Her enforcement experience includes gypsy and traveller sites; listed building enforcement; questions of whether planning permissions have been lawfully implemented and cases of intensification

- Isabella has acted successfully for both local authorities and defendants in relation to prosecutions for failure to comply with breach of condition notices, abatement notices, and enforcement notices.

## Infrastructure

Isabella has been involved in numerous DCOs, both promoting and objecting to 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 QC.

- Isabella is acting for Heathrow Airport in promoting the third runway at Heathrow;
- Isabella is currently promoting the Manston Airport scheme to reopen and develop the airport in Kent as a dedicated air freight facility;
- She acts for Ramac Holdings as an affected party in the proposed Thanet Extension Offshore Wind farm.
- Isabella acts for East and Suffolk Water (Northumbria Water Ltd) in respect of the proposed third road-crossing of Lake Lothing in Lowestoft;
- Isabella successfully represented Dong Energy in her own right, in respect of its application for the Walney Extension offshore wind farm. The DCO grants consent for the construction and operation of an offshore wind farm with a capacity of up to 750MW, located in the Irish Sea. It is the first offshore wind farm in England or Wales to be approved without long term fish and bird monitoring requirements;
- She represented Cornwall Council (as junior to Michael Humphries QC) in respect of its successful application for development consent for the improvement of the A30 trunk road;
- She acted for National Grid Carbon Ltd (as junior to Hereward Phillpot QC) in promoting the Yorkshire and Humber Carbon Capture and Storage DCO, pipeline and associated infrastructure for the transportation of carbon dioxide;
- Isabella promoted the Able Marine Energy Park on the River Humber (as junior to Gregory Jones QC) and represented Able Humber Ports Ltd at the Special Parliamentary Procedure (as junior to Simon Bird QC) following a petition by Associated British Ports and in respect of the subsequent judicial review challenge by ABP.
- Isabella has advised Natural Resources Wales in respect of the application for development consent Hirwaun Power Station in Wales and represented them at Issue Specific Hearings concerning the draft DCO and environmental matters.
- She represented a number of affected persons and the National Farmers Union on the Triton Knoll Electrical System DCO application, appearing on their behalf at the compulsory acquisition hearing and acted for affected persons in respect of the proposed Keuper Gas Storage Project, attending the compulsory acquisition hearing on their behalf.

## Administrative Law

Isabella regularly appears in the Planning Court and has considerable experience of judicial review and statutory challenges.

Notable cases include:

- **Gladman Developments Ltd v Canterbury City Council [2019] EWCA Civ 669:** Isabella acted 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 QC) 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**: 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.
- **Gallagher Properties Ltd v Secretary of State for Communities and Local Government [2016] EWHC 674 (Admin)**: Isabella acted for the Claimant (as junior to Craig Howell Williams QC) in challenging the decision of the Secretary of State to refuse planning permission for employment development on the ground, inter alia, that the Inspector had failed to consider whether a relevant policy was out of date and if so, what weight should be attached to it.
- **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 QC) 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.
- **Central Bedfordshire Council v Secretary of State for Communities and Local Government (2014)**: Isabella acted for Central Bedfordshire Council in challenging the Secretary of State's decision to grant planning permission for the extension of a dwelling in the Green Belt. The Secretary of State consented to judgment following service of the Claimant's skeleton argument.
- **R (on the application of Daws Hill Neighbourhood Forum) v Wycombe District Council [2014] EWCA Civ 228 and [2013] EWHC 513 (Admin)**: As junior to Suzanne Ornsby QC, 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 QC)
- **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.
- **O'Dea v London Borough of Hillingdon (2013)**: Isabella successfully resisted an application for an injunction to prevent the local planning authority from taking direct action to remove an unauthorised

extension

## Compulsory Purchase and Compensation

- Isabella is currently promoting a town-centre regeneration CPO in Reigate and Banstead.
- She also has experience of acting for objectors, appearing, for example, at the CPO inquiry into the Sugar House Lane CPO in East London.
- All of the DCO applications with which Isabella has been involved have involved applications for powers of compulsory acquisition under section 122 of the Planning Act 2008. She is very familiar with the policy and guidance relating to the exercise of compulsory powers.
- Isabella has acted for TfL in a number of compensation cases arising from the Crossrail Project
- She represented a number of applicants in the Tribunal in respect of compensation claims arising from the Ocean Estate CPO in Tower Hamlets

## Environmental law

In environmental law Isabella's experience extends to Environmental Impact Assessments under the EIA Directive and Appropriate Assessment under the Habitats Directive.

As part of her infrastructure work she has frequently advised clients about the implications of both the EIA and Habitats Directives and has reviewed and advised clients on major applications as to the adequacy of their Environmental Statements and Habitats Regulation Assessments (NSERs and AAs).

The Able Marine Energy Park application required detailed consideration of both the timing and effectiveness of the compensatory measures proposed to compensate for the loss of inter-tidal habitat, in accordance with the requirements of the Habitats Directive. Isabella attended the five days of hearings into the compensation package, and prepared written submissions on behalf of the developer.

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.

Isabella co-authored a chapter in the Hart publication: *The Habitats Directive: A Developer's Obstacle Course?* (Edited by Gregory Jones QC), entitled 'Are Imperative Reasons Imperilling the Habitats Directive?'

## Licensing

Isabella's licensing work includes:

- **R (on the application of Bean Leisure Trading A Ltd) v Leeds City Council [2014] EWHC 878 (Admin)**: a case concerning the decision of the Council to restrict the number of lap dancing clubs in Leeds to a maximum of six
- **R (on the application of Merlot 73 Ltd) v City of Westminster Magistrates' Court [2013] EWHC 3416 (Admin)**: a case concerning the decision of Westminster Magistrates' Court to impose conditions on the premises licence of a Mayfair nightclub
- **R (on the application of the London Borough of Newham) v Thames Magistrates' Court, Power Leisure Bookmakers Ltd and others (2013)**: a judicial review of the decision by the magistrates' court to allow an appeal which had the effect of granting a premises licence for a Paddy Power shop in Newham. This case raised the question of whether licensing authorities are permitted to take account of the primary gambling activity when determining applications for premises licences under the Licensing Act 2003.
- **Matteen and Karimi v London Borough of Lambeth (Tower Bridge Magistrates' Court, 2013)**: an appeal against the decision of the licensing authority to impose a number of conditions on a premises licence. In her successful appeal, Isabella also obtained a costs order against the licensing authority, requiring it to pay the costs incurred by the appellants (in excess of £7,000)

Isabella has appeared for licence holders in relation to review hearings and premises license applications. She regularly represents the police at review hearings and interim steps hearing and has appeared successfully at licensing hearings at both the Crown Court and magistrates' court.

## Rating

Isabella advises on all aspects of rating law. She has experience in respect of disputes as to the rateable value of hereditaments and the liability of owners in respect of properties occupied by charitable organisations.

She has advised on the setting aside of liability orders and represents clients in court in relation to non-payment of business rates. She has succeeded in the magistrates' court in having a summons withdrawn and costs awarded to her client from the local authority.

## Publications

- General editor, *Planning Appeal Decisions* (Sweet & Maxwell)
- 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 QC), 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 Clutton), 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 QC), 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. Her role involved monitoring and overseeing 114 projects across South America. She speaks fluent Spanish.

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