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Alexander Greaves

Practice Profile



Year of call 2012

Since joining Chambers in 2014, Alexander has developed a busy specialist practice at the planning, environment and local government bar.

Recent cases in which he has been involved in include:

- Acting for the waste planning authority in an appeal against the refusal of planning permission for a strategic waste complex in the Buckinghamshire green belt.
- Acting for the local planning authority in linked enforcement and s. 78 appeals relating to the use of two large industrial buildings as live/work units.
- Acting for a local planning authority in a series of speculative, edge of settlement housing appeals in South Gloucestershire.
- Acting (as junior to Suzanne Ornsby QC) for the local planning authority in a significant appeal against its refusal of planning permission for a large urban extension. In addition to heritage, landscape, prematurity, and sustainability, the appeal raised some interesting points on the interpretation of the new NPPF and the application of the tilted balance in circumstances where the LPA could demonstrate a 5 year supply under local housing need.
- Advising (as junior to Hereward Phillpot QC) the Oxfordshire authorities on their preparation of a joint spatial plan for the county.
- Advising (as junior to James Pereira QC) the Conservators of Epping Forest on their objection to the HRA of the emerging Epping Forest Local Plan.

- Acting (as junior to Gregory Jones QC) for a Rule 6 Party objecting to the development of a Materials Recovery Facility in Wiltshire, in a case involving complex issues relating to the lawful fallback position, air quality impacts and the adequacy of the environmental statement. Following the appeal, they successfully quashed the planning permission in *Wiltshire Waste Alliance v SSCLG* [2018] Env LR 33.

Alexander welcomes instructions to act individually or as part of a team across all of Chambers' areas of practice.

Experience

Planning

Alexander regularly appears at planning inquiries, examinations in public and in the courts on related matters. Through secondments at Westminster City Council and the London Borough of Bexley he has also gained a valuable insight into the operation of local government, advising planning committees and officers on a wide variety of matters. His recent experience includes the following.

Local Plans:

Alexander has experience promoting and objecting to local plans as both sole and junior counsel.

- Advising (as junior to Hereward Phillpot QC) the Oxfordshire authorities on their preparation of a joint spatial plan for the entire county.
- Advising (as junior to James Pereira QC) the Conservators of Epping Forest on their objection to the HRA of the emerging Epping Forest Local Plan.
- Advising and acting for South Gloucestershire Council in the preparation and promotion of its Policies Sites and Places Plan (adopted in 2017).
- Acting (as junior to Suzanne Ornsby QC) for West Oxfordshire DC in the promotion of its new local plan (adopted in 2018).
- Acting (as junior to Suzanne Ornsby QC) for local authorities objecting to the promotion of an area action plan by a neighbouring local authority on the basis that it was unsound and failed to comply with the duty to co-operate.
- Acting (as junior to Simon Bird QC) for a local authority defending a section 113 challenge, subsequently withdrawn, to the adoption of a core strategy releasing land from the Nottingham Green Belt.

Enforcement and Lawful Development Certificates:

- Acting as sole counsel at a number of enforcement inquiries regarding unauthorised development relating to residential conversions, live/work units, builders' merchants and scrap yards.
- Assisting Saira Kabir Sheikh QC (representing Westminster City Council) in the high-profile enforcement inquiry concerning the unauthorised demolition of the

Carlton Tavern just days before it was due to be listed. The appeal decision upheld the enforcement notice, requiring the demolished pub to be re-built brick by brick.

- Acting (as Junior to Saira Kabir Sheikh QC) in a number of hotel / hostel enforcement inquiries in central London, including the re-determination of an inquiry following the Court of Appeal's decision in *Westminster City Council v SSCLG* [2015] EWCA Civ 482.
- Appearing at a number of LDC inquiries, including a 5 day inquiry concerning the use of land for the storage of cars. Following the appeal, Alexander also acted for the local authority in defending the Appellant's s. 288 challenges to the appeal and costs decisions, which were dismissed at the permission stage.
- Acting for the successful defendant in *R (Flint) v South Gloucestershire Council* [2017] JPL 310 (Admin), which challenged the planning unit and specificity of use identified in and LDC granted for use of land as a shooting school.
- Advising and representing clients being prosecuted in the criminal courts for failing to comply with enforcement notices.

Retail:

Alexander has experience of retail proposals, and recently acted (as Junior to Suzanne Ormsby QC) for the local planning authority at a 4 week multi-party inquiry into the proposed extension of The Mall at Cribbs Causeway, a large out-of-town shopping centre near Bristol, which was called-in by the Secretary of State.

Waste:

- Acting for the waste planning authority in an appeal against the refusal of planning permission for a strategic waste complex in the Buckinghamshire green belt. The appeal considered issues relating to harm to the green belt, the availability of alternative sites and prematurity.
- Acting for a waste planning authority taking enforcement action against an unauthorised waste site in the green belt.
- Acting (as junior to Gregory Jones QC) for a Rule 6 Party objecting to the development of a Materials Recovery Facility in Wiltshire, in a case involving complex issues relating to the lawful fall-back position, air quality impacts and the adequacy of the environmental statement. Following the appeal, they successfully quashed the planning permission in *Wiltshire Waste Alliance v SSCLG* [2018] Env LR 33.
- Advising a local authority on the EIA implications of a s. 73 application for an existing energy from waste facility.
- Advising on compliance with conditions in the operation of waste sites.

Gypsy and Traveller:

- Acting for a waste plan authority in an enforcement inquiry which raised complex issues regarding the appropriate planning unit for an unauthorised waste site.
- Acting for a local authority in a 2 day s. 78 appeal concerning the refusal of planning permission for 2 gypsy and traveller pitches in the Green Belt.

In addition to examples set out above, Alexander frequently advises on planning-related

matters, including: the interpretation of the GPDO; the construction of planning conditions; and planning obligations and CIL. He is also a regular contributor to the Journal of Planning and Environmental Law, drafting headnotes for the journal on a monthly basis.

Judicial Review and Statutory Challenges

Alexander has experience (as sole and junior counsel) acting for both claimants and defendants in High Court claims. Recent examples include:

- Acting for the claimant in *South Gloucestershire Council v SSHCLG* [2019] EWHC 181 (Admin).
- Acting (as junior to Gregory Jones QC) for a local residents' group who successfully challenged the grant of planning permission for a Materials Recovery Facility in *Wiltshire Waste Alliance v SSCLG* [2018] Env LR 33 on the basis that the ES was inadequate and the inspector had misinterpreted one of the planning permissions relied upon as a fall-back position.
- Acting for the successful defendant in *R (Flint) v South Gloucestershire Council* [2017] JPL 310 (Admin), in a claim which challenged the planning unit and specificity of use identified in and LDC granted for use of land as a shooting school.
- Acting (as junior to Saira Kabir Sheikh QC) for Westminster City Council in a judicial review brought by SAVE Britain's Heritage (*R (Save Britain's Heritage) v SSCLG* [2017] EWHC 3059 (Admin)) regarding the Secretary of State's decision not to give reasons for refusing to call-in the 'Paddington Cube' for his own determination and the Council's decision to grant planning permission following this decision.

Environmental

Alexander is gaining increasing experience of environmental law, particularly where it dovetails with his planning practice. Recent and ongoing examples include:

- Advising (as junior to James Pereira QC) the Conservators of Epping Forest on their objection to the HRA of the emerging Epping Forest Local Plan.
- Advising on the designation of Clean Air Zones.
- Advising on the interpretation of the Air Quality Directive and the formulation of guidance.
- Advising on SA and HRA in the context of local plan preparation.
- Advising on the provision of SANGs.
- Advising on Aarhus costs protection.
- Advising and representing a high street betting company being prosecuted for failure to prevent the escape of controlled waste contrary to section 34 of the Environmental Protection Act 1990.
- Advising a company director being prosecuted for the unauthorised disposal of waste in breach of environmental permits.

Village Greens / Public Open Space and Assets of Community Value

Alexander has experience of advising and representing both applicants and objectors at

village green inquiries. He has appeared as sole advocate for applicants in two village green inquiries, one of which resulted in partial registration of the land. He has also acted (as junior to Morag Ellis QC) for objectors at inquiries in Kent and Dorset.

Alexander has successfully acted for an applicant in judicial review proceedings seeking to quash the decision of a registration authority not to register land as a TVG, in which the registration authority consented to judgment.

In addition to village greens, Alexander has also advised on other matters concerning public open space, including:

- The appropriation and disposal of open spaces.
- Assets of Community Value.

Licensing

Alexander has advised and represented local authorities, applicants and responsible authorities at licensing appeals in the magistrates' court and at licensing sub-committee hearings. He has also acted as legal adviser to licensing sub-committees dealing with a variety of issues.

Recent work includes:

- Advising and acting for a local authority responding to an appeal by a street trader against de-designation of part of a licence street.
- Advising and appearing for the police at review and summary review hearings.
- Acting for the police in various closure order applications, including a closure order under s. 21 of the Criminal Justice and Police Act 2001.
- Advising a premises licence-holder being prosecuted for offences under the Gambling Act 2005.
- Advising and representing a client seeking a licence for the provision of late night refreshment in a cumulative impact zone.

Alexander has also written a number of articles published in the Journal of Licensing.

Advertising

Alexander has experience of advising on the various elements of the control of advertisements and deemed consent, including acting for companies being prosecuted for the unauthorised display of advertisements.

As a pupil, he attended an advertising appeal hearing against the refusal of consent for a landmark 'brand temple' on M4 corridor (the Golden Mile).

Compulsory purchase and compensation

As pupil to James Pereira QC, Alexander had the opportunity to attend the Upper Tribunal (Lands Chamber) hearing for *Clearun Ltd v GLA* [2014] UKUT 0116, the first compensation claim to come before the Tribunal following the London 2012 Olympic CPO.

He has also advised on the correct procedure to be followed when compulsorily acquiring land occupied under a short tenancy.

Infrastructure

Whilst undertaking pupillage with Hereward Phillpot QC and James Pereira QC, Alexander gained exposure to the promotion of various DCOs. In particular, he had the opportunity to attend hearings, conferences and consider issues which arose in the course of the Thames Tideway Tunnel DCO

Statutory nuisance

Alexander has advised clients on a number of issues relating to statutory nuisance, including a local authority seeking an injunction under section 81(5) of the Environmental Protection Act 1990 to prevent noise caused by dogs barking.

He is currently acting for a London nail bar chain being prosecuted for failure to comply with an abatement notice.

Rating and valuation

Alexander has advised on a number of rating matters, including advising a community interest company in its dispute with a local authority over discretionary rate relief, in which the local authority offered to reconsider its decision for the third time following receipt of a pre-action letter threatening judicial review.

As a pupil, Alexander assisted in advising on the rateable value for a partially derelict property and the scope of uneconomical repairs.

Property / housing law

Alexander has gained experience of, and been involved in, a variety of housing and property disputes, including:

Advising on appeals against HMO licences restricting the residential use of dwellings due to bedroom sizes, which included assisting Robert Fookes in *Nottingham City Council v Parr* [2017] EWCA Civ 188 22, a decision which was ultimately upheld by the Supreme Court ([2019] 1 All ER 1103) despite the client's decision not to appear as respondent.

Acting for a local authority in a section 204A appeal against its decision to refuse interim accommodation pending the outcome of an appeal against its decision that the appellant was intentionally homeless.

The successful defence of possession proceedings concerning a diplomatic residence in

West London, which were struck out by the court following a procedural failure.

Advising on easements and covenants, such as the liability for roof repairs in the case of a flying freehold, and the transfer of an easement for vehicular access over a public footpath.

Information requests

As a pupil, Alexander gained experience of advising on requests and exemptions under the Freedom of Information Act and the Environmental Information Regulations, including consideration of the scope of a "public authority" for these purposes.

Other Experience

Prior to joining chambers, Alexander worked as a PSL paralegal in the professional and commercial disputes team of a leading international law firm. During this time, he conducted legal research and drafted case summaries for publication. He also volunteered as a housing casework assistant for Hackney Community Law Centre.

Education & Scholarships

Alexander holds a first class BA degree in History from the University of Manchester. Alexander completed his GDL with commendation and achieved the highest mark in the year for modules on Judicial Review and Company Law on the BPTC.

He was awarded the Queen Mother's Scholarship and the Blackstone Exhibition Award from Middle Temple

During pupillage, he won the UKELA Senior Mooting Competition, judged by Lord Carnwath.

Interests

Alexander is a keen cyclist and has toured across Slovenia, Italy, Germany, France and Switzerland. He also enjoys skiing and sailing.

He is passionate about food and devotes much of his spare time to the pursuit of all things culinary.

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