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## Charles Merrett



Year of call 2016

Charles commenced practice in 2018 after completing a years pupillage in Chambers. He accepts instructions in all of Chambers practice areas and welcomes instructions to act either in his own right or as junior counsel. Some recent examples of Charles' work include:

- *Wokingham BC v Scott* [2019] EWCA Crim 205 ? A case 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 (on the application of Shiva) v London Borough of Lambeth* [2019] EWHC 2387 (Admin) ? Charles acted for the successful party in defending two applications for judicial review which sought to challenge a part of the Westminster Bridge Road Regeneration Scheme
- *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;
- *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

Alongside appearing in the High Court and Planning Inquiries, Charles frequently appears in specialist tribunals such as the Valuation Tribunal for England. He has been instructed as junior counsel by the Government on both the Heathrow and Eurotunnel (2019) litigation.

Charles is currently instructed to act on behalf of Speak Out Woolwich, a rule 6 party who are 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.

Charles completed a year of pupillage in Chambers under the supervision of Ned Westaway, Cain Ormondroyd and Suzanne Ornsby QC.

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, which specialised in Claimant work.

His main areas of interest include:

- Planning and Environment;
- Compulsory Purchase and Compensation;
- Rating and Valuation;
- Infrastructure;
- Rights of Ways and Highways;
- Licensing;
- Public Law and Local Government;

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

## **Experience**

### **Planning and Environmental Law**

Charles' practice spans all areas of Chambers' planning work. He acts for both local authorities and private clients. Recent work includes acting as junior counsel in the Court of Appeal *decision of Wokingham BC [2019] EWCA Crim 205*, acting as junior counsel in *R (on the application of Shiva) v London Borough of Lambeth [2019] EWHC 2387*, acting as junior counsel in *East Hertfordshire District Council v Docherty and Ors [2019] EWHC 2292 (QB)*, acting in *Land west of Finchampstead Road, Wokingham* APP/X0360/W/18/3213163 and *Land off Finchampstead Road, Wokingham* APP/X0360/W/18/3212916. Charles has acted for parties in planning hearings as well as inquiries.

Charles frequently advises on planning matters. Recent work includes advising on

planning challenges, enforcement, injunctions, heritage assets, planning applications, s. 106 agreements and restrictions affecting the use of land.

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, and has advised on restrictive covenants, repairing covenants, adverse possession and prescriptive easements.

## PLANNING INQUIRIES

Since starting practice, Charles has developed a busy planning inquiry practice. Most recently, he acted as junior counsel for a local planning authority in a 6-day inquiry concerning two conjoined applications, one for housing and one for Suitable Alternative Natural Greenspace (*Land west of Finchampstead Road, Wokingham* APP/X0360/W/18/3213163 and *Land off Finchampstead Road, Wokingham* APP/X0360/W/18/3212916.) He has represented rule 6 parties and has assisted rule 6 parties in the preparation of cases for inquiries.

Charles frequently acts as sole counsel in inquiries, having frequently represented parties in enforcement inquiries.

## PLAN-MAKING

Charles has continued to develop a practice with regards to the plan-making system following his pupillage. He has experience issuing challenges to local plans under s. 113 of the PCPA 2004. During his seat with Suzanne Ornsby QC, Charles assisted with a number of local plan examinations. This included advising on the legality of a sustainability appraisal, answering inspector's questions and providing a written opinion on the impact of the revised NPPF (2018) for the delivery and supply of housing.

## **Compulsory Purchase and Compensation**

Charles has a strong interest in compulsory purchase and compensation matters, having gained experience of compulsory purchase from not only the perspective of the acquiring authority, but also of individuals objecting to an order and landowners seeking compensation subsequent to the compulsory purchase of their land.

During pupillage he researched and advised on a broad array of matters including:

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 and Valuation**

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.

Charles has appeared numerous times in the Valuation Tribunal for England since commencing practice and is currently instructed to appear in the High Court on an appeal against a decision of the VTE concerning Council Tax liability.

He gained significant experience of this area during his seat with Cain Ormondroyd, in which he assisted with a number of matters relating to business rates. These included:

The correct approach to the identification of the hereditament, following the decision of *Woolway v Mazars*;

The scope of the meaning of 'material change in circumstances' when considering the extent of business rates liability;

Charles also gained experience of more general land valuation matters, including assisting with a probate case in the Upper Tribunal in which the main issue was the valuation of property. He welcomes instructions in any cases which raise issues of business rates and / or land valuation.

## **Infrastructure**

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.

## **Rights of Way and Highways**

Following his seat with Ned Westaway, Charles has continued to provide advice and work on matters relating to rights of ways and highways. He advised a local group for a town and village green inquiry, and has advised on a number of rights of way issues arising from the grant of planning permission.

During his seat with Ned Westaway, Charles assisted with a number of matters relating to both private and public rights of way. These included:

Researching matters relating to the definitive map, including definitive map modification orders;

The extinguishment of highways, including permanent stopping up. Charles helped research and draft grounds on the potential extinguishment of a public highway due to the

Applications for Traffic Regulation Orders, gaining experience of both applications for TROs and objections to them.

Furthermore, Charles gained experience of a number of public highway inquiries, including a complex 3-day inquiry into the simultaneous extinguishment and creation of a public right of way in Kent.

## **Licensing**

Charles has acted in a number of licensing matters, including committee hearings and appeals.

Charles has helped research and advise on a number of licensing matters, including prosecutions for breach of a licence, the legality of a transfer of a premises licence and its impact on an ongoing licensing appeal, and appeals relating to the alteration or removal of a premises licence.

## **Public Law and Local Government**

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.

## **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.

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## **Qualifications**

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

## Privacy Notice

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