Gregory Jones QC, Planning

Gregory Jones's planning practice spans a wide range of issues including major retail schemes, energy and transport infrastructure, housing development, and mineral and waste planning as well as proposed tall buildings.

Gregory has considerable experience of planning enforcement both at inquiry and in the high court in the context of injunction applications. He is regularly instructed by local planning authorities for complex enforcement cases. Gregory has also considerable experience acting for local planning authorities in respect of gypsy and traveller work. Gregory is also one of the few barrister with an expert knowledge of the criminal law as it applies to planning enforcement.

Instructed on a number of listed building cases Gregory has expertise in enabling development proposals affecting listed buildings and in applying the guidance published by English Heritage concerning that subject.

With specialist knowledge of EU law Gregory is a particular expert in environmental impact assessment and the habitats directive especially in respect of major planning schemes.

Short listed as Environmental and Planning Law Junior of the Year 2010/11 (Chambers & Partners), directories in particular highlight his deep understanding of EU implications for planning law (see e.g. Chambers & Partners 2011, 2010 and 2009).

The most recent edition of Chambers & Partners (2015) says:

"A likeable, quick-thinking advocate who is always fun to work with and who shows a deep understanding of the implications of EU environmental law on the UK planning system." "He has a very calm and reassuring approach, and his expertise in environmental impact assessment matters is invaluable." And also that:

?An authority on environmental impact assessment, habitats directives and wider planning and environment issues. He is also renowned for his expertise in matters involving CPOs.?

Legal 500 describes Gregory as ?excellent.'
Selected Comments from Directories

*Chambers & Partners* (2011) states:

"Gregory Jones received tremendous feedback from sources for his ability to handle complex projects at the intersection of planning and environmental law. Brilliant on black-letter law, he can tackle the most abstruse issues."

"Fantastic grasp of technical issues, which makes him a great choice for really complex legal problems."

*Chambers & Partners* (2010)

"Gregory Jones deserves recognition as an extremely astute advocate. He has special expertise in EU law in connection with planning and environmental law."

*Chambers & Partners* (2009)

"Technically excellent" and "on top of the law".

*RTPi's Annual Survey of Planning Practitioners* (2008)

"Rising star Gregory Jones...has also acted on the Olympics, as well as Crossrail and is well regarded by his peers."

Legal 500 (2007/08)

"Jones is regarded as very client-focused and quick on his feet."

*RTPi's Annual Survey of Planning Practitioners* 2006

"Noted in particular for his performance in judicial review proceedings."

*Chambers and Partners* 2007

**Memberships**

- Member of the Planning and Environment Bar Association
- Legal Associate of the Royal Town Planning Institute
- Fellow of the Institute of Quarrying

**Selected Planning Cases**

Court cases are listed first followed by planning inquires. The cases have been grouped into general subject headings although many cases overlap into more than one subject grouping.

**Environmental Impact Assessment**

- *R (on the application of Brown) v Carlisle City Council and Stobarts Air Ltd* [2010] EWCA Civ 523; *Times* June 24th, 2010, [2010] All ER (D) 181 (May) grant of planning permission for a freight distribution centre at an airport in breach of the EIA Directive where the environmental statement accompanying the planning application did not address the impact of other proposed works at the airport contained within section 106 agreement.
**Strategic Environmental Assessment**

- **West Kensington Estate Tenants and Residents Association v Hammersmith and Fulham LBC** [2013] EWHC 2834 (Admin) whether housing SPD?s should be subject to SEA.
- **Oxford University v Secretary of State for Communities and Local Government** (2010) Challenge to South East Plan in respect of review of green belt boundaries and lack of proper SEA.
- **Seaport (NI) Ltd v Department of Environment (No 2)** (High Court, Northern Ireland) **Re Seaport (NI) Limited application (Seaport No 2)** Judicial review challenge as to
whether open to the Department for the Environment to declare it "non feasible" for development plan to comply with SEA Directive high court (Weatherup J) referred series of question to the European Court of Justice (ongoing).

- **Seaport (Investments) Ltd v Department of the Environment (No 1)** (Court of Appeal in Northern Ireland and high court [2007] NIQB 62; [2008] Env. L.R. 23). Successfully acted for Seaport in landmark case on whether planning system in Northern Ireland fails to comply with the requirement of the SEA Directive. Reference made to the European Court of Justice.

**Minerals and Waste**

- **Associated British Ports v Hampshire CC and others** [2008] EWHC 1540; [2008] ALL ER (D) 83
  Successfully acted for ABP in relation to Dibden Bay in a high court challenge to Hampshire Minerals Core Strategy. One of the first high court challenges to examine the meaning of the "soundness" test. Plan held to fail soundness test. Important high court guidance on the time period for bringing challenges to development plans.
- **Swindon Borough Council v First Secretary of State and Hanson Products Ltd** [2003] EWHC 670 (Admin). Noise in relation to development of minerals railhead.
- Kennet II Landfill Section 78 Appeal Inquiry (2002).
- Appeared for the Western Rivers Waste Authority at the Belvedere incinerator public

**Housing and Tall Buildings**

- **R (on the application of Megaclose Ltd) and East Midlands Technical Ltd v Nottingham City Council** (CO/5207/06). Acted for claimants in judicial review of Supplementary Planning Document in respect of limits to student accommodation in city centre.
- **R (on the application of Prophet) v York City Council** [2003] EWCA Civ 1140. Approach to crime prevention in respect of housing development.
- Residential applications by Barratt York and Wilson Connolly Northern Ltd, land East of Low Street, South Milford, planning inspectorate ref: app/n2739/v/03/1132007 & 1132009, Call-in inquiry acted for the successful local planning authority, case raised issues concerning brownfield status of former greenhouses (2007).
- Residential Planning Appeal by the Trustees of Size Check Ltd (site of Officer’s Club) at Bassignton Industrial Estate, Cramington, appeared at the public inquiry for Persimmon Homes (a third party objector) (2007).
- Planning inquiry into major residential redevelopment of former Scarborough Hospital, acted for the successful developer (2006).
- Planning appeal for residential development of land South of Top Farm, Yew Tree Land, Elkesley, Retford, Appeal Refs: APP/A3010/A/06/2015280/NWF. Acted for local planning authority (Bassetlaw DC) successfully resisting appeal.
- Riverside Mills, Leeds. Planning inquiry into major mixed office and residential redevelopment scheme in the Kirkstall Valley, acted for the successful local planning authority, Leeds City Council.

**Retail, Business and Commercial**

- **Re House of Fraser application** No. [2010] NIQB 105 challenge to lawfulness of
minister's refusal to require further environmental information under the EIA regulations in respect of proposed Sprucefield retail (John Lewis anchor store) development and challenge based on appearance of bias.


- **R (on the application of Weir) v Camden LBC** [2005] EWHC 1875 (Admin) Commercial restaurant development. Failure to take into account a material consideration (i.e. objection from neighbouring council), whether the status of objector are relevant considerations.


- Application by UK Coal Mining Ltd for the retention and re-use of buildings, landscaping and infrastructure at former Riccall Mine, Selby Road, Riccall, York YO19 6QR (Planning inspectorate ref: app/n2739/a/06/2020337/nwf) (2008).

- Acted for Norwich City Council in a successful defeat of Tesco planning appeal inquiry.

- **Hornsey Water Treatment Plant, acted for Thames Water Utilities in proposed extension to water treatment plant in Alexendra Palace Conservation Area to address increased bromate levels**

- See below in Northern Ireland section for retail work carried out in Northern Ireland.

- Acting for John Lewis in respect of a series of sites including Waitrose Store at the site of the former Cherry Tree Pub, Bridge Road, Welwyn Garden City (2008) and Waitrose Store at Croydon (2010).

**Development Plans and Core Strategies**

See also under "Strategic Environmental Assessment" and "Northern Ireland" sections.

- Appeared before the examination in public into the London Plan (2010)

- **Associated British Ports v Hampshire CC and others** [2008] EWHC 1540 [2008] ALL ER (D) 83. Successfully acted for ABP in relation to Dibden Bay in high court challenge to Hampshire Mineral Core Strategy. One of the first successful high court challenges to examine the meaning of "soundness". Plan held to fail ‘soundness' test of PPG 12. Important high court guidance on the new time period for bringing challenges to development plans.


- **Northstowe Area Action Plan** South Cambridge DPP, appeared for Cambridgeshire County Council at one of the first hearings into an AAP. (2007).

- Promoted the Cambridgeshire County Council and City of Peterborough Waste Local Plan


Promoted the *Selby District Local Plan* (2001).

Appeared for house builder in relation to objections to the Windsor and Maidenhead Local Plan (1997).

**Wind farms**


- *R (on the application of Newcastle International Airport Ltd) v Wansbeck District Council and Hainsford Energy Blyth Harbour* (CO/9992/2008). Acted for wind farm operator defending the grant of planning permission for re-powering of wind turbines at Blyth Harbour.

- Acted in the successful planning appeal by Hainsford Energy in respect of the re-powering of the wind farm at Caton Moor, Lancs.


**Enforcement and Listed Buildings**

- *R. (on the application of Lady Hart of Chilton) v Babergh DC* [2014] EWHC 3261 (Admin); [2015] J.P.L. 491 approach to substantial harm misapplication of the requirement to refer case to the secretary of state.

- Acted for Islington London Borough Council at public inquiry in successfully defeating an appeal proposal for residential enabling development by the Resurrection Manifestations Church to redevelop the Grade II* listed Art Deco-style Carlton Cinema building in Essex Road, Islington. (Planning Inspectorate: Refs 2127802 etc)

- *R. (on the application of Garner) v Elmbridge BC* [2011] EWHC 86 (Admin). Challenge to the Council’s decision to permit the development including redevelopment of Hampton Court station on the grounds that it had failed to “have special regard” to preserving the setting of Hampton Court Palace as required by section 66(1) of the Planning (Listed Building and Conservation Area) Act 1990, had failed to apply the sequential tests for development in a flood plain, set out in Planning Policy Statement 25 “Development and Flood Risk”, and failed to give sufficient reasons for granting permission. Gregory acted for the successful developer Network Rail Infrastructure Ltd.


lawfulness of retrospective planning permissions for EIA development.

- **Haringey LBC v Secretary of State for Communities and Local Government** [2008] EWHC 1201(Admin); [2008] WLR (D) 145. Successfully acted for Haringey LBC in challenge to grant of planning permission where inspector had made error of fact and breached the requirements of fairness. Important guidance given on the conduct of site inspections.


**Planning and Human Rights**


**Green Belt and the Open Countryside**

- **R. (on the application of Lee Valley Regional Park Authority) v Broxbourne BC** successful challenge to grant of planning permission in green belt which erred in treating the whole site as PDL and misdirected itself to the approach to openness in Green Belt.

- **Oxford University v Secretary of State for Communities and Local Government** (ongoing). Challenge to South East Plan in respect of review of green belt boundaries and lack of proper SEA.

- **Enodis Plc v Secretary of State for Communities and Local Government** [2008] EWHC 2591 (Admin). Approach to enabling development in the green belt.

- **Bridgewood Rochester Ltd v Secretary of State for Communities and Local Government** [2008] EWHC 405 (Admin). Failure of decision maker to mention planning policy.

- **Doherty v First Secretary of State** [2003] EWHC 2117 (Admin) Caravan sites; Green belt; Gypsies; Planning permission; Planning policy guidance; Schools.

- **Surrey Heath BC v Department of Transport, Local Government and the Regions** [2002]

- Planning inquiry into appeal by Winchester Marine Limited against the decision of West Lindsay District Council to issue an enforcement notice relating to unauthorised storage on land at the former RAF Binbrook (used as location for Film *Memphis Belle*) now known as Binbrook Technical Park situated in Area of Outstanding Natural Beauty. Acted for Winchester Marine in successful appeal. Ref APP/N2535/C/08/2085832 (2009)
- Bliss Gravel (2008) planning call-in inquiry into major executive residential housing as very special circumstances for inappropriate development in the green belt
- *ISKON* v *Hertsmere* - appeared for the local planning authority at public inquiry successfully defeating proposal for what the *Bucks Free Press* described as "a massive cow shed" in the green belt. The buildings would have housed 44 sacred cows in the grounds of the Hare Krishna (or ISKON) Bhaktivedanta Manor in Aldenham. The Manor was purchased by former Beatle, George Harrison in 1973 who then gave it to ISKON.

**Material Change of Use and Operational Development**

- *Stilwell v First Secretary of State* [2003] EWHC 2854 (Admin); Change of use; Nursing homes; Planning permission; Use classes order.
- Planning inquiry into appeal by British Railways Residuary Body concerning demolition of Horspath, Oxfordshire and meaning of engineering operation. Acted for South Oxfordshire DC in successfully resisting appeal.

**Section 106 Obligations**


**Trees**

- *Wilkson Properties Ltd v Royal Borough of Kensington and Chelsea* [2010] EWHC 3274 (QB) Gregory acted for the successful claimant property company owned premises at which a London Plane tree was growing. Under the Council's procedures, TPOs were issued in the first instance by the Council's arboricultural officer and were then confirmed by the elected members after the subject of the order had had an opportunity to raise objections. The Council had served a TPO on the claimant in respect of the tree, and the members voted to confirm it at a meeting of its Planning Applications Committee. At the meeting, the arboricultural officer was promoting the order and the claimant was
objecting to it. The committee chairman announced that he had visited the site with the
arboricultural officer (but not with representatives of the claimant) prior to the meeting.
Deputy High Court Judge Fraser held that objections had to be considered in an ‘open
and even-handed manner’ (at [78]). The confirmation of the TPO was quashed.

*Motor Sports etc*

- BBC TOP GEAR: Successfully acted at public inquiry for the owners of Dunsfold Airfield
  where BBC Top Gear filmed in obtaining relaxation of filming conditions in respect of car
  and aeroplanes at the site. For further motor sports nuisance cases see "Environment"
  section.

*Outdoor Advertisements*

Gregory is regularly invited to address the Association of Outdoor Advertisers and has
appeared in numerous advertisement appeal hearings and criminal prosecutions before the
Magistrates' and Crown Courts.

- *London and Bath Estates v Secretary of State for Communities and Local Government*
- *R (on the application of Blow Up Media UK Ltd) v Lambeth LBC* [2008] EWHC 1912
  (Admin); [2009] 1 P. & C.R. 10. Advertisement control; Delegation; Enforcement; Local
  authorities’ powers and duties; Local government officers; Proportionality; Protection of
  property; Sub-delegation.
  Judicial review of local authority decision to issue section 11 notice under London Local
  Authorities Act.
- *JC Decaux Ltd v Secretary of State for the Environment, Transport and the Regions*
  Planning inspectors; Reasons; Regional planning guidance.
  decision flawed as it focused on the reasonableness of the steps taken to clean the
  advertisement, rather than the requirement that the advertisement be clean to the
  satisfaction of the local planning authority (see Sch. 1 Para. 1 of the 1992 Regulations).
  162 J.P.N. 685. Advertisements; continued display pending appeal against conviction
  under Town and Country Planning Act 1990 s.224(3); whether appeal precluded
  conviction for continuing offence.
  without consent; burden of proof.

*Planning Judicial Reviews before the Court of Appeal (Northern Ireland)*

  planning permission granted for residential development at Dundonald, Belfast.
- *Re Seaport Investments Limited application* (Seaport No 1). Judicial review challenge on
  the compatibility of Northern Ireland town and country plan making system with the
  Strategic Environmental Assessment (SEA) Directive questions referred in 2009 by
  Court of Appeal to the European Court of Justice (final outcome awaited).
Planning Judicial Reviews before the High Court (Northern Ireland)

- **Re House of Fraser application** [2010] NIQB 105 challenge to lawfulness of minister's refusal to require further environmental information under the EIA regulations in respect of proposed Sprucefield retail development and challenge based on appearance of bias. http://www.courtsni.gov.uk/NI/rdonlyres/2CD1DF16-2CF3-4D4A-AA1E-410D9BD00037/0/j_j_GIR7962Final.htm


- **Re Seaport Investments Limited application** (Seaport No 1) [2007] NIQB 62; [2008] Env. L.R. 23 (re Judicial review challenge to compatibility of Northern Ireland town and country plan making system with the Strategic Environmental Assessment (SEA) Directive) and whether environmental report accompanying draft plan complied with SEA (Northern Ireland) Regulations 2004.

- **Re Seaport (NI) Limited application (Seaport No 2)** Judicial review challenge as to whether open to the Department for the Environment to declare it "non feasible" for development plan to comply with SEA Directive high court (Weatherup J) referred series of question to the European Court of Justice (ongoing).

- **Re Seaport (NI) Limited (Seaport No3)** (January 2009) (Weatherup J) judicial review challenge to decision by minister not to conjoin planning applications and require PAC hearing in respect of new tourist centre at the Giant's Causeway http://www.colerainetimess.co.uk/news/Sweeney-takes-Causeway-case-to.4869127.jp


- **Re Irwin Glenbank Limited** - application for judicial review challenging Craigavon Town Centre Boundaries and Retail Designations Plan 2010 (2008 No 7281/01) (judicial review of the decisions of the Department of the Environment (Northern Ireland) taken on the 30th June 2008 to adopt the Craigavon Town Centre Boundaries and Retail Designations Plan 2010).


- **Re Irwin Glenbank Limited** - application for judicial review challenging retail planning permission granted to Turkington (2009). Judicial review of decisions of the Department of the Environment taken on the 12th November 2008 to grant J. H. Turkington & Sons Limited planning permission for a superstore with associated car parking and petrol filling station.

Publications on Planning Include:


Lord Steyn [41], [44],[49],[53]) and also cited and approved by Sykes J at para 107 of The Northern Jamaica Conservation Association and others v The Nature Resources Conservation Authority and the National Environmental and Planning Agency (Claim HCV 3022 of 2005) per Sykes J.

- Jones & Meah: ?When is a house not a house?' S.J. 2003, 147(22), 642-644.