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Saira Kabir Sheikh QC

Practice Profile



QC 2014

Year of call 2000

Saira's practice covers all aspects of planning and environmental law, local government, highways, compulsory purchase, Transport and Works Orders and parliamentary. She also advises and acts in statutory nuisance matters and health and safety. She regularly appears in the Court of Appeal, High Court, Public Inquiries and the Crown and Magistrates Courts in a wide range of proceedings.

Testimonials

"She is outstanding. Approachable, great to work with, formidable advocate both in the High Court and public inquiry area." Legal 500, 2021

"She provides clear, incisive and strategic advice from the outset." Chambers and Partners, 2020

"Extremely sound tactically and a lawyer who possesses a rare combination of technical expertise and commercial astuteness." "She's very strong technically and gives solid, clear advice." Chambers and Partners 2018

She is personable, an innovative thinker and someone who is quick to grasp the fundamentals of the project." Chambers and Partners 2017

"She is a force to be reckoned with and a tough opponent." Chambers and Partners 2017

"Her skills as an advocate and the quality of her advice always inspire tremendous confidence and respect." Chambers and Partners 2016

"She has a manner that enables her to deliver hard messages very diplomatically." Chambers and Partners 2016

"She is a versatile all-rounder, perceived by clients as being highly approachable and user-friendly." Chambers and Partners, 2015

"A strong advocate with a great approach to client care, she also produces acutely incisive yet pragmatic opinions on deadline." Chambers and Partners 2015

"She is very friendly, to the point and highly expert in her field. She is also a terrific advocate." Chambers and Partners, 2014

"Her recent planning caseload has seen her promote several key matters in the transport sector, and appear in several High Court and Court of Appeal cases." Chambers and Partners 2014

"Wins acclaim for her extensive infrastructure practice, and for the high-quality advocacy and analysis that she brings to her work." Chambers and Partners 2014

"She is very friendly, to the point and highly expert in her field. She is also a terrific advocate." Chambers and Partners 2014

"Very impressive, very no-nonsense and focused on the particular issue at hand." Chambers and Partners 2013

She was named "Young Lawyer of the Year" by the Association of Muslim Lawyers, 2007

Experience

PLANNING

Saira's practice covers all aspects of planning and environmental law, local government, highways, compulsory purchase, Transport and Works Orders, parliamentary and a full range of planning and related work.

She appears regularly in the Court of Appeal, High Court, public inquiries and Crown and Magistrates' courts in a wide range of proceedings.

Recent Cases of Note, Court of Appeal

- *King's Lynn and West Norfolk Council v Michelle Paula Bunning* [2016] EWCA Civ 1037
- *Kestral Hydro v SSCLG and Spelthorne Borough Council* [2016] EWCA Civ 784
- *R. (on the application of Luton Borough Council) v Central Bedfordshire Council* [2015] EWCA Civ 537
- *Lord Justice Longmore and Lord Justice Richards v Lady Justice Gloster* [2015] EWCA Civ 481
- *Peel Land and Property Investments PLC v Hyndburn Borough Council* [2013] EWCA Civ 1680
- *Wokingham Borough Council v Oxford Diocesan Board of Finance* [2013] EWCA Civ 1718
- *Westminster City Council v Davenport* Court of Appeal (Civil Division) [2011] EWCA Civ 458
- *Doran v Secretary of State for Communities and Local Government* Court of Appeal (Civil Division), [2011] EWCA Civ 1798
- *Ilyas v Aylesbury Vale DC* Court of Appeal (Civil Division), [2011] EWCA Civ 1377
- *Brent v Secretary of State and Ashiur Centre Ltd* [CA]
Decision of the Court of Appeal upholding an order of the High Court striking out a section 288 challenge to the grant of a Certificate of Lawfulness for a major leisure and retail centre in the London Borough of Brent
- *O'Brien and others v South Cambridgeshire District Council* [CA]

Important decision relating to the issue of whether alternative sites should be provided outside the development plan process before seeking injunctive action. Also addresses duties under the Race Relations Act in respect of enforcement of planning control and gypsies and travellers.

- *Wychavon District Council v. Rafferty and Others (CA) [2006] EWCA Civ 628* - injunction/committal proceedings relating to gypsies
- *Burkett (R on the application of) v. London Borough of Hammersmith & Fulham [2004] EWCA Civ 105* - challenge to the contents of the environmental statement

Recent Cases of Note, High Court

- *Doncaster Metropolitan Borough Council v SSCLG [2016] EWHC 2876* (Admin)
- *R. (on the application of Elizabeth Jane Wilkinson) v South Devon Rural Housing Association Limited [2016] EWHC 1860* (Admin)
- *Anthony Durant and Horace Durant v SSCLG and Doncaster Metropolitan Borough Council [2016] EWHC 321* (Admin)
- *South Cambridgeshire District Council v Fleet Sother Cooke and Administrators of the Estate of Freda Cook [2015] EWHC 3538* (QB)
- *Edward Ware v John McAllister [2015] EWHC 3086* (QB)
- *R.(on the application of Central Bedfordshire Council) v SSCLG and The Planning Inspectorate [2015] EWHC 2167* (Admin)
- *R.(on the application of Kestrel Hydro) v SSCLG [2015] EWHC 1654* (Admin)
- *Fuller v SSCLG [2015] EWHC 142* (Admin)
- *Gladman Development Limited v Wokingham Borough Council [2014] EWHC 2320* (Admin)
- *R. (on the application of Luton Borough Council) v Central Bedfordshire Council [2014] EWHC 4325* (Admin)
- *R. (on the application of Hulme) v West Devon Borough Council [2014] EWHC 3937* (Admin)
- *The Lord Mayor and Citizens of City of Westminster v SSCLG [2014] EWHC 1234* (admin)
- *R. (on the application of Khan) v London Borough of Sutton [2014] EWHC 3663* (Admin)
- *R. (on the application of Westminster Council) v SSCLG [2014] EWHC 1248* (Admin)
- *Mr Felix Cash v Wokingham Borough Council [2014] EWHC 3748* (Admin)
- *R. (on the application of Trashorfield Limited) v Bristol City Council [2014] EWHC 757* (Admin)
- *Bishop's Stortford Civic Federation v East Hertfordshire District Council [2014] EWHC 348* (Admin)
- *R. (on the application of Royal London Mutual Insurance Society Limited v SSCLG [2013] EWHC 3597* (Admin)
- *R. (on the application of Mr William Corbett) v Cornwall Council [2013] EWHC 3958* (Admin)
- *Marshall Street Regeneration Limited v Westminster City Council [2013] EWHC 2764* (Admin)
- *Doncaster Metropolitan Borough Council v Winstanley and Others [2013] EWHC 2957* (QB)
- *Oxford Diocesan Board of Finance v SSCLG and Wokingham Borough Council*

[2013] EWHC 802 (Admin)

- *Doncaster Metropolitan Borough Council v AC and others* [2013] EWHC 0045 (QB)
- *Westminster City Council v SSCGL and Mr Julian Cordani* [2013] EWHC 23 (Admin)
- *The Lord Mayor and the Citizens of Westminster v Addbins Ltd, Addison Lee PIC and John Griffin* [2012] EWHC 37169 (QB). Committal proceedings relating to the breach of an injunction requiring Addison Lee advertisements on cigarette bins to be removed. All three defendants found guilty of contempt of the Order (acting for Westminster City Council).
- *R. (on the application of Peel Land and Property Investments Plc) v Hyndburn BC* [2011] EWHC 2959 (Admin)
- *R. (on the application of Patmore) v Brentwood BC* Queen's Bench Division (Administrative Court), [2012] EWHC 1244 (Admin)
- *Threadneedle Property Investments Ltd v Southwark LBC* [2012] EWHC 2959 (Admin)
- *Aylesbury Vale DC v Secretary of State for Communities and Local Government* [2012] EWHC 993 (Admin); [2012] J.P.L. 1254
- *Coln Park LLP v Secretary of State for Communities and Local Government* [2011] EWHC 2282 (Admin)
- *R. (on the application of Kelly) v Dorset CC* [2011] EWHC 187 (Admin)
- *Sevenoaks DC v Harber* [2008] EWHC
Appeal by way of stated upholding the Council's claim that the magistrates had misapplied the defence to a breach of an enforcement notice under section 179 of the Town and Country Planning Act 1990
- *South Cambridgeshire District Council v Gammell and others* [2007] - injunction proceedings
- *David Wilson Homes v Mid Bedfordshire District Council* [2007] Challenge to Local Plan
- *Huntingdonshire District Council v Gaskin and others* [2007] injunction and committal proceedings
- *Ewing v. First Secretary of State and the Royal British Legion* [2006] 1 WLR 1260 - upholding a costs award against a "non party" to judicial review proceedings. Quoted in the White Book under part 54
- *Wycombe District Council v. Jesse Wells* [2005] JPL 1640 - appeal by way of case stated considering the ambit of the defence under section 179 of the Town and Country Planning Act 1990
- *Wycombe District Council v. First Secretary of State and Bellway Homes* - challenging an inspector's interpretation of local plan policy
- *Richards (R on the application of) v. South Bucks District Council* - involving a challenge to the Council's procedure in relation to the permitted development rights for mobile phone mast operators
- *Doherty v. DEFRA and Bedfordshire County Council* - a challenge to a footpath diversion order
- *Fox v. First Secretary of State and another* [2003] EWHC 887 Admin - section 289 appeal raising issues related to the "keeping of horses"

Injunctions Proceedings

- *West Lindsey District Council v Prince and other* - preventing siting of caravans in Town Hall car park and other land

- *East Herts District Council v Daniel Chambers* - injunctive proceedings to prevent disruptive individual attending Council offices without permission
- *South Cambridgeshire District Council v Garner and other* - pre-emptive injunction over wide area of land in Willingham, South Cambridgeshire
- *Thurrock District Council v. Remblances* - injunctive proceedings against travelling showpersons
- *Thurrock District Council v. Second Thames Land Ltd and Others* - injunctive proceedings against unauthorised woodpile
- *Werbinski and another v. Chiltern District Council* - acting for the Council defending proceedings for an injunction in respect of direct action taken by the Council
- *Hart District Council v. Thomas* - injunctive proceedings against unauthorised statutory of caravans for residential purposes.

Major Public Inquiries

- Victoria Station upgrade inquiry - Acting for Land Securities
- Fishguard to Bangor Bypass, Porthmadog inquiry - Acting for Network Rail
- Local Development Framework - she acted for South Cambridgeshire in one of the first examinations into the LDF under the new Planning and Compulsory Purchase Act 2004 successfully promoting several Development Plan Documents including the Area Action Plan for the new town of Northstowe.
- Luton - Dunstable Guided Bus Transport and Works Order - she has recently promoted the Luton - Dunstable Translink Order for a guided busway on behalf of Luton Borough Council
- She promoted the Oxford Local Plan as junior counsel and has promoted the Babergh Local Plan.

Other Recent Inquiry Work

- Bishop Stortford Schools and housing development appeals (6 interlinked appeals before Secretary of State)
- Shinfield Glebe housing appeal, Wokingham
- Esbies Estate appeals, Herfordshire
- Thurrock Thames Gateway appeals (appeals relating to lorry parking and associated development)
- Newcross and Broadway inquiry - Teignbridge - major housing and regeneration development
- Land at Minety, major gypsy and traveller development site
- Former Twyford Tip inquiry development involving the removal of tipped spoil and erection of a major centre comprising hotel, television centre, social, community and leisure facilities (including open space and canal footbridge) with service roads and car parking.
- Robbs Nurseries - development of site to permit waste crushing and recycling activities on green belt
- Tom Jones Boatyard - Marina development on green belt
- Norstead Manor Farm - development for storage of holiday caravans
- Lauderdale Garages, Maida Vale - appeal against refusal for residential development acting for Westminster City Council. The issues included daylight, sunlight concerns, design and matters pertaining to trees and carparking

- Spade Oak - appeal against an enforcement notice concerning extension of residential cartilage into meadow
- Totterhoe Lime Works and Stone Company - redevelopment and closure of limeworks for erection of 40 dwellings and proposed open space area
- Appeal against gypsy encampment in South Cambridgeshire
- Sackville Street, re: Austin Reed premises in Westminster - temporary sleeping accommodation
- Croydon Gateway Inquiry - where she acted as junior counsel for the developer. This was a call-in against refusal by Croydon Borough Council to allow a scheme involving a major regeneration of land adjoining East Croydon Station
- Appeal against enforcement proceedings concerning temporary sleeping accommodation

Numerous other Section 78 appeals, Lawful Development Certificate Appeals and Enforcement Appeals covering a wide range of issues including those relating to retail, residential, waste, environmental impact assessments, gypsy and travellers, listed buildings, conservation, trees and advertisements. She also acts for third parties such as Parish Councils

Crown Court and Magistrates Proceedings

- Prosecuting and defending for breaches of enforcement notices relating to unauthorized haulage and storage use or agricultural land, forestry activities, listed buildings and stop notices in respect of residential development and (s) 215 notices
- Statutory nuisance appeals relating to motocross, noise, smell, dangerous structures etc.
- Acting in matters pertaining to unauthorized advertisements
- Prosecuting for health and safety breaches including recent successful prosecution against Jewsons

INFRASTRUCTURE

Saira has acted and advised in relation to a number of infrastructure projects including:

- Network Rail (North Doncaster Chord) Order 2012 - Development Consent Order - acting for Network Rail
- Crossrail (Kensal Green) Order 2012 under the Transport and Works Act 1992 - promoting the Order on behalf of Crossrail Ltd
- Metrolink Second City Crossing Order - acting for Transport for Greater Manchester
- Victoria Station Upgrade - major regeneration of Victoria Station (acting for Land Securities)
- Fishguard to Bangor Bypass inquiry - acting for Network Rail
- Crossrail - Acting for major petitioner, Network Rail in both the House of Commons and the House of Lords
- Luton to Dunstable Guided Busway - promoting the Transport and Works Order

ENVIRONMENT

Saira acts regularly in respect of a wide range of environmental law matter. She also appears both prosecuting and defending environmental offences.

She has wide experience of matters relating to statutory nuisance.

She recently acted in an appeal against the issue of an abatement notice relating to Motocross in the open countryside. She has defended Thames Water in respect of prosecutions for breaches of terms of consent.

She also advises and acts in respect of flooding and contaminated land issues

Recent cases include:

- Coln Park holiday homes development (flooding and Environmental Agency issues)
- Aldi appeal against decision of Oxford City Council (flooding and Environmental Agency issues)
- Asian Sky major retail and leisure development (contaminated land)
- Sandford Farm appeal (contaminated land and housing issues)
- *Burkett (R on the application of) v. London Borough of Hammersmith & Fulham [2004] EWCA Civ 105* challenge to the contents of the environmental statement

LAND VALUATION

Saira's practice includes experience in matters relating to land valuation and compensation. Recent work involving land valuation and compensation includes

- Victoria Station upgrade inquiry
- Luton Dunstable Guided Busway

ADMINISTRATIVE AND PUBLIC LAW

Saira's practice covers a wide range of public law work. She appears regularly in the Court of Appeal and High Court.

She has wide experience in Statutory Review and Judicial Review in respect of planning challenges, Local Government issues, Human Rights, European Union, Parliamentary, Public Procurement and Education

Recent cases Court of Appeal:

- *Westminster City Council v Davenport* Court of Appeal (Civil Division) [2011] EWCA Civ 458
- *Doran v Secretary of State for Communities and Local Government* Court of Appeal (Civil Division), [2011] EWCA Civ 1798
- *Ilyas v Aylesbury Vale DC* Court of Appeal (Civil Division), [2011] EWCA Civ 1377
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decision relating to the issue of whether alternative sites should be provided outside the development plan process before seeking injunctive action. Also addresses duties under the Race Relations Act in respect of enforcement of planning control and gypsies and travellers.

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- *Threadneedle Property Investments Ltd v Southwark LBC [2012] EWHC 2959 (Admin)*
- *Aylesbury Vale DC v Secretary of State for Communities and Local Government [2012] EWHC 993 (Admin); [2012] J.P.L. 1254*
- *Coln Park LLP v Secretary of State for Communities and Local Government [2011] EWHC 2282 (Admin)*
- *R. (on the application of Kelly) v Dorset CC [2011] EWHC 187 (Admin)*
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- *Ewing v. First Secretary of State and the Royal British Legion [2006] 1 WLR 1260* - upholding a costs award against a "non party" to judicial review proceedings. Quoted in the White Book under part 54 Judicial Review and Statutory Review
- *Wycombe District Council v. Jesse Wells [2005] JPL 1640* - appeal by way of case stated considering the ambit of the defence under section 179 of the Town and Country Planning Act 1990
challenge to the contents of the environmental statement
- *Wycombe District Council v. First Secretary of State and Bellway Homes* - challenging an inspector's interpretation of local plan policy
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- *Doherty v. DEFRA and Bedfordshire County Council* - a challenge to a footpath diversion order
- *Fox v. First Secretary of State and another [2003] EWHC 887 Admin* - section 289 appeal raising issues related to the "keeping of horses"

PARLIAMENTARY

- Special Parliamentary Procedure - Acting for petitioners in respect of the Rookery South (Resource Recovery Facility) Order 2011
- Crossrail Petition acting for Network Rail - appeared as junior counsel before both the House of Commons and House of Lords Committees

REGULATORY

Saira undertakes a range of regulatory work including health and safety and ASBOs.

SPECIALIST AREAS

- Parliamentary
- Footpaths
- Public procurement
- Restrictive covenants

LICENSING

Saira has a wide experience of appearing in licensing related matters. Recent work includes resisting a variation to Hammersmith Apollo licence.

Recent court work includes:

- *Hammersmith and Fulham v Food City Express*
Case addressing the ambit of the magistrate's court to remit matters back to the licensing committee.
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Publications

- 'ECJ Ruling Causes Havoc' 2006 Property Law Journal
 - 'The 10 Year Rule and the Greater London Council (General Powers) Act 1973; The Fairstate Decision' [2005] JPL 1547
 - 'Standing and Fundamental Rights: A South Asian Perspective' [2002] JR 17
-

Qualifications & Appointments

- BA, LLB (Punjab), LLM (Lon) specialising in corporate and commercial law, LLM, (Lewis & Clark, USA) specialising in environmental law and policy
- Britannia Chevening Scholar
- Fulbright Scholar

- Editor of Planning Appeal Decisions
- Appointed by the Legal Services Commission to represent asylum seekers at the appellate level in 2003-2004
- Member of PEBA and ALBA
- Has full rights of audience to practice in the High Court of Pakistan
- Speaks Urdu and basic French

Privacy Notice
