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Annabel Graham Paul

Practice Profile



Year of call 2008

Annabel has acted in a number of leading judicial reviews and planning inquiries of national significance. Clients include major developers and landowners, the UK and Welsh Governments, local authorities, statutory bodies, and individuals.

Annabel is consistently ranked for planning and licensing law in the leading independent directories, Chambers and Partners and Legal 500. She is described as "very commercial", "able to take on a lot of information and extract the key points", "well reasoned and clear", "very useful and also very quick", able to "turn things around quickly" and as having "a very sharp legal mind" and being "a real asset to her chambers".

Other comments include: "She is not afraid to roll her sleeves up and get stuck in. She is very approachable, good to work alongside and is well liked by clients" and "She works incredibly hard, and you can go to her and she will quickly and without pretence give you a view. She's never uncomfortable if put on the spot."

Chambers and Partners 2019 states: "She was really clear, helpful and able to turn work around quickly." "She's a rising star. She rolls her sleeves up and gets on with it, is very user-friendly and offers good value for money."

Legal 500 2018 states: "She is excellent, practical and a pleasure to work with."

Before becoming a barrister, Annabel read Music at Jesus College Oxford, graduating with a

First, and worked for the Orchestra of the Age of Enlightenment and the London Sinfonietta. She was appointed a Board Member of the London Sinfonietta in 2017.

Annabel lives in Carmarthenshire in South West Wales and has particular experience of Welsh devolved public law and the planning system in Wales. She is a Councillor of Llandovery Town Council and Mayor for 2018-2019. She is also a Trustee of Prime Cymru, The Prince of Wales' charity for mature enterprise in Wales.

Testimonials

"A young barrister with a very clear mind, who is analytical." "She's very thorough and clever, and a real asset to her Chambers." Chambers and Partners, 2018

"She is not afraid to roll her sleeves up and get stuck in. She is very approachable, good to work alongside and is well liked by clients" and "She works incredibly hard, and you can go to her and she will quickly and without pretence give you a view. She's never uncomfortable if put on the spot." Chambers and Partners, 2017

"A real asset to Chambers." Legal 500, 2017

"She is very commercial and she can take on a lot of information and extract the key points." Chambers and Partners, 2016

"Her advice is well reasoned and clear, and comes with a solid plan of action. She is very useful and also very quick - she will turn things around quickly and appreciates when urgency is needed." Chambers and Partners, 2015

"She has a very sharp legal mind." The Legal 500, 2014

Experience

Public & Administrative Law
Transport, Infrastructure & Compulsory Purchase
Residential, Retail, Commercial and Community

Plan-Making
Planning Enforcement & Advertising
Licensing
Rural Affairs & Commons and Greens
Other areas

Public & Administrative Law

Annabel has appeared in a number of landmark judicial reviews which have developed the law. She acts for Claimants and Defendants and is a member of the Attorney General's Regional Panel of Counsel for Wales. She is described in Chambers and Partners 2018 (Planning & Environment) as being: "A young barrister with a very clear mind, who is analytical." "She's very thorough and clever, and a real asset to her chambers." Legal 500 describes her as having "a very sharp legal mind".

Reported cases include:

- **R (Deep Banghard) v Bedford BC** [2017] EWHC 2391 (Admin) (Enforcement Notices, scope of s. 70C Town and Country Planning Act 1990)
- **R (Mansell) v Tonbridge and Malling BC** [2016] EWHC 2832 (Admin); [2017] EWCA Civ 1314 (interpretation of Permitted Development rights, 'fallback', and NPPF presumption in favour of sustainable development)
- **Powys CC v Price** [2016] EWHC 2596; [2017] EWCA Civ 1133 (contaminated land, local government reorganization)
- **R (Tate) v Northumberland CC** [2017] EWHC 664 (Admin) (meaning of 'village', infilling, reasons)
- **R (Wilkinson) v South Hams DC** [2016] EWHC 1860 (Admin) (open space policy, Habitats Directive)
- **R (Forster) v SSCLG** [2015] EWHC 2367 (Admin); [2016] EWCA Civ 609 (grassroots music venues, relationship between planning and licensing regimes)
- **Tanna v Richmond LBC** [2016] EWHC 1268 (Admin) (deliberate concealment, Planning Enforcement Order)
- **R (Jedwell) v Denbighshire CC** [2016] Env LR 24 (Environmental Impact Assessments, cross examination in judicial review, reasons)
- **R (Jedwell) v Denbighshire CC** [2015] Env LR D2; [2016] Env LR 17 (CA) (Environmental Impact Assessment screening opinion validity)
- **R (Calverton Parish Council) v Nottingham City Council** [2015] EWHC 1078 (Admin) (Strategic Environmental Impact Assessment, Green Belt)
- **Nottingham City Council v Calverton Parish Council** [2015] PTSR 1130 (time limits for filing claims)
- **R (Davies) v Carmarthenshire CC** [2015] Env LR 29 (Environmental Impact Assessment, the "Dylan Thomas wind turbine" case)
- **R (Wingrove) v Stratford on Avon DC** [2015] PTSR 708 (Enforcement Notices, s. 70C Town and Country Planning Act 1990)
- **R (Savage) v Mansfield DC** [2015] EWCA Civ 4 (Special Protection Areas, Natural England, s. 106 agreements)

- **R (Vicente) v SSCLG** [2015] PTSR D9 (CA) (procedural irregularity in planning hearing)
- **R (Botley Parish Action Group) v Eastleigh BC** [2014] EWHC 4388 (Admin) (alternative sites for residential development, Protective Costs Orders)
- **R (McClellan) v Lambeth LBC** [2014] EWHC 1964 (Admin) (Conservation areas, trees)
- **R (Wakil (t/a Orya Textiles)) v Hammersmith and Fulham LBC** [2013] Env LR 3; [2014] Env LR 14 (CA) (Strategic Environmental Assessment, Supplementary Planning Documents, Equalities Duties)
- **R (San Vicente) v SSCLG** [2012] EWHC (Admin); [2013] EWHC 2713 (Admin); [2014] 1 WLR 966 (CA) (principles on amending grounds after deadline)
- **R (Agarwal) v University of Nottingham** [2013] EWHC 1015 (Admin) (fitness to practice, professional regulation, striking off)
- **Reepan & Sons v Bromley LBC** [2013] EWHC 4392 (Ch) (village greens, summary judgment, fairness)
- **R (Elliott) v SSCLG** [2013] Env LR 5 (Habitats Directive, parks, s. 106 agreements)
- **R (Bowen West) v SSCLG** [2012] Env LR 22 (Environmental Impact Assessment, radioactive waste)
- **R (Sandhar) v Office of the Independent Adjudicator** [2011] EWCA Civ 1614 (higher education)
- **R (Budd) v Office of the Independent Adjudicator** [2010] ELR 579 (higher education)
- **R (Dullingham Parish Council) v East Cambridgeshire DC** [2010] EWHC 1307 (Admin) (Protective Costs Orders)

Transport, Infrastructure & Compulsory Purchase

Annabel has experience of major infrastructure through the DCO, Transport & Works Act and Parliamentary Bill procedures, as well compulsory purchase in an advisory, inquiry and land valuation context.

She enjoys being part of a team and is described in Chambers and Partners 2017 as: "not afraid to roll her sleeves up and get stuck in. She is very approachable, good to work alongside and is well liked by clients".

Transport & Infrastructure Experience:

- M4 Corridor around Newport (acting for Associated British Ports, with Andrew Tait QC)
- High Speed 2 (appeared on five occasions before the Parliamentary Select Committee)
- Brechfa Forest Connection Project DCO (advised the council, with Morag Ellis QC)
- Bristol Rapid Transit Bus Transport & Works Act Order (acted for the promoter, with Robin Purchas QC, resulting in the Secretary of State making the Order)
- Linton Wind Farm (successfully acted for a major landowner resulting in the scheme being dismissed due to the impact on bats) (Annabel has a particular interest in acoustics stemming from her academic background in music and is the author of the often cited ?Noise from Wind Turbines and ETSU-R-97?, J.P.L. 2013, 3, 271-276)

- Carmarthen West Link Road (acting for two landowners)

Compulsory Purchase Experience:

- Shepherds Bush Market CPO (acted for a group of shopkeepers at inquiry, with Gregory Jones QC; the Inspector recommended that the CPO was not confirmed)
- Croydon Whitgift Centre CPO (acted for NatWest at inquiry resulting in successful negotiations with the promoter)
- Wrexham Industrial Estate Access Road (acting for the council in Upper Tribunal (Lands Chamber))
- Crossrail compensation (acted for Eurofoods in Upper Tribunal (Lands Chamber) proceedings)
- HS2 compensation (advising on various blight notice proceedings) (and author of 'Full Speed Ahead?' (on HS2 and statutory blight provisions) in Estates Gazette 2014, 1433, 44-46 (with Craig Howell Williams QC))

Residential, Retail, Commercial and Community

Annabel has acted with leading architects, urban designers and associated professionals.

She is described in Chambers and Partners as "very commercial" and "able to take on a lot of information and extract the key points". She understands the current issues surrounding housing land supply, heritage and Green Belt and is a tenacious cross-examiner at inquiry.

Experience includes:

- Guildford Station redevelopment (mixed use development including a new station designed by Rolfe Judd, acted for the council, with Morag Ellis QC)
- Creekside Village East, Deptford (mixed use development next to Trinity Laban School of Dance designed by Squire & Co., successfully acted for the council)
- Hampton Fields, Aylesbury (3,000 house urban extension, acted for Taylor Wimpey, with Robin Purchas QC)
- Brighton Marina (mixed use development designed by Allies & Morrison, acted for the developer, with Keith Lindblom QC (as he then was))
- South Warwickshire NHS Trust - appeared at numerous housing inquiries pioneering the requirement for s. 106 contributions towards hospital running costs
- Annabel has also appeared in a number of smaller schemes involving loss of employment land, sustainability issues, Green Belt and heritage

Annabel regularly advises on Assets of Community Value, permitted development rights, CIL and s. 106 contributions, as well as legal issues relating to conditions, and a number of her High Court cases have related to such (e.g. *Savage v Mansfield DC*, *Elliott v SSCLG*, *Mansell v Tonbridge and Malling DC*). She is the author of 'The Community Infrastructure Levy: How it will Operate in Practice' J.P.L. 2009, 1267-1282.

Plan-Making

Annabel also has experience of housing need and demographic / economic projects in

the context of development plan examinations neighbourhood plans. Experience includes:

- Successfully halted the Vale of Aylesbury Plan at a preliminary examination session on behalf of Taylor Wimpey on account of a failure to comply with the 'duty to co-operate'
- Acted for a landowner at the examination of the Sevenoaks ADMP resulting in main modifications being made on housing numbers in light of *Hunston Properties*
- Objected to a gypsy / traveller allocation in the Newport LDP in the vicinity of a major strategic allocation on behalf of owners / developers of the site resulting in withdrawal of the allocation. Issues included Welsh planning policy for gypsies and travellers and SEA
- Successfully quashed the Hammersmith & Fulham's Supplementary Planning Document for Shepherds Bush Market (see *R (Wakil (t/a Orya Textiles)) v Hammersmith & Fulham LBC*)
- Successfully acted for three local authorities in resisting a challenge to their adoption of the Greater Nottingham Aligned Core Strategies (see *Calverton PC v Nottingham City Council*. Issues included Hunston Properties housing numbers, Green Belt and SEA
- Advised a number of local authorities on the soundness and procedural issues arising from Local and Neighbourhood Plan preparation

Chambers and Partners 2017 notes that she is someone who: "works incredibly hard, and you can go to her and she will quickly and without pretence give you a view. She's never uncomfortable if put on the spot".

Planning Enforcement & Advertising

Annabel has a particular interest and specialist knowledge of planning enforcement and lawfulness. She is the author of 'The 10 Year Rule and Breaches of Condition: A Critique of *Ellis v. SSCLG and Chiltern DC*' [2010] J.P.L. 157 - 167, which is cited in *Planning Law Practice and Precedents* (Sweet & Maxwell).

Annabel is "very useful and also very quick - she will turn things around quickly and appreciates when urgency is needed" (Chambers and Partners).

Experience includes:

- Successfully acted for Hendrewennol, South Wales' largest PYO fruit farm, at a lengthy enforcement inquiry in which she also obtained full costs against the Council
- Successfully acted for LB Ealing in securing removal notices for prominent billboard advertisements on the A40 which had been erected consequent to alleged internal employee fraud
- Appeared in numerous enforcement inquiries concerning a multitude of scenarios from the mundane to the bizarre, and often involving complex legal argument, see e.g. *Goodwin v Wokingham Borough Council* [2013] P.A.D. 5.
- Applications for planning injunctions under s 187B of the Town and Country Planning Act 1990 as well as obtaining emergency out-of-hours injunctions via telephone hearings with the High Court, including in relation to gypsies and travellers

- Criminal prosecutions in the Magistrates' and Crown Court for planning and advertising offences, including in POCA proceedings, and civil actions for damages arising from planning acts e.g. unlawful direct action. Annabel is a contributing author to Phillips & Norris, *The Law of Regulatory Enforcement and Sanctions* (OUP)
- Obtained Planning Enforcement Orders in the Magistrates' Court (and Annabel successfully appeared in *Tanna v LB Richmond* on PEOs)
- Detailed knowledge of LPA use of s. 70C TCPA 1990 (Annabel successfully appeared in the two leading authorities on s. 70C: *Wingrove v Stratford on Avon* and *Deep Banghard v Bedford BC*)

Licensing

Annabel is ranked in Legal 500 (2017) as a Leading Junior in Licensing Law in which she is described as 'a real asset to Chambers'. Recent highlights include:

- Successful defence of review proceedings acting for Brighton's oldest gay pub, The Bulldog, before sub-committee and in the Magistrates' Court, allowing them to remain open to 4am following a spate of homophobic attacks and sex offences
- Acted for Westminster City Council in two reviews in relation to 'Aura' nightclub in Mayfair and 'Metra' nightclub in Leicester Square
- Appeared in a number of high profile cases for McDonalds e.g. in their Knightsbridge restaurant
- Experience of taxi licensing and related offences. Annabel secured a significant POCA confiscation order against the owner of a taxi company who was using unlicensed drivers, including his elderly mother, to carry out jobs such as school runs. The case was complicated by the fact that the Defendant was also a member of the council's own licensing committee
- Annabel is well placed to deal with cases where issues of planning and licensing overlap. Following a high-profile campaign supported by Kate Moss and Sir Ian McKellen amongst others, Annabel successfully acted for the owner of The George Tavern in Stepney, a public house and grassroots live music venue, in the Court of Appeal - see *Forster v SSCLG*, a case which considers the interrelationship between the planning and licensing regimes

Rural Affairs & Commons and Greens

Annabel has developed a substantial town and village green and rural affairs practice, including frequently acting as an Independent Inspector for registration authorities. She is a contributing author to the leading practitioner text in this area, 'Gadsden on Commons and Greens' (Sweet & Maxwell).

Annabel has acted as an Independent Inspector in the following TVG applications which, between them, have concerned all of the most familiar scenarios:

- Colston's Field, Bristol
- Abergele, Conwy
- Asker Lane Fields, Derbyshire

- Deal, Kent
- Goudhurst, Kent
- Eastville, Bristol
- Westgate-on-Sea, Kent
- Marden, Kent
- Laundry Fields, Bristol
- Henbury, Bristol
- Easter Garden, Clifton, Bristol
- Beckenham High Street, Bromley

She has also appeared for parties at TVG inquiries and in the High Court, and regularly advises in writing on the subject.

Her wider rural affairs practice includes advising on common land, highways and rights of way, Wildlife and Countryside Act 1981 offences, SSSIs, SACs and SPAs, and the 'right to roam'.

Other Areas

In addition, Annabel has experience of highways and real property, marine licensing, environmental law and statutory nuisance, ecclesiastical law, rating, regulatory prosecutions, education (recommended in this field by Legal 500) and professional regulation. Please contact her clerks, Harry Killick and Adam Collins, for details of her experience in these areas.

Qualifications

- Called: 2008 (Middle Temple)
 - MA (Oxon) (1st class)
 - GDL (City University)
 - BVC (BPP) (Outstanding)
 - Queen Mother's Scholarship, Middle Temple
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Publications

Books

- *Gadsden on Commons and Greens* (Sweet & Maxwell, 2nd edition, 2011), author of chapters on 'The Use and Development of Common Land', 'The Welsh Position' and co-author of the chapter on 'Registering New Greens'
- Phillips & Norris, *The Law of Regulatory Enforcement and Sanctions* (OUP, 2011)

(contributing author)

Journal Articles

- 'Protective Costs Orders in environmental cases' S.J. 2015, 159(3), 28
- 'Full Speed Ahead' (on HS2 and statutory blight provisions) E.G. 2014, 1433, 44-46
- 'Noise from Wind Turbines and ETSU-R-97', J.P.L. 2013, 3, 271-276
- 'Understanding the CPR' S.J. 2013, 157 (4), 21
- 'Is the promptitude requirement in judicial review proceedings compatible with EU law?', S.J. 2012, 156/19
- 'Local Government Decisions', S.J. 2011, 155
- 'The 10 Year Rule and Breaches of Condition: A Critique of *Ellis v. Secretary of State for Communities and Local Government and Chiltern DC*' J.P.L. 2010 157 - 167 (cited in *Planning Law Practice and Precedents* (Sweet & Maxwell, looseleaf) at [8.16B])
- Commentary on *Yetkin v. Newham London Borough Council*, R.W.L.R. 2010 135-138
- 'Infrastructure Planning Commission: challenge or opportunity' J.P.L. 2009, 13 Supp., 7-23 (assisted Robert McCracken QC)
- 'The Community Infrastructure Levy: How it will operate in practice' J.P.L. 2009, 1267 - 1282 (with Gregory Jones QC)

Annabel is also editor of FTB's Local Government Newsletter and speaks regularly at seminars both in Chambers and elsewhere.

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