

## JOHN HUNTER

Year of call: 2002

Clerked by: Gary Smith Mark Ronson

AREAS OF EXPERTISE:

Local Government Planning Environment



## Planning

John is recommended as a leading junior in planning law by Chambers and Partners and the Legal 500. He appears regularly in public inquiries, judicial reviews, statutory challenges, injunction proceedings and criminal prosecutions relating to planning matters.

He recently appeared before the Supreme Court in a case concerning the listed building regime (*Dill v Secretary of State for Housing, Communities and Local Government*) and is due to appear before the Court of Appeal in an appeal concerning housing land supply and the standard method (*R (Oxton Farm Ltd) v Harrogate BC*). He is also instructed in a number of other ongoing planning judicial reviews and statutory challenges.

### Significant Recent Appeals

- Seashell Trust, Stockport – appeal against the refusal of permission for 325 dwellings and replacement school/college campus buildings on land in the Green Belt. John appeared on behalf of the local planning authority. The Secretary of State’s decision is awaited.
- Preston West Distributor and East-West Link Road – public inquiry into compulsory purchase orders relating to £207m road scheme. John was led by Paul Tucker Q.C. on behalf of a number of commercial objectors whose objections were resolved by agreement.
- Land off Lambs Road, Thornton-Cleveleys – appeal against the refusal of outline permission for 66 dwellings and a convenience store. John appeared on behalf of the local planning authority which successfully resisted the appeal on the ground that there was no agreed masterplan for the site.
- Westfield Farm, Cloughton-on-Brock – appeal against the refusal of outline permission for a 200 dwelling retirement village outside the settlement boundary. John appeared on behalf of the local planning authority which successfully resisted the appeal.
- Land off Garstang Road, Cloughton-on-Brock – appeal against the refusal of permission for 40 new dwellings on land allocated for employment use in a recently adopted local plan. John appeared on behalf of the successful appellant.
- Land off Main Road, Goostrey – appeal against the refusal of permission for 119 dwellings on the basis of impacts on the Jodrell Bank radio telescope and a nearby listed building. John appeared on behalf of the local parish council which successfully supported the reasons for refusal.

### Significant reported court cases

*R (Tewkesbury BC) v Secretary of State for Communities, Housing and Local Government* [2019] EWHC 1775; [2019] PTSR 2144; [2020] JPL 62 – Judicial review; academic claims; housing land supply.

*R (Oxton Farm Ltd) v Harrogate Borough Council* [2019] EWHC 1370 (Admin) – residential development; out of date policies; housing land supply; presumption in favour of sustainable development.

*R (Preston) v Cumbria County Council and United Utilities* [2019] EWHC 1362 (Admin); [2020] Env LR 3 – wastewater treatment plants; environmental impact assessment; habitats regulations; screening opinions.

*Warwickshire Aviation Ltd v Littler Investments Ltd* [2019] EWHC 633 (Ch); [2019] L&TR 19; [2019] 2 P&CR DG10 – airfields; business tenancies; prospects of obtaining permission for demolition.

*Flintshire County Council v Jayes* [2018] EWCA Civ 1089; [2018] ELR 416 – gypsy caravan sites; article 8 ECHR; best interests of the children; sufficiency of information.

*R (Daniel Johns Manchester Ltd) v Manchester City Council* [2018] EWHC 464 (Admin) – judicial review of refusal to dispose of land.

*Dill v Secretary of State for Communities and Local Government* [2017] EWHC 2378 (Admin) – listed buildings; ornamental garden structures; enforcement notices; scope of grounds of appeal; invalidity.

*R (Housiaux) v Staffordshire Moorlands DC* [2017] EWHC 2157 (Admin) – holiday accommodation; leisure facilities; road traffic; irrationality; reasons.

*East Staffordshire Borough Council v. Secretary of State for Communities and Local*

Government and Barwood Land [2016] EWHC 2973 (Admin) – presumption in favour of sustainable development; NPPF para.14.

R (Piffs Elm) v. Tewkesbury Borough Council [2016] EWHC (Admin) – local government; refusal of planning permission; apparent bias; alternative remedies.

Suffolk Coastal District Council v. Hopkins Homes Limited; Cheshire East Borough v Secretary of State for Communities and Local Government [2016] EWCA Civ 168 – meaning of “policies for the supply of housing”; NPPF para.49.

Cheshire East BC v Secretary of State for Communities and Local Government and Renew Developments [2016] EWHC 571 (Admin); [2016] PTSR 1052 (Admin); [2016] JPL 909 – presumption in favour of sustainable development; NPPF para.14.

R (Jedwell) (No.2) v. Denbighshire County Council [2016] EWHC 458 (Admin); [2016] 2 CMLR 49; [2016] Env LR 24 – environmental impact assessment; cross-examination; reasons; discretion as to relief.

R (Noquet) v. Secretary of State for Communities and Local Government [2016] EWHC 209 (Admin) – certificates of lawful use or development; change of use; mixed use premises; pubs and bars.

R (Jedwell) v. Denbighshire County Council [2015] EWCA Civ 1232; [2016] Env LR 17; [2016] JPL 459; [2016] PTSR 715; [2014] EWHC 1633 (Admin); [2015] Env LR D2 – environmental impact assessment; cross-examination; duty to give reasons; discretion as to relief.

R (Robert Hitchins Ltd) v. Worcestershire County Council [2015] EWCA Civ 1060 – declarations; section 106 agreements; meaning of “implementation”.

R (Kelton) v. Wiltshire County Council [2015] EWHC 2853 (Admin) – local government; apparent bias; Habitats Directive; listed buildings.

R (Hubert) v. Camarthenshire County Council [2015] EWHC 2325 (Admin) – judicial review; wind energy; planning conditions; environmental impact assessment; biodiversity; interpretation of policy.

R (Williams) v. Secretary of State for Energy and Climate Change and RWE Power [2015] EWHC 1202 (Admin) – time limits; ouster; environmental impact assessment; Habitats Directive.

R. (Newhaven Port & Properties Ltd) v. East Sussex County Council [2015] UKSC 7; [2015] 2 WLR 601; [2013] 3 WLR 1389; [2013] 3 All ER 677; [2013] 2 P & CR 8; [2013] EWCA Civ 276 – local government; town and village greens; byelaws; statutory undertakers.

Lawson Builders Ltd v. Secretary of State for Communities and Local Government and City of Wakefield Council [2015] EWCA Civ 122; [2015] JPL 896; [2013] EWHC 3368 (Admin) – certificates of lawful use or development; implementation of permission; retrospective permission; magistrates’ courts.

R (Timmins & anor) v. Gedling Borough Council & anor [2015] EWCA Civ 10; [2015] PTSR 837; [2015] 2 P&CR 12; [2015] JPL 816 – judicial review; cemeteries; interpretation of policy; whether material changes of use inappropriate development in the Green Belt

(GRA Acquisition Ltd) v Oxford City Council [2015] EWHC 76 (Admin) – judicial review; conservation areas; ulterior purpose; irrationality.

IM Properties Ltd v Lichfield District Council [2015] EWHC 1982 (Admin) .interim applications; local plans.

(Redrow Homes North West Ltd) v. Knowsley Borough Council [2014] EWCA Civ 1433; [2015] 1 WLR 386; [2015] 2 All ER 228; [2015] RTR. 12; [2015] BLGR. 42; (2014) 158(43) SJLB 49 – judicial Review; highways; section 38 agreements.

Harrogate Borough Council v. Secretary of State for Communities and Local Government and another [2014] EWHC 1506 (Admin); [2014] JPL 1040 – statutory review; service of documents; extension of time; relief from sanctions in public law cases.

Winfield v. Secretary of State for Communities and Local Government [2013] 1 W.L.R. 948; [2012] EWCA Civ 1415; EWHC 469 (Admin) – advertisement control; deemed consent.

R (Hinds) v. Blackpool Borough Council [2012] EWCA Civ 466; [2011] EWHC 591 (Admin), [2012] JPL 1365 – judicial review; revocation of regional strategies; material considerations.

Compton v. Secretary of State for Communities and Local Government [2012] EWHC 351 (Admin) – statutory review; planning unit.

Isaq v. Secretary of State for Communities and Local Government [2011] EWHC 3052 (Admin) – Green Belt; listed buildings; enforcement.

Calderdale MBC v. Secretary of State for Communities and Local Government [2010] EWCA Civ 1268; [2011] 1 P&CR. 15; [2011] JPL 412 – s.38(6) PCPA 2004; presumption in favour of the development plan; reasons (High Court, Court of Appeal).

R (Elvington Park Ltd & Anor) v. York Crown Court [2011] EWHC 2213 (Admin) [2012] Env LR 10; [2011] LLR 833; [2012] JPL 173; [2011] ACD 121 – judicial review; appeal by case stated; statutory nuisance; fairness; article 6 ECHR.

R (Yorkcourt Properties Ltd) v. Wakefield Metropolitan District Council [2010] EWHC 2394 (Admin) – judicial review; conditions; uncertainty.

R (Samuel Smith Old Brewery (Tadcaster)) v. Secretary of State for Communities and Local Government and others [2009] EWCA Civ 333; [2009] JPL 1326 – judicial review; prospect of resumption of use; material considerations.

R (Lewis) v. Redcar and Cleveland Borough Council [2007] EWHC 3166 (Admin); [2008] JPL 1156; [2008] ACD 38 – judicial review; bias and pre-determination; Habitats Directive; appropriate assessment.

Nextdom (Bootle) Ltd v. Secretary of State for Communities and Local Government [2007] EWHC 3040 (Admin); [2008] J.P.L. 954 – compulsory purchase; human rights; fettering of discretion.

R (Younger Homes (Northern) Ltd) v. First Secretary of State [2003] EWHC 3058 (Admin); [2004] J.P.L. 950 - judicial review; environmental impact assessment; screening opinions.

## Profile

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John is recommended as a leading junior by Chambers and Partners and the Legal 500 in local government law, planning law and environmental law. He has appeared in a number of leading cases in these areas in the High Court, Court of Appeal and Supreme Court.

John is appointed to the Attorney General's A Panel of Regional Counsel.

Between 2004-2005 he was judicial assistant to Lord Nicholls and Lord Rodger in the House of Lords.

**Year of call:** 2002

## Areas of Expertise

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Environment

Local Government

Planning

## Memberships

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Planning and Environmental Law Bar Association

Administrative Law Bar Association

Northern Administrative Law Association

## Appointments

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Attorney General's Civil Panel

## Qualifications

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John attended secondary school and sixth form college in the north-east. He studied Philosophy and Spanish Literature (BA Hons First Class & Gibbs Prize - The Queen's College, Oxford University). He studied European Literature as a postgraduate (MSt. Distinction - The Queen's College Oxford University) before converting to law (CPE Commendation - Northumbria University). He studied for the bar in London (BVC Very Competent - Inns of Court School of Law) and was awarded a Sir Thomas More scholarship by Lincoln's Inn.

## Recommendations

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### Chambers & Partners 2021

"He's a seriously bright man - a real asset."

"He is responsive, always well prepared and provides very commercial advice."

"A very solid planning barrister." "He has a wealth of experience."

### Legal 500 2021

"John has a very intelligent and commercial approach and provides excellent strategic advice as a result. He is very approachable and is great at understanding client's needs and objectives. He is both respected and well-liked by clients and a pleasure to work with."

### Chambers & Partners

"One of the brightest men I know! He is really particular in his preparation and has a very detailed and careful presentation." (Chambers and Partners UK, 2020)

"A brilliant barrister - he is always very calm and has a very good manner with clients." (Chambers and Partners UK, 2020)

"He gives clear, definitive, invaluable advice." "He often sees points others haven't identified." (Chambers and Partners UK, 2020)

"He is extremely bright and very academic. His arguments are convincing and well structured." (Chambers and Partners UK, 2018)

"We have always found him to be helpful and proactive." "Extremely bright and very academic." (Chambers and Partners UK, 2018)

"He is extremely bright and very academic. His arguments are very convincing but also seem to be well structured. He presents very technical issues in a straightforward way. He is very persuasive and has boundless energy." (Chambers and Partners UK, 2018)

"He is very professional and his written work is very good. He understood and clarified our position perfectly and was able to summarise it in a really concise and clear manner that put our case across perfectly." "He is a very good advocate to work with, and has an incredibly good memory and a genuine interest and enthusiasm about the law and its detail." (Chambers and Partners UK, 2017)

"Very good advocate." "He is very, very straightforward. In terms of working with him, he is very reassuring. You know that he will support you." "Incredibly good memory and a genuine interest and enthusiasm about the law and its detail." (Chambers and Partners UK, 2017)

"He is always fully on board with us, is really quick-thinking and able to predict where a case is going." "The biggest benefit he brings is his ability to liaise with the client and understand what the client's requirements are." (Chambers and Partners UK, 2016)

"His advocacy in court is relaxed, but very effective. He asks pertinent questions that cut through any line of defence." "He is bright, intellectual and enthusiastic." "He's extremely bright, and when dealing with clients and solicitors he's always able to listen and then formulate the best possible case." "He provides clear and concise advice to clients, and he's very approachable." (Chambers and Partners UK, 2015)

"Recognised for his handling of appeals and challenges in a range of legal spheres including planning and environment, immigration law and prison law" (Chambers and Partners UK, 2014)

"Instructing solicitors report being 'absolutely delighted' with his performance, saying that 'he is very logical in the way he approaches a case, and he won't let go of points without a fight.'" (Chambers and Partners UK, 2013)

### Legal 500

'Great at understanding clients' needs and objectives.' (Legal 500, 2020)

'A highly intelligent barrister.' (Legal 500, 2018)

'He is great at tailoring his advice to meet client needs.' (Legal 500, 2018)

'He has an excellent courtroom presence.' (Legal 500, 2017)

"Academically and practically effective." (Legal 500, 2015)

"Modest and approachable." (Legal 500, 2014)

