

## KILLIAN GARVEY

Year of call: 2014

Clerked by: William Brown Gary Smith Mark Ronson

AREAS OF EXPERTISE:

Administrative & Public Law Environment Local Government  
Planning



## Environment

### Significant Recent Cases

#### Residential Development Inquiries

**Southbourne, Chichester** (Appeal Reference: APP/L3815/W/17/3173380) – Successfully acted for Beechcroft Land Ltd in this planning appeal, where the Appellant secured permission for 34 dwellings in Southbourne, Chichester. The case has significant implications nationally as it gives guidance on policies contained within a neighbourhood plan and the implications of the Secretary of State’s ‘written ministerial statement’.

**Land off Haven Lane, Oldham** (Appeal Reference: APP/W4223/W/17/3175644) – Successfully represented Heyford Developments in pursuing a planning application for up to 23 dwellings in Oldham. A previous application had been refused in respect to the site on highways grounds. Killian secured permission despite this highways objection and also secured an award of costs against the Council.

**Desborough, Kettering** (Appeal Reference: APP/L2820/W/16/3149835) – Successfully represented Kettering Borough Council in securing the dismissal of a housing application for 147 dwellings in Desborough. The appeal related to 5 year housing land supply and landscape. The Council were successful on both issues. It was pursued by Gladman Developments. Gladman pursued a statutory challenge of the Inspector’s decision, which Killian assisted in securing a dismissal of in the High Court acting for the Council.

**Moneystone Park, Staffordshire** (APP/B3438/W/16/3144848) – Acting as the junior to Paul Tucker QC, Killian assisted in securing planning permission for 250 holiday lodges near Alton Towers. This was a particularly long running application, that took several years to secure permission through a repeat application, which had to survive a challenge in the High Court.

**Ansley, Warwickshire** (Appeal Reference: APP/R3705/W/16/3149572) – Successfully represented Muller Property Group in securing 79 dwellings in Ansley, Warwickshire. This was the first occasion since the adoption of the North Warwickshire Local Plan Strategy 2014 that the Council were found to be unable to demonstrate a 5 year supply of housing land.

**Northampton South SUE** (Appeal Reference: APP/V2825/W/15/3028151) – Successfully represented Bovis Homes, as the junior to Anthony Crean QC, in this housing development. Anthony and Killian secured outline permission for 1,000 dwellings. Costs were also awarded to Bovis Homes.

**123 High Street, Wellingborough** (Appeal Reference: APP/H2835/W/15/3140655): *Successfully represented the Council in resisting this s.78 appeal concerning a housing development for 59 dwellings in Irchester.*

**Windermere Avenue, Colne** – (Appeal Reference: APP/E2340/W/15/3131974) – Successfully represented the developer, as the junior to Paul Tucker QC, in this s.78 appeal relating to a residential development for 90 dwellings.

**Gladman Developments Limited v Cherwell District Council** (Appeal Reference: APP/C3105/W/15/3134944) – *Successfully represented the Council in resisting this s.78 appeal concerning a housing development for 75 dwellings in Kirtlington*

**Little Harrowden, Wellingborough** (Appeal Reference: APP/H2835/W/15/3140093) – Successfully represented Wellingborough Borough Council in securing the dismissal of a housing development for 11 dwellings. Costs were also awarded to the Council.

**199 Northampton Road, Wellingborough** (Appeal Reference: APP/H2835/W/16/3144277) – Successfully represented Wellingborough Borough Council in securing the dismissal of a residential development for 102 dwellings. The inquiry lasted for 5 days and included substantial issues relating to ecology, landscape, 5 year housing land supply and planning.

**East of Wem Road, Shropshire** (Appeal Reference: APP/L3245/W/16/3150322) – Successfully represented the Council in this section 78 appeal relating to 25 dwellings. The development proposal was refused having regard to the correct interpretation of the presumption in favour of sustainable development.

**Peartree Cottages, Durham** (Appeal Reference: APP/X1355/W/16/3165827) – Successfully represented the developer in this written representation appeal concerning an extension to a HMO within a conservation area.

## **Enforcement**

**Land to the rear of Old Bank House, Cumbria** (Appeal Reference: APP/Q9495/C/16/3155448) – Successfully represented the Appellant in this enforcement appeal relating to the historical use of a car park under ground s.174(d) of the Town and Country Planning Act 1990, where the Council were alleging concealment.

**36 Langleys Road, Birmingham** (Appeal Reference: APP/P4605/C/15/3129371) – Successfully represented the Council in this enforcement appeal where grounds (a) and (c) were challenged. Killian demonstrated that the Appellant did not have legal standing to bring the appeal. The Council were awarded their costs in full.

**Bassetlaw District Council v Leigh Bower** – Successfully represented the Council in this planning prosecution case where the Council secured a criminal behaviour order against the Defendant

**Robert Vaudry v Stratford-upon-Avon DC** (Appeal Reference: APP/J3720/C/15/3003712) – Successfully represented the Council, as the junior to Gary Grant, in this enforcement appeal where the Council were awarded their costs in full

**Yorkshire Dales National Park Authority** (Appeal Reference: APP/C9499/C/15/3128765) – Successfully represented the Council in this enforcement appeal.

## **Compulsory Purchase Orders**

**Swindon Borough Council Compulsory Purchase Order** (Appeal Reference: APP/NPCU/CPO/U3935/74830) – Successfully represented the Council, as the junior to Anthony Crean QC, in this CPO inquiry relating to the regeneration of Swindon town center.

**Chesterfield Road, Sheffield City Council** – Successfully represented the Council in this CPO matter, wherein through a disclosed advice the relevant objectors all agreed to the CPO being confirmed by consent.

## **High Court litigation**

**R. (Paul Housiaux) v Staffordshire Moorlands District Council and Laver Leisure Ltd** [2017] EWHC 2157 (Admin) – Successfully represented the Interested Party, as the junior to Paul Tucker QC, in this judicial review.

**R. (Anthony Waller) v Birmingham City Council** (Claim No. CO/2458/2017) – Successfully acted for Birmingham City Council in this matter. The Council were Defendants to a claim for judicial review. The matter concerned a number of issues, including environmental concerns and the need for consultation. As a result of the Council's pleadings, the Claimant agreed to withdraw the claim prior to the full hearing in the matter.

**Gladman Developments Ltd v SSCLG & Wellingborough BC** [2016] EWHC 683 (Admin) – Successfully represented the Council in defending this High Court challenge as the junior to Anthony Crean QC

**R. (Mr Philip David Scaling) v Selby District Council** (Claim No. CO/3168/2016) – Successfully represented the Council in this matter wherein permission was refused and the claim was certified as being totally without merit.

**Shropshire Council v SSCLG** [2016] EWHC 2733 (Admin) – Successfully represented the Council in this s.288 claim, as the junior to Anthony Crean QC, concerning the duty of an inspector to determine the 5 year housing land supply of the Council. The Secretary of State conceded to judgment, however, the Interested Party argued the case.

**Malvern District Council v Peter Annetts** – Successfully represented the Defendant in this injunctive proceedings. Killian demonstrated to the Court that the Council did not have delegated authority to issue the proceedings.

**Bushell v Shropshire Council** – Successfully represented the Claimant in these judicial review proceedings, wherein the Council consented to judgment.

**Mapeley Beta Acquisition Company Limited v SSCLG & Swindon BC** [2016] EWHC 2997 (Admin) – Successfully represented the Council, as junior to Anthony Crean QC, in these judicial review proceedings brought by the unsuccessful objector in a CPO inquiry.

**R. (Orbital Shopping Park Swindon Limited) v Swindon Borough Council** [2016] EWHC 448 (Admin) – A significant case concerning the application of the community infrastructure levy

## **Other Matters**

**Hunky Dory, Shropshire** (Appeal Reference: APP/L3245/X/16/3147191) – Successfully represented the Council in this appeal of a refusal of a lawful development certificate. Despite the Council presenting no evidence, it was demonstrated through cross-examination that the Appellant's factual background was incorrect.

**Helms Deep Barn, Wyre Borough Council** (Appeal Reference: APP/U2370/W/15/3137151) – Successfully represented the Council in this s.78 appeal relating to the refusal of prior approval for permitted development rights relating to the conversion of an agricultural building to residential dwelling.

## **Profile**

---

Killian Garvey is a specialist planning barrister.

Killian regularly appears in inquiries and the High Court across the country. He acts for both developers and local authorities on a roughly 60/40 split, respectively. He has a particular specialism in residential development, enforcement action and compulsory purchase orders.

He has been ranked as the second best planning junior outside of a London chambers for the last 2 years in Planning Resource Magazine. He has also been consistently ranked amongst the top barristers under the age of 35 nationwide (2<sup>nd</sup> in 2017).

Chambers and Partners Bar UK records him as an Up & Coming Junior for Planning in the Midlands Region, where the following is recorded about him:

*'Very helpful and quick to come up with solutions to quite complex issues'*

*'An excellent advocate who provides great timely advice and great customer service'*

Killian is a member of the Attorney General's C Panel of Junior Counsel

**Year of Call:** 2014

## Areas of Expertise

---

Administrative & Public Law

Environment

Local Government

Planning

## Memberships

---

Northern Circuit

Lincoln's Inn

Planning and Environment Bar Association

## Qualifications / Education

---

University of Oxford: Bachelor of Civil Law (2014)

University of Law: Bachelor of Laws LLB (2014) - First Class Honours

University of Law: Bar Professional Training Course (2014) - Outstanding

College of Law (Chester): Graduate Diploma in Law (2011) - Distinction, 1st in the year

University of Liverpool: Bachelor's Degree in History (2010) - First Class Honours, 1st in the year

St. Anselm's College (Birkenhead)

## Recommendations

---

### Chambers UK 2020

"Scarily bright and just so good on the detail." "He is beyond his years in ability and is a very strong cross-examiner and a confident inquiry advocate." "He talks things through and explains things well to the client."

### Chambers UK 2018

"Very helpful and quick to come up with solutions to quite complex issues."

"An excellent advocate who provides great timely advice and great customer service."



Killian Garvey