

GILES CANNOCK QC

Year of call: 1998
Year of silk: 2019

Clerked by: Gary Smith Mark Ronson

AREAS OF EXPERTISE:
Planning & Environment



Planning & Environment

All areas of planning and environmental law, with particular experience of promoting strategic housing sites where 5 year supply and/or needs assessment is in issue. He is also a specialist in promoting schemes for older people (sheltered housing, assisted living and CCRC's), as well as large and small scale renewable energy, retail, minerals and waste and CPO schemes. He undertakes work in relation to environmental law, particularly with regard to environmental impact assessment and strategic environmental assessment. Giles has successfully promoted many Local Plans at examination but also regularly appears for objectors at examination hearings. Giles accepts Instructions throughout England and Wales and in the Isle of Man.

Recent Significant Cases

Local Plans:

- Promoting large strategic housing sites through the South Oxfordshire Core Strategy, the Aylesbury Vale Local Plan and the Warrington Local Plan (2019);
- Promoted a Strategic Employment site and Business Park, through the IoM Plan for the East, as a strategic allocation (2019);
- Successfully promoted the Lichfield Local Plan Strategy Part 2 Allocation DPD (2018);
- Promoted the Salford UDP;
- Promoted a retail superstore as an objection site in the Black Country JCS (2010);
- Objected to the IoM Southern plan (2011);
- Promoted objection housing sites at the EiP into the Wigan UDP (2012/13);
- Successfully promoted the St Helens Core Strategy (2012);
- Giles has recently successfully promoted the Lichfield Local Plan at the EiP and defended a statutory challenge to its adoption (2015): ***IM Properties v Lichfield DC, Taylor Wimpey and Persimmon Homes***[2015] EWHC 2077 (Admin) - Green Belt, Bias, SEA/SA and scope of Main Modifications;
- Advised on the Liverpool Local Plan and the St Helens ADPD (2015).

Housing:

- Successfully promoted up to 150 dwellings on an existing employment site, off Oxclose Lane in Mansfield (2019);
- Promoting up to 300 dwellings on Other Protected Open land in Horwich, Bolton (2019);
- Promoting the comprehensive refurbishment and redevelopment of the Seashell Trust school, via enabling development comprising up to 350 homes in the Green Belt (2019);
- Successfully opposed housing development at Leek Road, Buxton, on the grounds of landscape and visual impact and impact to the adjacent AoNB (2019);
- Acted for the LPA/LHA in respect of a housing scheme for 300 units at Meadow Lane, Trentham (2019);
- Successfully promoted up to 100 units with costs on a former colliery site off Bourne Street, Dudley, raising issues of contamination and viability (2019);
- Successfully promoted 100 dwellings on a former Golf Course and greenfield site in Broad Blunsdon, Swindon (2018);
- Successfully promoted planning permission for 78 homes for Ainscough Strategic Land, despite objections from the LPA and adjacent Cranfield Airfield, Central Beds (2018);
- Successfully promoted up to 32 homes for residential development for Strategic Land Group on a greenfield site at Penyffordd, Flintshire (2018);
- Successfully promoted up to 100 homes for residential development for Gladman Developments Ltd on a greenfield site at Stotfold (2018);
- Successfully promoted up to 85 for residential development for Gladman Developments Ltd on a greenfield site at Potton (2018);
- Advised on the successful promotion of 250 dwellings at Preston Fields, Faversham (2018);
- Advised on the successful promotion of 300 dwellings at the Harker Industrial Estate (2018);
- Successfully promoted up to 400 homes at Toll Bar, New Waltham, Lincolnshire (2017);
- Successfully promoted 45 homes at Alderholt, East Dorset (2017) - a case which involved *inter alia* the impact of the proposal on European

- protected sites of nature conservation interest;
- Successfully promoted 75 homes on Land East of Station Road, Castle Carey (2017);
- Successfully defended High Peak BC's refusal of planning permission for the residential redevelopment of land at Tunstead Milton (2017);
- Successfully defended High Peak BC's refusal of planning permission for the residential redevelopment of land of Brown Edge Close, Buxton (2017);
- Successfully promoted a controversial mixed use redevelopment of a Listed former Arkwright Water Mill as a hotel and wedding venue in Chipping. Up to 50 homes were required (and consented) as enabling development in the Trough of Bowland AONB (2016);
- Successfully promoted 145 homes on Land off Plantation Road, Boreham (2016);
- Successfully promoted 100 homes on Land off Main Road, Great Leighs (2016);
- Successfully promoted the residential redevelopment of land at Leicester Road in Melton Mowbray (2016);
- Successfully promoted 200 homes on Land West of Crewe Road, Holmes Chapel (2016) – a case which is notable as the site was contrary to a recently adopted Neighbourhood Development Plan;
- Successfully promoted up to 250 homes for Taylor Wimpey at The Acres, Formby, through the Sefton Local Plan (2016);
- Successfully promoted 65 homes on Land off Common Road, Sissinghurst (2016);
- Successfully promoted 89 homes at Chinnor (2016);
- Successfully promoted 60 homes on Uffculme (2016);
- Successfully promoted the development of a unique multi-million pound home in the curtilage of a Listed Building in Bowdon, Cheshire (2016);
- Successfully resisted the residential redevelopment of Ingol Golf Course for Preston CC (2016);
- Successfully promoted 450 homes at Cardale Park West, Harrogate (2015);
- Successfully promoted 300 homes at Langford, Central Beds (2015);
- Successfully promoted 25 units at Wincanton, despite a recently adopted CS (2015);
- Successfully promoted 250 homes at Middleton St George, Darlington (2014);
- Successfully promoted 250 homes at Knaresborough, Harrogate (2014);
- Successfully promoted 45 homes at Carlton, Selby (2014);
- Successfully promoted 300 homes at Horncastle (2014);
- Successfully promoted residential development at Bradley Hall Trading Estate, Standish, Wigan (2014);

Specialist Housing for Older People:

- Planning permission granted on appeal for the demolition of a locally listed heritage asset and the redevelopment of the site in Brough for 35 apartments for sheltered accommodation for older people;
- Planning permission granted for 38 sheltered units in the Conservation Area of Hexham (2016);
- Planning permission granted on appeal for 45 assisted living units in the Kings Lynn Conservation Area (2015);
- Planning permission granted on appeal for 38 sheltered apartments in the Hunstanton Conservation Area (2014);
- Planning permission granted on appeal for 42 sheltered apartments after the demolition of a listed building in Cromer (2014);
- Planning permission granted on appeal for a Care home and specialist dementia unit in the Green Belt (Oldham Road, Delph);
- Planning permission granted on appeal for 48 sheltered apartments after the demolition of a listed building on Sketty Road, Swansea;
- Planning permission granted on appeal for 36 sheltered apartments in Egham;
- Planning permission granted on appeal for 60 sheltered apartments on Alexandra Road, Watford.

Energy:

- Promoting the highly controversial exploratory drilling for underground shale gas in Ellesmere Port at a 4 week Inquiry (2019);
- Promoted a large windfarm at Llanbrynmair, Powys for RES UK & Ireland Ltd, a part of a large co-joined Inquiry into renewable schemes in Mid-Wales (2014);
- Successfully promoted 19 wind turbines on land adjacent to the M56 (Frodsham and Helsby) for Peel Energy (2013);
- Currently advising Lancashire County Council on a range of issues concerning fracking on a number of sites;
- Acted at windfarm inquiries (for both LPA's and developers) at inter alia the following sites: (i) Long Furlong, Catesby, (ii) Seamer and Hilton; (iii) Newlands, Carlisle (iv) Oxford Airport etc;
- Successfully objected to the Canataxx Gas Storage Inquiry, Wyre (2005/6);
- Successfully promoted the King Street Energy Gas Storage scheme (and 58km pipeline);
- Objected to the Byley Gas Storage scheme;

Environmental:

- Advised UU on a large number of appeals concerning Consents of Discharge to Controlled Waters for United Utilities;
- Successfully promoted a Drought Order for the abstraction of water from Lake Windermere for United Utilities;

Retail:

Giles has acted at the following retail Inquiries:

- Successfully objected to a significant new retail park on an employment site at Handforth Dean, despite consent having been granted by the LPA. A 6 week public Inquiry (2018);
- Successfully promoted an out of centre retail park on land outside Macclesfield Town Centre (2017). The development comprised (indicatively) 4 large retail units (comprising over 12,800 sq m retail floorspace with mezzanines) and 2 ancillary A1/A3/A5 units. The case involved a consideration of the retail impact on the adjacent centre (in particular the Grosvenor Centre);
- Successfully resisted for Preston CC the development of a retail-led mixed use development comprising a new District Centre at Land North of Eastway, Preston (2016) – a case which involved a detailed consideration of retail impact assessment on an adjacent district centre (Cottam);
- Shipston on Stour (2014);
- Bude (2014);
- Successfully promoted a retail superstore for Peel Holdings at Trafford Park;
- Successfully promoted a retail superstore at Peel Centre, Wolverhampton;

- Successfully promoted changes of use at the Bath Road Retail Park, Brislington;
- Newport Retail Inquiry (2013);
- Asda, Hope Street, Todmorden (2013);
- Tesco, Huddersfield (2011);
- Successfully promoted Aldi, Whitchurch at Appeal (2009) and Nantwich (2010);
- Kingsgate Retail Inquiry, Huddersfield Town Centre (2008);

Minerals:

- Promoted the opencast extraction of coal, with restoration to a mixed use development at Quarrington;
- Objected to the extraction of high quality sand and gravel at Euxton, Chorley;
- Objected to the Carters Fold East Opencast site, St Helens;
- Objected to the Newton Lane Opencast site, Newton Lane, Ledsham;

Waste and Recycling:

Giles recently secured planning permission on appeal for the significant deposit of inert waste to create a new golf course in the Green Belt, including rainwater harvesting scheme, for Belview Golf Ltd in Hertford (2018);

Giles has secured permission for a number of controversial and significant waste transfer/scrap metal schemes at the following locations:

- Makerfield Way, Wigan (2014);
- Redruth, Cornwall (2014);
- Everite Road, Widnes (2014).

Airports and Airfields:

- Acted for a Consortium of Regional Airports into the development of Doncaster Finningley Airport;
- Advised Liverpool City Council on Liverpool Airport's Masterplan;
- Acted for the LPA in respect of noise abatement notices served on Elvington Airfield;
- Appeared for the LPA at Inquiries into 17 EN's served at Bagby Airfield, over 4 Inquiries. Currently advising Hambleton DC on the redevelopment of Bagby Airfield (2017);
- Advised on the redevelopment of Blackpool Airport, resulting in the grant of a residential planning permission;
- Advised on the Masterplan for Durham Tees Valley Airfield (2016);
- Advised Peel Holdings on the redevelopment of Robin Hood Airport (2017);
- Advised on the redevelopment of Wolverhampton Business Airport;
- Advised on the lawful use of Llanbedr Airfield;

Compulsory Purchase Orders/Valuation:

- Acted for Peel Holdings in long running objection to the Eccles WWTW CPO Inquiry (2018), resulting in a mutually acceptable compromise, facilitating the retail redevelopment of land around the AJ Bell Stadium and Port Salford;
- Successfully promoted the Hattersley District Centre CPO (2018) – a comprehensive retail-led redevelopment of a District Centre;
- Objected to the Liverpool (A565 Highway Improvement Scheme) CPO, resulting in a successful compromise for Wild Thang Ltd (2017);
- Successfully promoted the Newton-Le-Willows Railway Station CPO (2017)
- Successfully promoted Wellington Works CPO, Ashton under Lyne;
- Successfully promoted Langworthy CPO, Salford;
- Successfully promoted Great Clowes Street CPO, Salford;
- Objected to the Chapel Street CPO, Salford;
- Objected to the City of Manchester (Corbett Street) CPO (2011);
- Nextdom (Liverpool) Ltd v Sefton MBC [2015] – valuation of contaminated former tannery site at May 2008;

Others including:

- **R (Fulford Parish Council) v City of York Council and Persimmon Homes Ltd** [2019] EWCA Civ 1359 – successfully defended a legal challenge by Fulford Parish Council for Persimmon Homes Ltd in the Planning Court and Court of Appeal. The challenge centred on whether the statutory power conferred by s.96A T&CPA 1990 to make non-material amendments to a planning permission included power to make changes to conditional approval of reserved matters.
- **Wiltshire Waste Alliance Ltd v SoS CLG and Hills Waste** [2018] EWHC 1110 (Admin) – Local residents' challenge to the extension of a waste facility;
- **Chelmsford CC v SoS CLG and Gladman Developments Ltd** [2016] EWHC 3329 (QB) – having successfully promoted the residential development of land off Plantation Road, Boreham (*supra*), the LPA launched a statutory challenge. Despite the Treasury Solicitor consenting to judgment, the challenge was dismissed by Dove J;
- **Ward v Thameside MBC** [2017] – defended the LPA's decision to grant planning permission (decision pending);
- **Newclose Properties Ltd v Ribble Valley BC and the Standen Estate**[2015] – successfully defended LPA's decision to grant permission for their strategic site of 1100 homes at Standen;
- **R (BDW Trading (trading as Barratt Homes)) v Cheshire West and Chester Council and others**[2014] EWHC 1470 (Admin) – neighbourhood planning;
- **Metacre Ltd v SoS CLG**[2011] EWHC 2271 – statutory challenge to refusal of planning permission by SoS;
- **Hambleton DC v Adams, Greathhead, Malloy etc**[2014] – application for an injunction to prevent anticipated breach of planning control;
- **Martin Scott v Hambleton DC**[2014] – statutory challenge to the SoS's decision to uphold enforcement notices at Bagby Airfield;
- **Whitfield Homes v SoS CLG**[2014] – successfully challenged Inspector's refusal of planning permission;
- **Bagshaw v Wyre**[2014] EWHC 508 (admin) – successfully challenged LPA's grant of permission;
- Successfully advised Kings Macclesfield on the relocation of the entire school. The project involved the successful promotion of 2 existing school sites for housing and the development of a new school on a third site in the Green Belt (2017).

Giles accepts Instructions to appear as an advocate at inquiries into applications to register land as a Village Green. He is also regularly instructed by Registration Authorities to sit as an Inspector at Inquiries and to report to the Authority with recommendations. He undertakes Court work in relation to Judicial Reviews.

Significant Cases

- Successfully opposed an application to register land known as Church Fields, Ramsbottom for Peel Holdings (2014);
- Successfully opposed an application to register the Dixie Dean Playing Fields in Liverpool as a TVG;
- Successfully opposed an application to register the Clubmoor Rec in Liverpool as a TVG;
- Successfully opposed an application to register the Wyncote Sports Ground as a TVG;
- Acted as the Inspector at the Crossley Estate TVG Inquiry, Chadderton, Oldham;
- Acted as the Inspector at the Land of Lister Close, Featherstone TVG Inquiry, Chadderton, Oldham.

Giles practises in all areas of Highway Law. Such work is advisory, at Inquiry and in Court. He has promoted road schemes for Local Highway Authorities. He has also recently objected to a DCO promoting an extension to the A14 and to the Mottram-Hollingworth Bypass (for the Peak District National Park Authority). He also acts in relation to definitive map modification orders (promoting and objecting).

Significant Cases

- Appeared for Lafarge Tarmac objecting to the A14 Cambridge to Huntingdon Improvement scheme (DCO) in 2015;
- Successfully objected to the A57/A628 Mottram/Tintwistle Bypass and Glossop Spur (for the Peak District National Park Authority);
- Promoted A595 de-trunking for Carlisle County Council;

Giles undertakes work in relation to local authority decision-making, duties, powers and structures, particularly in areas connected with the above areas of expertise. He was formerly Junior Treasury Counsel (regional A Panel), regularly instructed to defend decisions of the Secretary of State.

Significant Cases:

- *Siraj Harrogate BC v SoS CLG*[2013] – successfully defended SoS decision to refuse planning permission on Appeal;

Profile

Giles Cannock QC is one of the highest-ranked Planning Barristers in the country. He has spent his entire practising career with Kings Chambers. He is a very well-regarded planning specialist, undertaking advisory work, appearing at Inquiries and the Courts at all levels. He represents developers and local authorities in relation to major housing schemes, significant renewable energy schemes (wind farms, underground storage of gas, fracking etc), infrastructure projects, retail development, enforcement and CPO's.

Year of Call: 1998

Areas of Expertise

Planning & Environment

Memberships

Planning and Environmental Bar Association

Northern Circuit

North Eastern Circuit

Qualifications

MA (Cantab) – Emmanuel College, Cambridge

LLM Master of Law (Cantab) – Environmental Law and Policy: First Class

Recommendations

Chambers UK 2021

"Highly intelligent, commercially astute and able to grasp points of the case very quickly." "Possesses excellent advocacy skills together with the ability to provide clear advice."

Legal 500 2021

"Giles is very thorough and has an excellent eye for detail. He is easy to work with, has very good commercial awareness and possesses an ability to communicate effectively with everyone. He is an excellent advocate - sharp and to the point."

Chambers UK 2020

"An effective cross-examiner – you don't want to be cross-examined by Giles!" "Very impressive. He stands out as a good barrister."

Chambers UK 2019

"Extremely thorough. He can be on any case at an inquiry and his knowledge and command of the brief is outstanding. He is an assertive cross-examiner." "Incredibly knowledgeable and forensic in how he deals with things."

Legal 500 2019

"An adroit performer."

Chambers UK 2018

"Excellent at understanding a case and solid at cross-examination." "Very thorough and a very good team leader."

Legal 500 2018

'A very astute advocate.'

Legal 500 2017

'He is very sharp and speaks the client's language.'

Chambers UK 2017

"He is very thorough and thinks a lot about a case in terms of strategy and getting the detail right. On the professional side the quality of his work is exemplary, and he is assertive and firm, but not aggressive. He is very good with clients, and is a good team player as he gets the best out of people." "A bright, strong advocate, very good on tactics in difficult judicial review cases."

Chambers UK 2016

"He is hard-working, enthusiastic, and takes care to understand the fine detail of the issues. His advice is always very sound, pragmatic and with an awareness of commercial considerations and implications. He is also an excellent team leader." "A trusted and reliable advocate."

Chambers UK 2015

"His preparation's second to none in my view. His attention to detail is brilliant." "He's excellent. He gets to grips with things very quickly, he's a good team player and he punches above his weight for his years."

