

Alan Evans

Year of call 1978

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Alan specialises in planning, town and village greens/commons, highways, public rights of way and road traffic regulation. He has extensive experience and expertise across these areas and his practice embraces the full range of inquiry and hearing processes, a significant judicial review component and the role of an inspector in relation to town and village greens/commons. In addition to advocacy, Alan also has a wide-ranging advisory practice in his specialist fields. Alan acts for both the public and private sector and accepts licensed access work.

Expertise

Planning

Alan has a wide-ranging planning practice on both the advocacy and advisory side. He has been involved in numerous significant planning inquiries for all kinds of development and has considerable experience of the full range of planning procedures including section 78 appeals (both inquiries and hearings), called-in applications, enforcement appeals, local plan examinations and judicial review. He acts for developers and local authorities. Alan represented Lancashire County Council in important and high-profile fracking inquiries in 2016 and 2018. He has more recently acted at a called-in inquiry for Wigan Council where the authority supported a scheme for the development of over 133,000m² of logistics floor space in the Green Belt which has now been granted planning permission by the Secretary of State. Alan is presently advising Cumbria County Council as mineral planning authority in respect of a nationally/internationally significant and acutely controversial application (now called-in) to develop a new deep coal mine on the Cumbrian coast.

Town and village greens/commons

Alan has great experience of town and village green applications as well as undertaking commons work. In addition to his advocacy and advisory practice, Alan often acts for registration authorities in the role of an independent inspector holding non-statutory inquiries into applications for new greens followed by the production of careful and thorough reports with clear recommendations. In 2018 Alan acted as an inspector for Cumbria County Council in relation to a very contentious and vigorously opposed proposal by the Ministry of Defence to de-register extensive areas of common in the North Pennines forming the Warcop Training Area.

Recent Significant Reported Cases

Naylor v Essex CC [2014] EWHC 2560 (Admin): whether use can be “as of right” where privately owned land is managed by a local authority

Norbrook Laboratories Ltd v Carlisle CC [2013] EWHC 1113 (Admin): whether public rights of access to common land survive the extinction of rights of common.

Highways, public rights of way and road traffic regulation

Alan has a broad expertise across the totality of these related areas. His wide experience here has included the promotion of road schemes for both the Highways Agency (as was) and local authorities at inquiry. He has appeared in definitive map modification order inquiries (both promoting and objecting), stopping up cases (both inquiries and magistrates' court hearings) and inquiries into road traffic regulation orders. Alan has a significant advisory practice across these areas.

Recent Significant Reported Cases

Roxlena Limited v Cumbria County Council [2019] EWCA Civ 1639 (Court of Appeal): precision required of definitive map modification order applications; scope of investigative duty of surveying authority; when evidence is "discovered" and scope of authority's free-standing duty to modify; and standard of proof in making orders.

Notable Planning cases

Hewitt v Oldham MBC [2020] EWHC 3405 (Admin)

approach to weighting of harm to valued landscapes and policies deemed out-of-date through lack of a five year housing supply.

Thornton Hall Hotel Limited v Wirral Metropolitan Borough Council [2019] EWCA Civ 737 (Court of Appeal)

time limits for judicial review in planning cases.

Kebbell Developments v Leeds City Council [2018] EWCA Civ 450 (Court of Appeal)

local planning authorities' post-examination powers of modification of neighbourhood plans.

Samuel Smith Old Brewery (Tadcaster) v Selby DC [2015] EWCA Civ 1107 (Court of Appeal)

whether the plan-making duty to co-operate applies after submission of a plan for examination.

Larkfleet v Rutland County Council [2015] EWCA Civ 597 (Court of Appeal)

whether neighbourhood plans can make allocations.

Memberships

- Planning and Environment Bar Association

Qualifications

- MA LLB (Cantab) (both first class honours).

Appointments

- Former Junior Counsel to the Crown (Provincial Panel) (2000-2013)
- Former member of the Panel of Legal Assessors for the General Medical Council (2002-2014)
- Former Lecturer in Law at Manchester University (1978-1985).

Recomendations

Chambers UK 2022

"Alan is very diligent. He has provided consistently clear advice and direction and offers practical solutions."

Chambers UK 2021

"Alan provides detailed, clear and pragmatic advice. He is very swift to respond and instils confidence in his advice due to his extensive knowledge of his subject areas."

Legal 500 2021

"In-depth knowledge of subject areas. Very effective advocate in Inquiry settings. Very approachable."

Chambers UK 2020

"Approachable and solution-driven." "Very thorough."

Chambers UK 2019

"His knowledge is extensive and his advice is always detailed and technically precise." "He has a very intimate knowledge of planning law."

Legal 500 2019

"A very conscientious and thoughtful barrister."

Chambers UK 2018

"Very diplomatic and good at dealing with sensitive issues." "Approachable and attentive to detail."

Accreditations

