



# Giles Cannock KC

Year of call 1998 | Year of silk 2019

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Giles Cannock KC 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.

## Expertise

### 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).

##### Recent Planning Appeals:

- Successfully secured planning permission for Hayfield Homes for 40 dwellings in Aston, West Oxfordshire (2023)
- Successfully secured planning permission for Brandon Planning & Development Ltd & Caddick Residential Ltd for 262 dwellings in Longford, Coventry (2023)
- Successfully secured planning permission for Watson Construction (Holdings) Ltd for 255 dwellings in Creams Mill, Bolton (2023)
- Successfully secured planning permission for Bloor Homes, following application made under s62A Town and Country Planning Act 1990, for 200 dwellings in Elsenham, Uttlesford (2023)
- Successfully secured planning permission for Blueoak Estates (Hoylake) Ltd for 2 Use Class C3 apartment buildings in West Kirby, Wirral (2023)
- Successfully secured planning permission for Bellway Homes for 119 dwellings in Bowlands Hey, Bolton (2022)
- Successfully secured planning permission for McCarthy and Stone for Category II Retirement Living Housing in Willaston, Cheshire West (2022)
- Successfully secured planning permission for BCL (Maple Cross) for 2 no. warehouse Class E(giii)/B2/B8 units comprising a total of 16,115 sqm in Rickmansworth, Three Rivers (2022)
- Successfully secured planning permission for McCarthy and Stone for Category II Retirement Living Housing in Neston, Cheshire West (2022)
- Successfully secured planning permission for Lea Hough & Co LLP for 123 homes in Blainscough, Chorley (2022)
- Successfully secured planning permission for Peel Investments (North) Ltd for 276 dwellings in Horwich, Bolton (2021)
- Successfully resisted 8 of 9 planning appeals in conjoined inquiry for Preston City Council (2021)
- Successfully acted for St Helens Council in the call in inquiries for (i) Parkside Phase 1 (92,900 sq m B1 and B8 logistics); (ii) Parkside Link Road (Parkside Phase 2 and SRFI); (iii) Haydock Point (167,225 sq m of B2/B8 floorspace); and (iv) West of Omega South and South of the M62 in 2021 (81,570 sqm (full) and 123,930 sq m (outline)). He was on the winning side in all 4. All were proposed Green Belt land releases. He also promoted the allocation of such sites successfully through the recently adopted Local Plan (2021)
- Successfully secured planning permission for Bowbridge Land Ltd for 260 units in Desborough, Kettering (2021)
- Successfully secured planning permission for Place Land Ltd for 60 homes in Sampford Peverell, Devon (2021)
- Successfully acted for Rule 6 party, Essar Oli at Thornton Science Park public inquiry. The appeal was quashed on legal grounds (2020)
- Successfully secured planning permission for a golf course in Hertford (2019)
- Successfully promoted up to 150 dwellings on an existing employment site, off Oxclose Lane in Mansfield (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);
- Successfully promoted up to 100 units with costs on a former colliery site off Bourne Street, Dudley, raising issues of contamination and viability (2019);

#### Specialist Housing for Older People:

- Planning permission granted on appeal, on behalf of McCarthy and Stone Retirement Lifestyles Ltd, for 30 age exclusive apartments in Willaston, Cheshire West.
- 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 Tameside 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;

## Significant Cases

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## 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 2023

“Very bright and gets straight to the point”.

“His cross-examination is always meticulously thorough and clinical.”

“Giles is very commercial, whilst being pragmatic on the case and how to win it.”

### Legal 500 2023

“Giles is meticulous in preparation. He presents his case simply and with clarity, and is formidable in cross examining. He is superlatively effective, great to work with and a supportive leader who gets the best out of others in the professional team.”

### 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.”

## Accreditations

