Jonathan Clay

called: 1990

clerk: Elliot Langdorf

Jonathan Clay is widely recognised as a leader in his field (see Legal 500, 2010, 2011 and 2012) of planning and environment law. His case work includes court and public inquiry advocacy at the highest levels.

Known for his relaxed style, his ability to lead large teams and to take a strategic approach has proved invaluable in some of the ground breaking cases in which he has been involved.

His practice covers all aspects of the enforcement of planning and environmental control, renewable energy, large scale infrastructure projects and village greens, as well as housing, commercial and retail development schemes. He works for both applicants/appellants and authorities.

Major infrastructure inquiries include motorways, waste, power generation and railway infrastructure projects. In 2010, he was asked to train Commissioners for the Infrastructure Planning Commission who deal with applications for major new infrastructure, including power stations, windfarms, airports and highways. Jonathan has represented both local planning authorities and objectors in series of public inquiries concerning the large on-shore wind farms; successfully persuading the Secretary of State to refuse permission. His High Court experience includes successful judicial review and statutory challenges at all levels, including the appellate courts. His Court practice at all levels reads as a list of some of the seminal cases: *Fidler v. SSETR* [2004] EWCA 1295; *Catt v Brighton* [2007] EWCA Civ. 298; *Westminster City Council v Cordiani* [2013] EWHC 23 (Admin).

He represented Brighton and Hove Albion Football Club in the long running Amex Community Stadium

Jonathan Clay

inquiry successfully resulting in the grant of permission for the celebrated new stadium on the edge of the Sussex Downs National Park,His recent workload has included major airport parking enforcement inquiry at Gatwick Airport (for the successful appellant), housing development for 850 homes in the Green Belt at Bromley (for the successful appellant), a host of windfarm and energy related appeals and the first ever appeal under the Water Resources Act 1991 concerning unauthorized development in a river flood plain (for the successful appellant).

Planning

Jonathan's experience includes all aspects of planning and environmental law, including judicial review, statutory appeals and major infrastructure projects. He has represented both developers and planning authorities in respect of large housing developments, wind-farms, major waste management facilities, motorways and trunk road schemes. On the basis of this experience he was invited in 2010 to provide training for Commissioners at the Infrastructure Planning Commission, that deal with large scale infrastructure projects including energy, transport and other major infrastructure projects. Jonathan has also provided recent training to Welsh local authorities and planning professionals on renewable energy development.

He has advised local planning authorities on their Local Plans and Core Strategies, most recently advising Herefordshire Council throughout the process on their Local Plan (adopted October 2015).

Recent High Court work has included successfully challenging the grant of planning permission for development affecting listed buildings, defending planning permissions for major mixed use development and infrastructure projects, representing a County Highway Authority in respect of the meaning and application of section 278 agreement, successful section 289 enforcement notice and section 288 planning appeals.

He has both prosecuted and defended in Crown and Magistrates Courts in relation to planning, listed buildings and other enforcement actions. His Court experience includes extensive experience of judicial review and section 288 challenges at all levels, including the appellate courts. He also has particular experience in planning enforcement appeals and section 289 appeals to the High Court.

Jonathan is recognised as a leading junior in both **Legal 500** 2015 and **Chambers & Partners** 2015 and as an expert in his field of practice in "**Legal Experts** 2015".

He is also a member of the Planning and Environment Bar Association (PEBA) and the UK Environmental Lawyers Association (UKELA).

Recent examples of his work include:

Judicial Review/Statutory High Court challenge

- (on the application of Trustees of the Cecil Estate Family Trust) v South Kesteven DC [2015] EWHC 1978 Development; Listed buildings; Planning permission: Status: Decision successfully quashed.
- (on the application of Oxted Residential Ltd) v Secretary of State for Communities and Local Government [2015] EWHC 1484 Local Plan section 113, CIL schedule. Status: Under appeal to

Jonathan Clay

Court of Appeal due to be heard February 2016

- Hopkins Homes Ltd v Secretary of State for Communities and Local Government [2015] EWHC 132 NPPF, policies for supply of housing, settlement limits. Status: Under appeal to Court of Appeal. Due to be heard November 2015
- Village Developments Plc v Tandridge DC [2014] EWHC Judicial review. Tree Preservation Order. Status: Decision successfully quashed.
- R. (on the application of Corbett) v Cornwall Council [2013] EWHC 3958 (admin) wind farm, listed buildings, Habitat Regulations. Status: Application successfully resisted.
- Truro City Council v Cornwall Council [2013] EWHC 2525. Major mixed development, development plan policy. Status: Application successfully resisted

Infrastructure and Waste

- Upper Vaunces Wind Farm, Lincolnshire.(2014) Jonathan Clay successfully acted for local consortium of parish councils in Norfolk in defeating repeated major windfarm appeals in South Norfolk. Principal issues; landscape, historic buildings, need for renewable energy development, residential amenity.
- Blockade Services Perrylands Lane, Surrey. Section 174 Enforcement Appeal against Surrey County Council. Jonathan acted for the successful appellant. Substantial waste development in the Green Belt. Raised important points relating to abandonment of previous use. Appeal allowed.
- Trewern Argae: Ministerial appeal under the Water Resources Act 1991 concerning flood defence development in a river flood plain in 2009/10 to protect historic buildings. Jonathan represented successful appellant. Appeal allowed and full award of costs against Environment Agency.
- Crowholt Windfarm, Notts. In January and February 2007, Jonathan represented the local planning authority in a public inquiry concerning what was proposed to be (at the time) the largest on-shore wind farm in England, successfully persuading the Secretary of State to refuse permission

Enforcement

- Cophall Farm Airport Parking Surrey: A series of planning battles including a major public inquiry, and successful challenge to Inspector's decision in High Court finally delivered a major airport parking scheme in 2014 on Green Belt land near Gatwick Airport. Jonathan represented the successful appellant.
- v. OAO East Sussex County Council v SSCLG & Robins[2010] EWHC 4841 Reported Case summaries JPL [2010] 89. Judicial Review. Jonathan Clay acted for successful appellant in having enforcement notice quashed and full costs awarded. Jonathan successfully represented the Second Defendant in resisting legal challenge in High Court. Sec of State not represented. Permission hearing treated as final hearing by Judge. Important case on powers to correct enforcement notices and duties of respective authorities in mixed use cases involving both County and District matters.
- HMS Ganges, Nr Ipswich, Suffolk. July 2010. Jonathan acted for Babergh District Council. Section 78 reserved matters appeal involving major scheme for redevelopment of former historic Royal Naval Training School including several historic buildings and ancient monuments. Case involved novel points on Environmental Impact Assessment of reserved matters application. Appeal dismissed.
- Brownhills Business Park, Walsall, March 2010 and 2011. Jonathan acted for Walsall Metropolitan Borough Council. Section 78 Appeal for redevelopment of major active Business Park for housing. Case turned on conflict of policies for protection of employment land in Unitary Plan and Regional

Jonathan Clay

Strategy. Appeal allowed, but challenged under section 288, High Court quashed the decision with costs and remitted it to the Secretary of State. Appeal withdrawn with costs in 2011.

- Blue Circle - Bromley Common. Jonathan acted for the appellant obtaining permission on appeal in the dramatic Blue Circle appeal in London Borough of Bromley where his clients obtained approval on appeal for 850 homes on unallocated Green Belt land in Bromley.
- Brighton and Hove Albion Stadium, Falmer. Acting on behalf of Brighton & Hove Albion Football Club, Jonathan celebrated victory in 2008 for them in a long-s running battle to gain planning permission for the 22,500 seat Amex stadium at Falmer, on the edge of the National Park outside Brighton.

Cases

Court of Appeal to re-consider statutory incompatibility doctrine in village green cases

Ashley Bowes has secured permission to appeal for Mr Tim Jones, a local resident, against the judgment of Mr Justice Gilbart in *NHS Property Services Ltd v Surrey County Council* [2016] EWHC 1715 (Admin.)

The landowner, NHS Property Services Ltd, sought judicial review in the High Court against the decision of Surrey County Council, acting as commons registration authority, to register land adjacent to Leatherhead Hospital, known locally as Leach Grove Woods, as a town or village green under s.15(3) Commons Act 2006.

The claim was brought upon a number of grounds, however Gilbart J. quashed the decision on one ground, namely that the Council was wrong to accept the advice of its Inspector that registration was not incompatible with the NHS's duties. Accordingly, Gilbart J found that the doctrine set out by the Supreme Court in *R(Newhaven Port & Properties Ltd) v East Sussex County Council* [2015] 2 WLR 1547 was duly engaged. However, the Judge took the unusual step of granting permission to appeal on the basis an appeal stood *"a real prospect of success".*

The Court of Appeal will now consider whether land held by the National Health Service is exempt from being registered as a town or village green. It will also present the opportunity for the Court to deal with the broader issue as to when the Commons Act 2006 is overridden by another general statute. The issue has recently also arisen in relation to the powers of a local education authority in *R(Lancashire County Council) v Secretary of State for Environment, Food and Rural Affairs* [2016] EWHC 1238 (Admin.) and did not fall to be directly considered by their Lordships in *Newhaven.*

Ashley Bowes (instructed by Kristina Kenworthy of Richard Buxton Environmental & Public Law) acts for the Appellant and acted for the Applicant before the Council.

Jonathan Clay and **Matthew Lewin** (instructed by Capsticks LLP) appeared for the NHS in the High Court, and **Jonathan Clay** acted for the NHS before the Council.

Cornerstone team wins permission to appeal to Supreme Court in leading housing case

Jonathan Clay

The Supreme Court has granted permission to Suffolk Coastal District Council and Cheshire East Council to appeal the landmark decision of the Court of Appeal in the case of Suffolk Coastal D.C. v Hopkins Homes and Richborough Estates Partnership LLP v Cheshire East Borough Council.

The decision re-opens the controversy over the meaning of "relevant policies for the supply of housing" in paragraph 49 of the NPPF. A clear definition of the term has eluded decision makers and several conflicting decisions were hoped to be resolved by the Court of Appeal's decision in April 2016. In his judgement in the Court of Appeal, Lord Justice Lindblom had come down on a "wide" definition, which had included policies for the protection of Green Belt and AONB as "policies for the supply of housing" to be treated as "out of date" where a Council could not demonstrate a 5 year housing land supply and triggering the presumption in favour of planning permission in paragraph 14 of the NPPF.

Suffolk Coastal D.C. had also sought permission to challenge a second ground in the judgment where the Court of Appeal had ruled on the approach to assessing the impact of development on the significance of heritage assets.

The grant of permission by the Supreme Court leaves the issues open to reconsideration in full.

This is the first time the Supreme Court has considered the NPPF. It also gives the Court the opportunity to reconsider the principle in *Tesco v Dundee* that holds that the meaning of planning policy is a matter of law.

Jonathan Clay and Ashley Bowes of Cornerstone Barristers instructed by Trevor Griffiths of Sharpe Pritchard solicitors appeared for Suffolk Coastal D.C in the Court of Appeal and prepared the grounds for the permission application for Suffolk Coastal in the Supreme Court.

Historic Brixton nightclub saved – for now

Planning permission to redevelop Brixton's legendary Club 414 for retail and flats was quashed by consent in the High Court yesterday by order of Mr Justice GIlbart.

The planning permission, controversially granted by Lambeth Council planning officers under delegated powers, would have led to the loss of the Club together with the ancillary flat which is the home of the Claimant, the Club's owner, Louise Barron. The Club opened shortly after the Brixton riots of 1985 and has been in business ever since. Initially a reggae club, playing host to many famous Jamaican performers, in the mid 1990s it switched to music "*... wholly or predominantly characterised by the emission of a succession of repetitive beats"* around the time section 63 of the Criminal Justice and Public Order Act 1994 became law. It is now one of the few specialist house and trance nightclubs left in London.

The decision was made to grant permission despite huge public interest and hundreds of objections.

Jonathan Clay and Matt Lewin of Cornerstone Barristers, instructed by Riz Majid of Neumans LLP, were instructed by Louise Barron to challenge the planning permission. They advanced seven grounds of challenge and all were given permission by Mr Justice Collins in December 2015 to proceed to a full hearing

Jonathan Clay

to be heard yesterday (18 May).

Both the Council and the developer eventually conceded the claim. However, the Council would not agree to a statement of reasons that included unlawful delegation as a reason for quashing the planning permission. Nor did the Council accept that the Court could make an order requiring the planning application to be re-determined by its planning committee. The Council did accept that they had failed to consider the (then emerging) Lambeth Local Plan, which was adopted just one week after the grant of permission. Crucially, the Lambeth Local Plan recognises the importance of protecting the night time economy in Brixton and supports leisure uses where they contribute to the vitality and viability of Brixton town centre.

Matt Lewin appeared for the Claimant in front of Mr Justice Gilbart yesterday morning. In negotiations in the corridors of the Royal Courts of Justice, the Council and the developer accepted Ms Barron's case that CPR r.54.19(2)(a)(ii) allowed the Court to direct the Council to re-determine the application for planning permission in the light of the Claimant's arguments made under Ground Four (which argued that the delegated decision had been taken *ultra vires* or unlawfully).

Mr Justice Gilbart accepted the agreed order and quashed the planning permission. He also ordered the Council and developer to pay the Claimant's legal costs. The application for planning permission now returns to the Council to take the decision again.

This important case will be of interest to both planning and licensing practitioners and the many people concerned by the alarming rate at which nightclubs and music venues are closing.

At the heart of this case was the Council's refusal to consider the role played by nightclubs in contributing to the culture and economy of Brixton town centre; Ms Barron's bold case to the High Court means that, when the Council comes to reconsider this application, it cannot ignore the legendary Club 414.

Jonathan Clay

Matt Lewin and Louise Barron outside the Royal Courts of Justice

Court of Appeal clarifies meaning of "policies for the supply of housing" at paragraph 49 NPPF

In joined appeals *Hopkins v SSCLG* and *Cheshire East DC v SSCLG* [2016] EWCA Civ [168] the Court of Appeal considered the scope of paragraph 49 NPPF, which is engaged where a Council cannot demonstrate a five-year supply of deliverable housing sites in accordance with paragraph 47 NPPF.

There had been a range of judicial opinion in the Planning Court, ranging from a wide construction (Lewis J. in *Cotswold District Council v Secretary of State for Communities and Local Government and others* [2013] EWHC 3719 (Admin)) to a narrow construction (Lang J. in *William Davis Ltd. v Secretary of State for Communities and Local Government* [2013] EWHC 3058 (Admin)).

In a 44 page judgement, the Court of Appeal (Lindblom LJ giving judgment) has held at [32] that paragraph 49 NPPF means "relevant policies affecting the supply of housing". As such, it extends to "policies by which a material degree of restraint [is] imposed on both the location and amount of new housing development" at [53]. Paragraph 49 does therefore extend to policies such as the Green Belt, AONB and national parks. However, footnote 9 NPPF, ensures that such policies "will continue to be relevant" even where the

Jonathan Clay

development plan in which they sit, has become absent, silent or out-of-date see [39]

Whilst the Court identified *Tesco v Dundee* [2012] UKSC 13 as the binding authority, Lindblom LJ held at [45] that whether a particular policy of the development plan is a "policy for the supply of housing" is "not a question for the Court" rather, it is a question for the decision taker. It does therefore appear that the Court has consciously scaled back its jurisdiction to construe policy as a matter of law, leaving matters instead to decision makers to afford such weight to policies as they saw fit, having first properly directed themselves as to scope.

The weight a decision taker may attach to a policy for the supply of housing will depend on a number of factors, including at [47]

"… the extent to which relevant policies fall short of providing for the five-year supply of housing land, the action being taken by the local planning authority to address it, or the particular purpose of a restrictive policy – such as the protection of a "green wedge" or of a gap between settlements. There will be many cases, no doubt, in which restrictive policies, whether general or specific in nature, are given sufficient weight to justify the refusal of planning permission despite their not being up-to-date under the policy in paragraph 49 in the absence of a five-year supply of housing land. Such an outcome is clearly contemplated by government policy in the NPPF. It will always be for the decision-maker to judge, in the particular circumstances of the case in hand, how much weight should be given to conflict with policies for the supply of housing that are out-of-date. This is not a matter of law; it is a matter of planning judgment"

Significance of Heritage Assets

The Court also found that the Inspector had failed properly to provide a "distinct and clearly reasoned assessment of the effect the development would have upon the significance of the parkland [the site of the development] as a "heritage asset", and, crucially, the "balanced judgment" called for by paragraph 135, "having regard to the scale of any harm or loss and the significance of the heritage asset".

Jonathan Clay and **Ashley Bowes** appeared for Suffolk Coastal District Council.

Please click here to read the judgment in full.

Court of Appeal considers what are "policies for the supply of housing"

The Court of Appeal will today and tomorrow hear arguments in the joined appeals of *Hopkins Homes Ltd v SSCLG* and *Cheshire East BC v SSCLG*. The principle at issue in both cases is the meaning and scope of paragraph 49 NPPF which provides that "relevant policies for the supply of housing" are "out of date" when the authority cannot demonstrate a 5-year supply of housing sites. The consequence of the relevant policies being out of date is that paragraph 14 NPPF and its presumption in favour of permission is engaged, with radically different prospects of success for the applicant.

The meaning of paragraph 49 has been subject to at least three competing constructions in judgments of the High Court since the NPPF came into force in 2012. The Court of Appeal granted permission to appeal on

Jonathan Clay

the basis that the paragraph 49 issue was of "wider importance" as well as standing a real prospect of success.

Jonathan Clay and Ashley Bowes appear for the Appellant in the *Hopkins* case, Suffolk Coastal District Council.

Club wins Round 1 of legal fight to save Brixton Night Spot

The legal challenge to Lambeth Council's decision to grant planning consent for controversial housing development that would lead to the closure of one of Brixton's best known night clubs has cleared the first crucial legal hurdle.

The High Court has granted permission on all grounds to challenge the decision of Lambeth Council to grant consent for development which would have resulted in the closure of Club 414 in Coldharbour Lane, Brixton.

Jonathan Clay and Matt Lewin of Cornerstone Barristers drafted the application, acting for Louise Barron, the manager of the internationally renowned Brixton Night Club.

Grounds in support of the application include that the Council should not have granted consent for the development by officer's delegated decision instead of in public, at a committee meeting. There had been large scale public opposition to the new housing development that would replace the Club, which opened after the Brixton Riots in the 1980s. Other grounds included failure to consider relevant planning policy and the Council officers misdirecting themselves that there were no valid reasons to protect the existing use.

Granting permission for judicial review on 10th December, Mr Justice Collins stated in the Order that he was "*not persuaded by the attempts in the Defendant's Acknowledgement of Service to justify ….the officers' report*" The Judge also expressly identified the failure of the Council officers to consider Lambeth's emerging local plan and the delegation of the decision to officers as being arguable grounds.

A date will now be fixed for hearing in the Planning Court in the New Year.

Cornerstone Barristers instructed in Brixton nightclub judicial review

Cornerstone Barristers' Jonathan Clay and Matt Lewin have been instructed by Louise Barron, owner of the legendary Club 414 in Brixton, in an attempt to save the club from closure after Lambeth Council granted planning permission for a change of use of the building from nightclub (sui generis) to A1 retail and residential.

The planning permission, which was granted on 16 September 2015, will force Club 414's doors to close after 30 years in business. Club 414 pioneered the night-time economy in Brixton, having opened shortly after the Brixton Riot of 1985. Having laid the foundations for the many thriving bar, club and restaurant

Jonathan Clay

businesses in Brixton, Club 414 has now been added to the list of the many historic Brixton businesses at risk of closure, as the area is transformed and property prices rise.

The consultation on the planning application attracted significant levels of public interest, yet the grant of permission was made by officers under delegated powers. This forms one of the grounds of challenge in the judicial review claim.

Other issues in the claim will include:

- whether the loss of the existing nightclub use was a material consideration which should have been taken into account by the Council; and
- whether the issue of noise impacts from surrounding licensed premises was dealt with properly, an issue which is of great concern to licensed operators across the country. Noise impacts played a crucial role in the recent *KOKO* litigation (in which Cornerstone Barristers' Tom Cosgrove acted for the successful nightclub owner).

A decision on permission is awaited.

The outcome of this case will be of great interest to owners and operators of licensed premises, lawyers dealing with the overlap between licensing and planning law and, of course, to the many thousands of guests and supporters of Club 414 from Brixton to Brisbane.

Cornestone Barristers acts for local resident in successful village green application

Ashley Bowes has successfully represented a local resident, Mrs Flip Cargill, to register Leach Grove Woods, Leatherhead, Surrey as a new village green. Despite their Inspector William Webster having concluded that the land should not be registered, and an officer's recommendation that the Inspector's recommendation should be followed, Surrey County Council's Planning & Regulatory Committee resolved to accede to Mrs Cargill's application at its meeting on 23 September 2015.

The application, made under the provisions of section 15(3) of the Commons Act 2006, ("the 2006 Act") relied on a claim that the land had been used by inhabitants of either a locality or a neighbourhood within a locality for lawful sports and pastimes (LSP) for a period of at least 20 years ending in January 2013.

The NHS, who own the land, represented by Jonathan Clay of Cornerstone Barristers, contested the application on the grounds that:

- after July 1993 the land was comprised within a single freehold title which included the hospital site;
- in the discharge of their statutory health functions after July 1993, none of the foregoing NHS bodies had power to permit land to be used by the public for the purposes of lawful sports and pastimes;
- throughout the relevant qualifying period, both the land and the hospital site would have been held for the NHS functions of various NHS bodies;

Jonathan Clay

- the claimed *locality* or claimed *neighbourhood within a locality* did not satisfy the tests required by the 2006 Act.

The Inspector for Surrey County Council had concluded that the claimed neighbourhood within the electoral ward locality did not comprise a "neighbourhood" under section 15 of the 2006 Act. He had also dismissed the alternative argument that a polling district amounted to a "locality" under the Act. Accordingly, the Inspector recommended that the registration authority should reject the application on the grounds that the applicant had failed to satisfy all the requirements necessary for the land to be registered as a TVG and the Council's Registration Officer advised Members to follow that recommendation.

However, following further submissions from the Applicant and the Objector on the question of "neighbourhood", the Council's Planning & Regulatory Committee resolved to accept the application, stating simply that they had taken the view that the claimed neighbourhood *did* satisfy the requirements under the Commons Act 2006.

Although the ultimate issue was a narrow one, the application generated an interesting discussion within the Inspector's Report as to the application of the doctrine of statutory incompatibility following the Supreme Court's decision in *R(Newhaven Port & Properties Ltd) v East Sussex County Council* [2015] UKSC 7.

Click here to read the Inspector's report and recommendation in full.

Cornerstone Barristers successfully resists village green application for NHS

Jonathan Clay of Counsel, instructed by Capsticks Solicitors, has successfully appeared for the NHS in a public inquiry resisting an application launched by Leatherhead residents who sought to have woodland adjoin Leatherhead Community Hospital registered as a Town or Village Green.

The application, made under the provisions of section 15(3) of the Commons Act 2006, ("the 2006 Act") relied on a claim that the land had been used by inhabitants of a locality or neighbourhood for lawful sports and pastimes (LSP) for a period of at least 20 years ending in January 2013.

The NHS contested the application on the grounds that:

(a) after July 1993 the land was comprised within a single freehold title which included the hospital site;

(b) in the discharge of their statutory health functions after July 1993, none of the foregoing NHS bodies had power to permit land to be used by the public for the purposes of lawful sports and pastimes;

(c) throughout the relevant qualifying period, both the land and the hospital site would have been held for the NHS functions of various NHS bodies;

(d) the claimed locality or neighbourhood did not satisfy the tests required by the 2006 Act.

The Inspector for Surrey County Council concluded that the claimed locality and neighbourhood in the

Jonathan Clay

application did not correlate with their respective meanings under section 15 of the 2006 Act. The Inspector recommended that the registration authority reject the application on the grounds that the applicant had failed to satisfy all the requirements necessary for the land to be registered as a TVG.

The decision includes important discussion of the argument that the registration of the land would conflict with the statutory purposes for which the land was held.

While the NHS has no plans to develop the 2.9 acre site at the present time, it is anticipated that the Registration Authority, Surrey County Council, will now dismiss the application for registration.

Click here to read the Inspector's report and recommendation in full.

Local landscape protection policies trump lack of housing land supply in historic parkland housing appeal

Suffolk Coastal District Council have welcomed the decision on appeal to refuse planning permission for 25 houses in locally designated historic parkland on the outskirts of Yoxford in Suffolk, despite the absence of a 5 year housing land supply.

Relying on the decision in William Davis v SoSCLG (2013), Inspector Tim Wood dismissed an appeal by Hopkins Homes Ltd following a 4 day public inquiry, finding that the development would not constitute sustainable development within the meaning of the NPPF. Having regard to the judgement in Davis wherein it was held that paragraph 14 of the Framework only applies to development which has been found to be sustainable, The Inspector found that the conflict of the proposal with up to date Local Plan policies that protect the non-designated heritage asset and the special landscape character, were not outweighed by the benefits of the scheme.

The Inspector was clearly concerned that this proposal, which would have meant suburban development outside the clear built limits of the historic village of Yoxford and within one of the three historic parks which provide its exceptional setting would be unacceptable in principle.

The Inspector also dismissed the appellant's application for costs, finding no unreasonable behaviour on the part of the Council had been demonstrated.

To read the decision letter, please click here: Appeal Decision

Jonathan Clay acted for Suffolk City Council.

Ref: APP/J3530/A/13/2204639
Land at Old High Road, Yoxford, Suffolk Decision Dated 15 July 2014.

Jonathan Clay

Associations

- Planning and Environmental Bar Association (PEBA)
- UK Environmental Lawyers Association (UKELA)
- Pro Bono Unit
- 1990 - 1992 - Lecturer in Constitutional and Administrative Law. University of Westminster.