



Andrew Tabachnik KC

Year of call: 1991 | Silk: 2017

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"Gets outstanding results." Chambers and Partners

Andrew has a versatile and diverse practice, specialising in cases of complexity, and encompassing (in particular) planning and compulsory purchase, and disciplinary and regulatory law. He has acted in many recent high-profile cases involving regulation of solicitors, leading the Solicitors Regulation Authority's prosecutions of Phil Shiner, Gary Senior and Karen Todner.

Andrew is recommended by the leading legal directories:

- Listed as a Recommended Silk and Junior in his practice areas from 2009 to date in Chambers and Partners and The Legal 500.
- Named Professional Discipline "Silk of the Year" at the Chambers UK Bar Awards (November 2020).

Andrew graduated from Cambridge with a first-class degree in Law, then obtained an LLM at Columbia Law School in New York. He is a member of the New York bar, and worked in the US before returning to full-time practice in London in 1999. Andrew took silk in 2017.

Andrew was elected to our Management Board in 2019, and is Head of Equality, Diversity and Inclusion.

Areas of expertise

Planning

Regulatory and Disciplinary

Planning

Andrew practises in all areas of planning and compulsory purchase law including:

- Planning inquiries
- Judicial review and statutory appeals
- Strategic planning, including local plan examinations
- Lands Tribunal
- Housing/regeneration including greenfield and urban sites
- Student housing

- Aviation and marinas
- Waste including recovery from waste (energy from waste (EfW) and AD facilities)
- Crematoria
- Health and Safety Executive issues (including nuclear)
- Heritage
- Substantial experience in Green Belt cases
- Planning disputes in the Caribbean

Cases of note

- ***Swire v Canterbury City Council* [2022] EWHC 390** - Acted for Redrow in successfully resisting judicial reviews relating to decisions under an outline permission for 400 homes.
- **Substantial urban extensions** - Promotion of substantial Green Belt and non-Green Belt sites (consisting of many thousands of proposed new homes and/or substantial employment proposals including for data centres) through local plan examinations and the planning application/appeal process.
- **National centre for film and TV production** - Acting for landowners promoting a massive new film studio complex (to include over 20 sound stages), currently designated Green Belt.
- **New crematorium at Turners Hill, West Sussex** - Securing consent at appeal for a new crematorium adjacent to the Area of Outstanding Natural Beauty (AONB), with the local planning authority (LPA) abandoning their reasons for refusal after cross examination of their witnesses.
- **Residential appeal at Chichester** - Acting for developers at a nine-day inquiry into proposals for a sustainable extension to Chichester.
- ***Wingfield v Canterbury City Council* [2020] EWCA Civ 1588** - Representing housing developer in leading Court of Appeal decision on exceptional applications to re-open refusal of permission to appeal in respect of refused judicial review (Civil Procedure Rule 52.30), defending consent for 250 new homes.
- **Garden community at Biggleswade** - Acting for UK Regeneration promoting a garden community for 1,500 new homes and associated development at Biggleswade, Central Bedfordshire.
- **Massive London regeneration scheme in Docklands** - Acting for the developers of a very substantial regeneration scheme, proposing 7,500 new homes and significant employment development.
- **Green Belt employment site in Brentwood** - Securing permission for a substantial employment scheme at a Green Belt location in Brentwood district.
- **Greenfield development in Bracknell Forest** - Securing at appeal permission for residential development of two sites at Tilehurst Lane, Bracknell Forest. One proposal was successfully promoted on the basis (in part) of heritage benefits for the setting of a Grade II* building.
- **Oxford Greyhound Stadium** - Assisting the landowners in relation to the Oxford Local Plan.
- **Residential scheme near nuclear installation** - Advising on a residential proposal near a licensed nuclear facility.
- **Student housing scheme in Guildford** - Securing consent for 519 student units at prominent site in Guildford.
- **Canterbury district** - Representing Redrow defending a 250-home consent against legal challenge raising habitats issues, and advising on the development of a 400 unit scheme.
- **Compulsory purchase order (CPO) schemes** - Involvement in proposed CPOs for a derelict former greyhound racing stadium, a former steelworks and a listed building in a historic regeneration

district.

- **Marina developments in the Caribbean** - Involvement in two cases concerning the lawfulness of different marina expansion proposals.
- **Abbott Murex** - Securing revocation of hazardous substances consent, so permitting adjacent residential development to proceed.
- **Wapping conservation area** - Promoting residential development in highly sensitive locations.
- **Plymouth** - Securing substantial residential consent on prominent site adjacent to AONB.
- **North Newbury** - Acting for developer successfully promoting an appeal proposal for 401 homes and a school at North Newbury, adjacent to the Vodafone HQ.
- **Wards Corner / Seven Sisters CPO** - Acting for developer of flagship regeneration project in Tottenham proposing substantial retail and residential development. Successful outcome following three-week CPO inquiry.
- **Farnborough Airport compensation claims** - Acting for airport successfully resisting compensation claims under Land Compensation Act 1973.
- **Callerton judicial review [2017] EWHC 688** - Successful representation of CEG (interested party to judicial review) whose consent for 550 homes was challenged by Persimmon.
- **Kirby Cross** - Successful representation of developer at inquiry. 240 homes in the Strategic Gap consented.
- **Guildford district** - Acting in respect of Green Belt site proposed for 1,100 new homes.
- **Wokingham district** - Successful representation of two schemes at inquiry (for Hicks and CALA respectively) raising substantial five-year supply issues.
- **Caledonian House, Watford** - Successful representation at inquiry of scheme to redevelop substantial building.
- **Tackley, West Oxfordshire** - Successful representation at inquiry of Barwood scheme for 70 new homes.
- **Cockaynes Lane, Arlesford** - Successful appeal for scheme proposing 145 homes in Tendring District.
- ***William Hill v Transport for London*** - Successful representation of claimant resisting argument by Transport for London (TfL) that claim was time-barred.
- ***Luton Borough Council v Central Bedfordshire Council*** - Instructed by LBC. Judicial review of 5,000 home consent. Important National Planning Policy Framework (NPPF) and Green Belt issues considered in the Court of Appeal.
- **Winchfield new town** - Acting for objectors to proposed new town at Winchfield.
- **West End, Surrey Heath** - Acted for developer securing consent for 85 unit scheme with substantial suitable alternative natural greenspaces (SANGS), including resisting a judicial review of the grant.
- **Lymington Bottom Road, Medstead** - Secured consent on appeal for substantial CALA scheme.
- **Hare Street North, Buntingford, East Hertfordshire** - Successful appeal, securing planning consent for substantial new housing scheme.
- **Anaerobic digestion plant, Yorkshire** - Acted for claimants in judicial review. Council and IP consented to judgment.
- **Crossrail compensation claims** - Advising on compensation claims arising from compulsory purchase of buildings adjacent to Oxford Street.
- **Crewe Road, Crewe** - Planning appeal. Consent granted for substantial new housing scheme.

- **Attleborough, Norfolk** - Acting for developer. Secured consent for 375 new homes.
- **Midsomer Norton, Somer Valley** - Successful appeal, securing planning consent for 135 new homes.
- **Land adjacent to Aldermaston nuclear facility** - Acted for developer securing consent for substantial residential proposal immediately adjacent to Aldermaston, over Health and Safety Executive (HSE) objection at call-in inquiry.
- **Cala Homes v Secretary of State for Communities and Local Government & Ors (no 3)** - Challenge to refusal of planning permission, conceded just before hearing by the Secretary of State, and leading shortly thereafter to grant of planning permission for 2,000 homes.
- **Crawley North East Sector** - (High Court x2, planning inquiry x2) – Planning permission secured for 1,900 homes adjacent to Gatwick Airport after lengthy battle.
- **The Brit Oval** - Planning Inquiry–Redevelopment of Oval, opposed by HSE due to proximity of gasholders.

Recommendations

Chambers and Partners (2009 – 2021) rank him in Planning, and Professional Discipline. Legal 500 (2009 – 2021) rank him in Planning, and Professional Discipline. Nominated by Chambers and Partners as Professional Discipline Junior of the Year 2012. Named by Chambers and Partners as Professional Discipline Silk of the Year 2020.

Comments in these publications include:

- *"He is always very thorough and is extremely analytical in his terms of approach." "He takes horrendously complex work and distils it down for everyone."* (2020)
- *"Utterly superb strategic skills, advocacy and writing, all delivered with common sense and commercial awareness." "Provides high-quality legal advice and pragmatic strategic contribution to our matters. He is a precise and thorough draftsman and a highly persuasive advocate."* (2020)
- *"legal powerhouse with a persuasive presence as an advocate."* (2020)
- *"A silk who focuses on the detail."* (2020)
- *"A barrister with a very powerful intellect." "A real black-letter lawyer who can really get down into the rules and regulations, and who is particularly good at cross-examination."* (2017)
- *"He takes a measured, intellectual approach and is highly capable of persuading judges on the nuances of conflicts."* (2017)
- *"... provides high-quality legal advice and pragmatic, strategic contributions to matters. He is a precise and thorough draftsman and a highly persuasive advocate."* (2017)
- *"He has a very acute mind and can be relied upon to grasp and lead complex arguments."* (2016)
- *"A stunning cross-examiner and entirely adept at dealing with the most difficult legal points."* (2015)
- *"A very thorough and forensic barrister who is a sure and steady hand in any dispute."* (2015)
- *"An experienced junior whose practice covers a number of areas."* (2015)
- *"He's very responsive and good at communicating matters. He is also very quick, and gets to the point very quickly."* (2015)
- *"He is a very good technical lawyer who is top-drawer."* (2015)
- *"Amazes with his ability to absorb vast amounts of information."* (2014)
- *"He is excellent, has good cross-examination skills and can deal with the nitty gritty aspects of regulatory work."* (2014)

- *"We use him for our more challenging and long-running discrimination matters. He has an incredible ability to turn difficult situations into victory."* (2014)
- *"He is a master tactician and a forensic genius."* (2014)
- *"Fantastically thorough", "does good team work" and "gets outstanding results"* (2013)
- *"Gains the respect and confidence of the court and his opponents alike as a result of his reasonable approach even in the face of highly controversial issues", "leaves no stone unturned", and "devastating cross-examination technique."* (2013)
- *"He really understands the need for counsel to be an integral part of the team"* (2012)
- *Prized for his "strong intellect, great attention to detail and winning way with clients."* (2012)
- *"Very good at unpicking the threads of convoluted cases" and "forensic in his approach and analysis, but very carefully works as a team to progress matters and consider alternatives and effects."* (2011)
- *"An effective advocate with a persuasive way of presenting a case."* (2011)
- *"[He has] great clarity of thought" and "displays confidence and forcefulness in his opinions."* (2011)
- *"Forensic in his approach and analysis, but very carefully works as a team to progress matters and consider alternatives and effects."* (2011)
- *"Thorough, very pleasant to work with and has a tremendous win rate."* (2010)
- *"Efficient and extremely bright [he] is a dream to deal with" and "a formidable operator."* (2010)
- *"[He] really owns a case and drives it forward. Favoured as a good team player who gives pragmatic advice and strategic input."* (2009)
- *"He is good on all levels, and is a very sound, complete and user-friendly senior junior."*

Qualifications

Other Bars

- New York State
- District of Columbia

Education

- MA (Hons) from Cambridge University First Class Honours
- LLM from Columbia University, New York

Scholarships

- Pembroke College Foundation Scholar
- Ziegler Prize for Law
- WA Makaad Prize

Additional Information

Who's Who lists Andrew's interests as cricket, opera and over-working, and he strives to maintain a balance between the three.

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