

Year called 2014

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“Katherine is an excellent barrister and a pleasure to work with. She is dedicated and works hard. She is responsive, insightful, and you can trust her to get the best possible results.’

Legal 500 2021

“Her drafting is fantastic and she turns papers around very quickly.”

Chambers & Partners 2020

Katherine specialises in planning and environmental law, as well as public law and human rights. She has an exceptionally diverse practice which ranges from commercial regulatory work to public interest matters.

She is recommended by several of the Legal Directories:

- Recognised as “rising star” in the fields of public law, planning and education by Legal 500
- Listed as one of the top ten “Highest Rated Planning Juniors Under 35” by Planning Magazine
- Recognised by Chambers & Partners in community care and education law

Katherine graduated from Queens’ College, Cambridge with a First Class degree in French and Spanish before converting to law. She then obtained an LLM with distinction in public law and human rights from the London School of Economics.

She has appeared as sole counsel in the Court of Appeal, High Court, Upper Tribunal, Court of Protection, County Court, Crown Court and Magistrates Courts.

As former co-chair of Young Legal Aid Lawyers (2017-2019), Katherine is committed to access to justice and legal aid work. She is also a member of the Equality and Human Rights Commission’s panel of counsel.

PRACTICE AREAS

- Planning
- Environment (including energy regulation)
- Public Law and Human Rights

PRACTICE AREAS

PLANNING

Katherine practises in all areas of planning and environmental law, including the specialist areas of town and village greens and highways. She is regularly instructed to appear at inquiries, hearings and High Court challenges for a range of clients including developers, local authorities, NGOs, community groups and individuals.

Her work in this area includes related information law issues, typically those arising under the Environmental Information Regulations 2004 and the Freedom of Information Act 2000.

She is recognised as a “rising star” in the field of planning by Legal 500 and is listed as one of the top ten “Highest Rated Planning Juniors Under 35” by Planning Magazine. Katherine is also the Ministerial Decisions editor for the Journal of Planning & Environmental Law.

Judicial review and statutory appeals

Notable cases include:

- *R (Stubbs) v Lake District National Park Authority* [2020] EWHC 2293 (Admin) – acted as sole counsel in a judicial review of the Authority’s refusal to make a traffic regulation order restricting 4x4s on two roads in the Lake District National Park.
- *R (Hemms) v Bath and North East Somerset Council* [2020] EWHC 2721 (Admin) – acted as sole counsel for the successful Defendant in a challenge to the local authority’s refusal to make an order pursuant to s.102 of the TCPA 1990. The case considers the application of Article 8 to the planning context as well as delegated powers under the local authority’s constitution.
- *R (Risby) v East Hertfordshire DC* [2019] EWHC 3474 (Admin) – acted for the Claimant in a judicial review of the decision to grant planning permission for a multi-storey car park in a Conservation Area. The case considers the consistency principle and the treatment of a previous quashed planning decision.
- *R (Brommell) v Reading District Council* [2018] EWHC 3529 (Admin) – acted as sole counsel for the Claimant in a judicial review of a grant of planning permission for a school on public playing fields.
- *R (Buckley) v Bath and North East Somerset District Council* [2018] EWHC 1551 (Admin) – acted for the successful Claimant in a judicial review of the decision to demolish a major council estate. The decision was quashed on equalities grounds.

- *R (Peters) v London Borough of Haringey* [2018] EWHC 192 (Admin) – acted for the Claimant in a challenge to the Haringey Development Vehicle. The case deals with the important question of whether a development vehicle can be set up as a partnership, or whether it must be a company.
- *R (Dillner) v Sheffield County Council* [2016] EWHC 945 (Admin) – acted for the successful Defendant in a challenge to a street maintenance project which involved the replacement of street trees.
- *R (NHS Property Services Limited) v Surrey County Council* [2016] EWHC 1715 – acted for the Defendant in a judicial review concerning the “statutory incompatibility” doctrine in town and village green cases.

Inquiries

Katherine is regularly instructed to appear at planning inquiries both as sole counsel and as a junior. Recent examples of her inquiry work are given below.

Residential

- Acted for the Rule 6 party at a 1 week inquiry concerning two conjoined appeals, each for large housing developments. The key issues were heritage, landscape and transport impacts.
- Acted for the successful Rule 6 party at a 2 week planning inquiry concerning a large housing development (350 units) with supporting infrastructure. The appeal was refused on landscape grounds despite the absence of a five year housing land supply.
- Acted for the successful Rule 6 party at a 2 week planning inquiry concerning a housing development (125 units) in a rural area. The developer withdrew the appeal after the Inspector accepted submissions from the Rule 6 party that the inquiry should be reopened for a further 2 days to consider matters pertaining to five year housing land supply.
- Acted for the successful local authority in a recent inquiry concerning five year housing land supply and prematurity. The inquiry involved the presentation of complex expert evidence on objectively assessed need.
- Acted for the successful local authority in an appeal against conditions restricting residential accommodation to holiday lets.

Regeneration

- Represented a Rule 6 Party, two conjoined residents’ associations, at a 1 week planning inquiry concerned with the regeneration of a large Council estate. The main issues were loss of open space, affordable housing and failure to provide community facilities.

Food and drink / retail / hotel

- Appeared for the successful Rule 6 party in respect of a 6 day planning inquiry regarding the establishment of a large food hall (over 500 covers) in east London. The appeal was dismissed on heritage grounds.
- Acted for a local planning authority at a hearing regarding the change of hotel use to retail. The hearing required the analysis of complex viability and retail impact evidence.

- Katherine is currently advising a local authority on an application for a major retail park.

Rural

- Represented the successful local authority in a 1 day inquiry concerning the refusal to issue a lawful development certificate for a large campsite.

Gypsy and traveller work

- Acted for an Interested Party at an 8 day inquiry concerning an appeal against an enforcement notice requiring a dismantlement of a long-standing gypsy settlement. The Inspector accepted the submissions by the Interested Party that time to comply with the enforcement notice should be extended by around a year.

Town and village greens

- Acted for the applicant in a 1 week village green inquiry.

Plans and Strategies

Katherine has a particular interest in work concerning plans and strategies, and has experience appearing at local plan examinations. Work in this area includes:

- Promoting Aylesbury Vale District Council's Local Plan.
- Promoting the West of England's Joint Spatial Plan.
- Advising on a s.113 reasonable alternatives challenge to a local plan.
- Advising a group objecting to various transport policies in a local plan.
- Advising a water company on its water resources management plan.

Enforcement

- Katherine regularly appears in the criminal courts in relation the planning enforcement matters, prosecuting for local authorities and defending individuals. For example, she recently secured a conviction for breach of a condition notice and an order that the prosecuting local authority receive its costs in full.
- Katherine also has experience of applications under the Proceeds of Crime Act 2002, as well as injunctions under s.187B of the Town and Country Planning Act 1990.

Highways

Katherine gained an insight into the specialist area of highways law due to a secondment to a Highways Authority early in her tenancy. Since then she regularly advises on highways matters, ranging from the establishment of public rights of way through long use, inference with public rights of way, traffic regulation orders and Transport and Works Act Orders. Recent work in this area includes:

- Acting for the Claimant in a recent high court challenge to the refusal to make a traffic regulation

order: *Stubbs v Lake District National Park Authority* [2020] EWHC 2293 (Admin).

- Advising a local authority on the traffic regulation order requirements to facilitate its participation in the Government's e-scooter trial.
- Advising a local authority on the interpretation of conditions imposed by a Transport and Works Act Order.

Public Procurement and State Aid

Katherine has a particular interest in procurement law in a planning and regeneration context, as well as EU State Aid law. Work in this area includes:

- Advising a local authority on a potential claim for judicial review concerning the application of State Aid rules to a particular type of CIL contribution.
- Advising on a challenge to a major mixed use development on the basis of non-compliance with the Public Contracts Regulations 2015.

Infrastructure

Katherine is familiar with the DCO and TWAO processes through assisting with work on a variety of major infrastructure projects including HS2, the Overground Extension and Able Marine Energy Park. She was recently instructed to advise on a potential judicial review of a DCO for a major highways scheme.

Compulsory Purchase and Compensation

Katherine has worked on various compulsory purchase matters. Recent work includes:

- Advising a local authority on the scope of using its compulsory purchase powers to acquire an asset of community value.
- Advising on a disturbance and extinguishment claim.

Other work

- Katherine regularly advises on issues such as planning obligations (including affordable housing), planning conditions, changes of use, permitted development rights, AONB policy and heritage impact.
- She has worked on cases concerning tree preservation orders, liability for remediation of contaminated land under Part 2A of the Environmental Protection Act 1990, environmental impact assessments, the Habitats Directive, air quality and flooding.

ENVIRONMENT (INCLUDING ENERGY REGULATION)

Katherine's environmental work complements her planning expertise, but she also practises environmental law in its own right. She has a particular interest in energy regulation, including renewable energy.

Katherine's environmental practice includes related information law issues, typically those arising under the Environmental Information Regulations 2004 and the Freedom of Information Act 2000.

Recent work includes:

- Acting for a renewable energy company in a judicial review of Ofgem’s change in position that the company’s residential boiler fitting scheme does not fall within the regulatory framework such that subsidies are no longer payable (*R (Wood Boilers) v Gas and Electricity Markets Authority* [2020] EWHC 1578 (Admin)).
- Advising a water company on its emerging water resources management plan. This included advice in respect of the Water Framework Directive and the Habitats Directive.
- Acting (as sole counsel) for the Claimant in *R (Stubbs) v Lake District National Park Authority* [2020] EWHC 2293 (Admin), a judicial review of the Authority’s refusal to make a traffic regulation order restricting 4x4s on two roads in the Lake District National Park.
- Acting (as sole counsel) for the Claimant in *R (Brommell) v Reading District Council* [2018] EWHC 3529 (Admin), a challenge to permission for the development of a school on public open space.
- Advising on an appeal against conditions imposed on a wildfowling consent granted by Natural England under s.28F of the Wildlife and Countryside Act 1981. The appeal involves consideration of expert evidence concerning protected bird species.
- Acting for a zoo in a dispute about the conditions imposed by the zoo’s licence in respect of elephant enclosures.
- Acting for the successful Defendant in *R (Dillner) v Sheffield County Council* [2016] EWHC 945 (Admin), a challenge to a street maintenance project which involved the replacement of street trees.
- Advising on the implications of the Strategic Environmental Assessment framework in relation to a variety of plans and strategies in both a development and water context. She spent much of summer 2018 promoting Aylesbury Vale’s local plan. She is also used to appearing for objectors at local plan examinations.
- Various cases involving air quality matters, particularly in the context of aviation, road infrastructure projects and large scale residential development. She has also advised on air quality strategies.
- Advising on liability for the remediation of contaminated land under Part 2A of the Environmental Protection Act 1990.
- Various cases involving Tree Protection Orders.
- Multiple cases (both advisory and litigious) concerning the Habitats Directive and the legal framework for Environmental Impact Assessment.
- Acting for the Defendant, a major developer, in an ongoing claim for nuisance caused by flooding.

PUBLIC LAW AND HUMAN RIGHTS

Katherine practises all areas of public law and human rights, with a focus on judicial review. She is an exceptionally versatile practitioner, who is just as comfortable acting for her commercial clients (which include major companies and developers) as her legally aided clients (who range from victims of trafficking to disabled prisoners). She increasingly finds herself instructed on high profile policy and strategic challenges, an area which she very much enjoys.

She is recognised as a “rising star” by Legal 500 in public law, as well as in education law. She is also listed by Chambers & Partners in the fields of community care and education.

Recent highlights from Katherine's public law practice include:

- Acting for the Claimants in a successful challenge to the system for providing accommodation to failed asylum seekers pursuant to s.4 of the Immigration and Asylum Act 1999 (*DMA v Secretary of State for Home Department* [2020] EWHC 3416 (Admin)).
- Acting for a renewable energy company in a judicial review of Ofgem's change in position that the company's residential boiler fitting scheme does not fall within the regulatory framework such that subsidies are no longer payable (the permission decision is reported – *R (Wood Boilers) v Gas and Electricity Markets Authority* [2020] EWHC 1578 (Admin)).
- Acting for the First Respondent local authority in an appeal to the Court of Appeal from the Court of Protection on the grounds of procedural unfairness – *In The Matter of P (Discharge of Party)* [2021] EWCA Civ 512.
- Acting for the Claimant in a challenge to a decision by a private care home provider to close her home. The case is concerned with s.73 of the Care Act 2014 and the circumstances in which private providers will be subject to human rights obligations. Permission has been granted and the case is ongoing.
- Acting for the Claimants in an ongoing challenge to the Government's consultation on its National Disability Strategy.
- Acting for the Claimant in *R (British Medical Association) v Northamptonshire CC (and others)* [2020] EWHC 1664 (Admin) in a challenge concerning the failure of Northamptonshire's safeguarding plan to address remuneration for safeguarding services provided by GPs.
- Acting for the Claimant in *R (Stubbs) v Lake District National Park Authority* [2020] EWHC 2293 (Admin), a challenge to a refusal to restrict 4x4s on two roads within the National Park.
- Acting for the Claimants in *R (Simone) v Chancellor of the Exchequer and Secretary of State for Education* [2019] EWHC 2609 (Admin), a high profile challenge to the failure to provide adequate funding for the education of children with special educational needs.
- Acting for the Claimants in a successful challenge to a local authority's policy on "Post-16" transport.
- Acting for the Claimants in a successful challenge to the decision of Portsmouth City Council to reduce its special education needs budget by c.£400,000.
- Acting for the Respondent in the Court of Appeal in a case concerning the interpretation of the State Pension Credit Regulations 2002: *Secretary of State for Work and Pensions v Goulding* [2019] EWCA Civ 839.
- Acting for the Claimant in *R (Brommell) v Reading District Council* [2018] EWHC 3529 (Admin), a challenge to the decision to permit development of a school on public playing fields.

Commercial Judicial Review (including procurement)

- Katherine acts for and against companies in commercial judicial review claims. Given her planning and environmental expertise, much of her work in this area relates to the development and energy sectors. The claims typically involve allegations of unlawful consultation, unlawful procurement exercises, breaches of legitimate expectation and a failure to protect companies' A1P1 rights.

- Recent examples of Katherine’s work in this area include:
 - Acting for a renewable energy company in a judicial review of Ofgem’s change in position that the company’s residential boiler fitting scheme does not fall within the regulatory framework such that subsidies are no longer payable. The claim raises complex legitimate expectation and A1P1 arguments (a useful summary is provided in the permission decision: *R (Wood Boilers) v Gas and Electricity Markets Authority* [2020] EWHC 1578 (Admin)).
 - Advising on a potential challenge by a rival developer to a major mixed use development on the basis of non-compliance with the Public Contracts Regulations 2015.

Health and Community Care (including Court of Protection)

Katherine is ranked by Chambers and Partners in the field of community care.

Judicial review

- Acting for the Claimant in a challenge to a decision by a private care home provider to close her home. The case is concerned with s.73 of the Care Act 2014 and the circumstances in which private providers will be subject to human rights obligations. Permission has been granted and the case is ongoing.
- Acting for the successful Claimant in a judicial review of a hospital trust’s decision to introduce parking charges for blue badge holders.
- Acting for a hospital trust in a judicial review of the decision to transfer to another hospital an individual detained under s.3 Mental Health Act 1983.
- Acting for a severely disabled child in a successful judicial review of the refusal to grant a Disabled Facilities Grant.
- Acting for the Claimants in a challenge to a local authority’s charging policy.
- Acting for a severely disabled child in a challenge to the CCG’s decision to cut his Continuing Healthcare package nursing allowance.
- Acting for the Claimant (at the permission stage) in a challenge to the closure of children’s centres: *R (L) v Buckinghamshire County Council* [2019] EWHC 1817 (Admin).
- Various challenges to local authorities’ failure to conduct lawful care needs assessments and/or produce lawful care and support plans under the Care Act 2014. For example, she recently acted for the successful Claimant, a man with schizophrenia, in a challenge to the Claimant’s care needs assessment on the basis that the implications of his mental health diagnosis had not been properly taken into account.
- Various applications for judicial review concerning local authorities’ failure to conduct lawful assessments under s.17 and/or their refusal to provide suitable accommodation under s.20 of the Children Act 1989.
- Acting for the Secretary of State for Health and Social Care (as part of GLD’s junior junior scheme) in *R (Hutchinson & Anor) v Secretary of State for Health and Social Care* [2018] EWHC 1698 (Admin), a challenge to the Government’s “Alternative Care Providers” policy, said to represent a move towards the privatisation of the NHS.

Court of Protection

- Court of Protection proceedings under s.16 MCA 2005 (personal welfare matters), challenges to deprivation of liberty orders under s.21A MCA 2005, medical treatment cases and inherent jurisdiction cases. Katherine acts for the Official Solicitor, family members, local authorities and NHS bodies. She has particular expertise in cases with an international element (applications under Schedule 3 to the MCA for recognition and enforcement of protective measures).

Recent work includes:

- Acting for the First Respondent local authority in an appeal to the Court of Appeal from the Court of Protection on the grounds of procedural unfairness – *In The Matter of P (Discharge of Party)* [2021] EWCA Civ 512.
- Advising on a particularly complex case involving a young man with a brain tumour and serious mental health problems who repeatedly instructed that he wanted treatment for the tumour but ran away from hospital in fright every time doctors tried to administer treatment.
- Acting for the local authority in proceedings about whether it is P's best interests to have contact with a sex worker.
- Acting for a mother seeking to challenge stringent restrictions on contact with her son, resident in a care home, imposed in previous Court of Protection proceedings.
- Recent inherent jurisdiction cases include acting for an NHS Trust in a sensitive case involving a vulnerable teenager, as well as acting for a victim of domestic violence who has been removed from the family home by the local authority.
- Multiple applications for recognition and enforcement of protective measures imposed abroad, including *Health Service Executive of Ireland v Ellern Mede Moorgate* [2020] EWCOP 12.

Education

Katherine is listed as "Up and Coming" by Chambers & Partners in education law.

Funding

- Katherine recently acted (as sole counsel) for the successful Claimants in a judicial review of the decision by Portsmouth City Council to reduce its special educational needs funding by c.£400,000.
- She also acted for the Claimants in *R (Simone) v Chancellor of the Exchequer and Secretary of State for Education* [2019] EWHC 2609 (Admin), a challenge to the failure to provide adequate funding for the education of children with special educational needs.

School Closure

- Katherine recently advised on and acted in various judicial reviews concerning decisions to close rural primary schools.

Special Educational Needs, Discrimination and School Transport Challenges

- Katherine regularly appears before the Special Educational Needs and Disability Tribunal in a variety of

challenges to EHC plans and Statements. She has particular experience of disputes concerning “education otherwise” and also of cases which overlap with complex social care and health care issues. In addition, Katherine has experience of appeals to the Upper Tribunal.

- She recently appeared on behalf of the Claimants, the parents of a child with autism, in a successful disability discrimination claim against their child’s primary school.
- She recently advised on a challenge to a local authority’s “Post-16” transport policy. Following a letter before claim the local authority agreed to withdraw the policy.

Higher Education

- Katherine is acting for a well-known university in a disability discrimination claim.
- Katherine has advised on students’ rights and obligations in relation to student finance, and recently advised in respect of a potential judicial review of a decision by Student Finance England to terminate a student’s eligibility for student finance.
- She also regularly advises on complaints to the Office of the Independent Adjudicator.

Admissions and Exclusions

- Katherine has represented parents at various admissions and exclusion appeals. She recently appeared for a father at a hearing before the Independent Review Panel in which the decision to exclude his daughter from secondary was quashed on the basis of apparent bias.

Regulatory

- Katherine has advised on various aspects of regulatory law in an educational context. She recently represented the registered owner of a child-minding facility in respect of an investigation by Ofsted.
- She recently advised a foster parent who had been removed from the local authority’s register following an unsubstantiated allegation of historic child abuse. The local authority agreed to reconsider its decision on the basis of the letter before claim.
- Katherine acted for Ofsted in relation to the case study on child sexual abuse at residential Catholic schools as part of the Independent Inquiry into Child Sexual Abuse.

Prison Law

- Katherine is often instructed in respect of difficulties faced by disabled prisoners and / or prisoners with care needs. These complex claims typically involve multiple Defendants and include arguments under the Equality Act 2010, the Human Rights Act 1998 and/or the breach of obligations under the Care Act 2014. Much of her work also concerns the rights of such prisoners to accommodation, health care and social care on release from prison.
- Katherine acted for a prisoner in a judicial review of her prison’s refusal to allow visits from her partner. The claim was conceded.
- Katherine recently advised a Jewish prisoner seeking to challenge by way of judicial review his prison’s failure to provide him with access to a rabbi and kosher food.

- She recently advised on a potential judicial review of the refusal to recategorise a prisoner from Category A to Category B.
- She recently provided advice on a discrimination claim concerning the delay providing a transgender prisoner with hormonal treatment.

Asylum Support and Anti-Trafficking

- Katherine is regularly instructed in judicial reviews, many of which are urgent, relating to the failure to provide asylum support to asylum seekers. She recently secured a significant damages payment for an asylum seeker with serious mental health problems who had been housed in inadequate accommodation for several months. She also acted for the Claimants in *R (DMA) v Secretary of State for the Home Department* [2020] EWHC 3416 (Admin), a successful strategic challenge.
- She has also worked on various trafficking matters, including judicial reviews of refusals to recognise victims of trafficking under the NRM, challenges to failures to provide victims with the support to which they are entitled, as well as Human Rights Act damages claims arising from the failure of public bodies to meet their obligations towards victims of trafficking.

Social Security

- Katherine acted for the Respondent, a pensioner, in an appeal by the Secretary of State concerning the interpretation of the State Pension Credit Regulations 2002: *Secretary of State for Work and Pensions v Goulding* [2019] EWCA Civ 839.
- Other work includes advising on the entitlement to housing benefit of those living on caravan sites, as well as advising a retired member of the Navy on his entitlement to a War Pension.

MEMBERSHIPS

Katherine is a member of the following professional associations:

- Administrative Law Bar Association (ALBA) (committee member)
- Education Law Association (ELAS)
- Human Rights Law Association (HRLA)
- Planning and Environmental Bar Association (PEBA)
- United Kingdom Environmental Law Association (UKELA)
- Young Legal Aid Lawyers (YLAL) (former co-chair)

QUALIFICATIONS

- Queens' College, University of Cambridge, BA(Hons) French and Spanish (First Class) (2010)
- City University, GDL (2012)
- The London School of Economics, LLM Public Law and Human Rights (Distinction) (2013)
- BPP University, BPTC (2014)

Scholarships

- Foundation Scholarship, Queens' College, University of Cambridge (2010)
- Lord Haldane Scholarship, Lincoln's Inn (2011)
- Hardwicke Award, Lincoln's Inn (2012)
- Lord Mansfield Scholarship, Lincoln's Inn (2013)

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