



NED HELME

Year called 2006

ned.helme@39essex.com



“Undoubtedly a future star in the planning world”

Chambers & Partners

“Bright and quick to grasp the important points, he is responsive and punchy, and very concise and clear”

Legal 500

Ned Helme specialises in administrative and public law, environmental and planning law, financial services law, local government law, and regulatory and disciplinary law. He is ranked in both the Legal 500 and Chambers & Partners, and is a General Editor of the Sweet & Maxwell Environmental Law Bulletin.

PRACTICE AREAS

- Planning, Environment & Property
- Administrative & Public
- Banking & Finance

SECTORS

- Art & Cultural Property

BARRISTERS · ARBITRATORS · MEDIATORS

PRACTICE AREAS

PLANNING, ENVIRONMENT & PROPERTY

"Has a diverse planning practice and acts for clients in all manner of sectors. His broad areas of expertise encompass environmental, financial regulatory and public law, making him very knowledgeable on cross-disciplinary matters. He frequently acts for clients in inquiries and judicial reviews." Chambers & Partners (2020)

Ned has extensive experience in the fields of planning, environmental, energy, compulsory purchase and related administrative law. He has acted in cases involving large scale housing, heritage, industrial developments and infrastructure projects (including wind farms, other renewable energy facilities and a Strategic Rail Freight Interchange). Within environmental law, he has particular expertise in Environmental Impact Assessment, Strategic Environmental Assessment, Sustainability Appraisal, Habitats Regulations Assessment, Green Belt issues and nuisance.

Significant cases include:

- **R (Samuel Smith Old Brewery (Tadcaster)) v North Yorkshire County Council** [2020] UKSC 3 – Acted (as junior to Peter Village QC and James Strachan QC) for the Claimant in the High Court, Court of Appeal, and Supreme Court in a judicial review concerning the scope of Green Belt policy in the context of largescale mineral extraction.
- **City & Country Bramshill Ltd v SSHCLG** [2019] EWHC 3819 (Admin) – Acted (as junior to James Strachan QC) in the High Court, and now acting in the Court of Appeal, for the Claimant/Appellant in multiple sets of proceedings challenging decisions and costs decisions on a series of conjoined appeals concerning Bramshill House, a Grade I listed Jacobean mansion set within a Grade I Registered Park and Garden.
- **R (Samuel Smith Old Brewery (Tadcaster)) v Selby District Council (CO/774/2019)** – Acted as sole counsel for the Claimant in High Court proceedings concerning the heritage impacts to a listed bridge of a public raised seating and viewing area proposed to be constructed by North Yorkshire County Council.
- **CEG Land Promotions II Ltd v SSHCLG** [2018] EWHC 1799 (Admin) – Acted (as junior to James Strachan QC) for the Claimant in section 288 proceedings challenging an Inspector's decision to refuse a 175 dwelling development on land adjoining Wendover in Buckinghamshire. The judgment is of importance on the approach to "valued landscapes" under NPPF policy.
- **Hallam Land Management v SSCLG and Eastleigh Borough Council** [2018] EWCA Civ 1808 – Acted (as junior to Paul Stinchcombe QC) for the Council in both the High Court and Court of Appeal in section 288 proceedings challenging a Secretary of State decision to refuse permission for a substantial residential-led development in a Local Gap in Eastleigh.
- **R (Government of the Republic of France) v Kensington and Chelsea Royal London Borough Council** [2017] 1 WLR 3206 – Acted (as junior to Paul Stinchcombe QC) for the Government of the Republic of France in this important case concerning the scope of Certificates of Lawfulness under section 191 and 192 of the Town and Country Planning Act 1990 and section 26H of the Planning (Listed Buildings and Conservation Areas) Act 1990.

- **R (Lee Valley Regional Park Authority) v Epping Forest DC and Valley Grown Nurseries Ltd** [2016] EWCA Civ 404 – Acted (as junior to Peter Village QC) for the successful Interested Party in both the High Court and Court of Appeal in this judicial review of a decision to grant planning permission for a 92,000 square metre glasshouse on Green Belt, EIA, habitats and other grounds.
- **R (Bluebell Cemetery Ltd) v SSCLG** [2015] EWHC 2339 (Admin) – Acted (as junior to Peter Village QC) for the successful Interested Party in this section 288 challenge to the grant of permission for a crematorium in Kent.
- **R (Gibson) v Waverley Borough Council** [2015] EWHC 3784 (Admin) – Acted (as junior to Paul Stinchcombe QC) for the Claimant in this judicial review of a planning permission and listed building consent for a scheme to turn Undershaw (the house in which Sir Arthur Conan Doyle wrote *The Hound of the Baskervilles*) into a school. Previously acted (again as junior to Paul Stinchcombe QC) for the same Claimant in a judicial review ([2012] EWHC 1472 (Admin)) challenging a scheme to turn Undershaw into nine separate homes.
- **LB Bexley v The Bank Restaurant & Bar Ltd** (2015 – HQ15X02398) – Acted for the Council in a High Court claim for an injunction under section 81(5) of the Environmental Protection Act 1990 to restrain a statutory noise nuisance.
- **St Albans DC v SSCLG & Ors** [2015] EWHC 655 (Admin) – Acted (as junior to Paul Stinchcombe QC) for STRIFE Ltd in this section 288 challenge to the grant of permission for a Strategic Rail Freight Interchange near St Albans.
- **R (Giles) v South Holland District Council** [2014] – Acted for the Council in this judicial review of the grant of planning permission for a renewable energy park at Sutton Bridge.
- **R (Evans) v Cornwall Council** [2013] EWHC 4109 (Admin) – Acted for the successful Council in this judicial review of two decisions not to require prior approval of the siting, design and external appearance of agricultural development close to a Grade II* listed building.
- **St Albans City and District Council v (1) Hunston Properties Limited and (2) Secretary of State for Communities and Local Government** [2013] EWCA Civ 1610 (on appeal from [2013] EWHC 2678 (Admin)) – Acted (as junior to Paul Stinchcombe QC) for the Claimant in both the High Court and Court of Appeal in this successful and landmark challenge of an Inspector's decision to refuse planning permission for 116 dwellings on a Green Belt site. This was the first case on the proper interpretation of paragraph 47 of the NPPF (2012) and the assessment of housing needs following the revocation of Regional Strategies.
- **Thurrock BC v McDonagh** [2013] EWHC 2070 (QB) – Acted for the Council in injunctive proceedings restraining unlawful development (through, among other things, the siting of caravans) on a site within the Metropolitan Green Belt.
- **R (Burrige) v Breckland District Council** [2013] EWCA Civ 228 – Acted (as junior to John Hobson QC) for the successful District Council in this judicial review of planning permissions for a renewable energy facility. The Court of Appeal's Judgment is of importance on issues of project splitting in the context of EIA and the exercise of judicial discretion in cases involving European law.
- **Shadwell Estate Company Ltd v Breckland District Council** [2013] EWHC 12 (Admin) – Acted (as junior to John Hobson QC) for the successful District Council in a statutory challenge to the Thetford Area Action Plan on grounds concerning Strategic Environmental Assessment, Sustainability Appraisal, and

Habitats Regulations Assessment.

- **R (Skinner and Alvarado) v London Borough of Haringey** [2013] EWHC 1475 (Admin) – Acted (as junior to Paul Stinchcombe QC) for the successful Council in this judicial review of a planning permission and conservation area consent granted for a comprehensive redevelopment of a key regeneration site at Wards Corner (off Tottenham High Road in London).

Significant plan-making and inquiry work includes:

- **Emerging Eastleigh Borough Local Plan** (2017-20) – Acting (as junior to Paul Stinchcombe QC) for Eastleigh Borough Council on its emerging Local Plan.
- **Emerging Wealden Local Plan** (2018-19) – Acted (as junior to Paul Stinchcombe QC) for Wealden District Council on its emerging Local Plan.
- **Bramshill House and Park** (2017-19) – Acted (as junior to James Strachan QC) in a 26-day planning inquiry into a series of conjoined appeals concerning Bramshill House, a Grade I listed Jacobean mansion set within a Grade I Registered Park and Garden. The case raised profoundly important heritage issues, given Bramshill's unique status. It also raised a host of other planning and environmental issues, including under the Habitats Directive (given its location within 400m of a Special Protection Area). Subsequently acted, as sole counsel, in a 4-day inquiry concerning the Grade II entrance lodges to the site.
- **Land at Tudor Stud Farm** (2017) – Acted for Wycombe District Council in this enforcement appeal concerning the siting of mobile homes in a sensitive Green Belt and AONB location.
- **Land to the Rear of Medway** (2017) – Acted for the landowners in an inquiry into an application to register their land as a Town or Village Green under section 15 of the Commons Act 2006.
- **Eastleigh inquiries** (2016-17) – Acted (as junior to Paul Stinchcombe QC) in a series of multiday planning inquiries concerning land in strategic or local gaps in Eastleigh (at Boorley Green, Bubb Lane, Botley, Grange Road and Mallards Road) and in various associated High Court proceedings including *Hallam Land Management v SSCLG and Eastleigh Borough Council* [2018] EWCA Civ 1808.
- **St Osyth's Priory** (2015-16) – Acted (as junior to Peter Village QC) for the landowners (and applicants) in a case concerning enabling development to secure the future of St Osyth's Priory in Essex, one of the most important collections of historical buildings in the country. Ned's involvement began with successful section 288 proceedings challenging a decision of May 2015 to refuse the original appeals. Those appeals, together with revised appeals, went back to inquiry in November 2016 and a settlement was reached during the inquiry, resulting in the grant of permission for the revised appeals.
- **Welborne** (2015) – Acted (as junior to James Strachan QC) advising the Council on Parts 2 and 3 of its Local Plan, the Welborne Plan and the Development Sites & Policies Plan, which were both successfully adopted on 8 June 2015.
- **Independent examination of the Cambridge Local Plan and South Cambridgeshire Local Plan** (2014-5) – Acted for Commercial Estates Group, which was seeking to promote an urban extension to deliver 3,300 to 4,400 homes and 10ha of employment land to the south east of Cambridge.
- **Sewell Park, St Albans** (July 2014) – Acted (as junior to Paul Stinchcombe QC) in the inquiry following the Court of Appeal proceedings in *St Albans City and District Council v (1) Hunston Properties Limited and (2) Secretary of State for Communities and Local Government* [2013] EWCA Civ 1610.

BARRISTERS · ARBITRATORS · MEDIATORS

- **A21 Tonbridge to Pembury Dualling Public Inquiry** (May 2013) – Acted on behalf of the Hadlow Estate, the major landowner affected by the proposed scheme, at concurrent highways and compulsory purchase order inquiries into the proposed dualling of the A21 between Tonbridge and Pembury.
- **Radlett, near St Albans** – Acted (as junior to Paul Stinchcombe QC) on behalf of the Rule 6 party in a four week planning inquiry into a proposed Strategic Rail Freight Interchange near St Albans. Also acted (through written representations) in the developer’s section 288 application (*Helioslough Ltd v Secretary of State for Communities and Local Government* [2011] EWHC 2054 (Admin)) and in the Council’s section 288 challenge of the grant of permission ([2015] EWHC 655 (Admin)).
- **Dunsfold Park, Surrey** – Acted (as junior to Paul Stinchcombe QC) on behalf of the Rule 6 parties in a four week planning inquiry into a proposed major new settlement at Dunsfold Park. The proposal was characterised by its promoters as an ‘eco-village’ and the inquiry was the first in the UK to consider the (then draft) Planning Policy Statement on Eco-Towns.

ADMINISTRATIVE & PUBLIC

PUBLIC LAW AND LOCAL GOVERNMENT LAW

Ned’s public law practice encompasses a broad range of areas, including planning and environment, local government, compulsory purchase, highways, licensing, financial services, human rights, and freedom of information.

Ned’s experience of local government law includes prosecutions in the Crown Court and Magistrates’ Courts concerning a range of matters, including environmental protection, noise abatement, food safety and dangerous dogs.

Ned has acted regularly for the Financial Ombudsman Service and has represented the service in numerous judicial review proceedings challenging its determinations.

BANKING & FINANCE

FINANCIAL SERVICES AND REGULATORY & DISCIPLINARY LAW

Ned has considerable experience of financial services and has acted regularly for the Financial Ombudsman Service in both the High Court and County Court. He has undertaken part-time secondments to both the Financial Ombudsman Service and the Institute of Chartered Accountants in England and Wales (“ICAEW”), in both of which he advised on a variety of regulatory, commercial, public law, and other issues. He has also acted for the ICAEW on numerous occasions before its Disciplinary, Review and Appeal Committees.

SECTORS

ART & CULTURAL PROPERTY

Ned has extensive experience of art and cultural property and other heritage issues in the listed building and planning law contexts. He has acted in a range of heritage cases in the High Court and Court of Appeal (including: *City & Country Bramshill Ltd v SSHCLG* [2019] EWHC 3819 (Admin); *R (Government of the Republic of France) v Kensington and Chelsea Royal London Borough Council* [2017] 1 WLR 3206; and *R (Gibson) v Waverley Borough Council* [2015] EWHC 3784 (Admin) and [2012] EWHC 1472 (Admin)).

He has also acted in a range of heritage-related inquiries, including major inquiries concerning the future of Bramshill (a Grade I listed Jacobean mansion in Hampshire, uniquely set in a Grade I Registered Park and Garden, and containing important tapestries) and St Osyth's Priory (a major group of Grade I, II* and II listed buildings in Essex).

RECOMMENDATIONS

Ned is ranked as a leading junior in both environmental law and planning law in the Legal 500, which states that he is *"bright and quick to grasp the important points, he is responsive and punchy, and very concise and clear"* (2020) and a *"delightful junior and a pleasure to work alongside"* (2019).

He is also ranked in planning law in Chambers & Partners, which describes him as being *"bright and quick to grasp the important points"* (2020), *"diligent, thorough and approachable"* and *"undoubtedly a future star in the planning world"* (2019) and which notes that he *"has a diverse planning practice and acts for clients in all manner of sectors. His broad areas of expertise encompass environmental, financial regulatory and public law, making him very knowledgeable on cross-disciplinary matters. He frequently acts for clients in inquiries and judicial reviews. He has a well-established practice in cases involving proposed development in green belt land and strategic gaps."* (2020)

MEMBERSHIPS

- Constitutional & Administrative Law Bar Association
 - Planning & Environment Bar Association
 - UK Environmental Law Association
 - South Eastern Circuit
-

QUALIFICATIONS

Education

- 2006: Inns of Court School of Law, Bar Vocational Course.
- 2005: City University, Graduate Diploma in Law.
- 2003: University of Oxford, Magdalen College, BA in Biological Sciences, First Class.

Scholarships & Prizes

- 2005: Lincoln's Inn, Lord Mansfield Scholarship.
- 2004: Lincoln's Inn, Lord Bowen Scholarship and Hardwicke Entrance Scholarship.
- 2003: University of Oxford, Gibbs Prize in Biological Sciences.

ADDITIONAL INFORMATION

Ned has a background in the biosciences and is particularly interested in cases involving scientific or medical issues.

After being called to the Bar in 2006, Ned worked as a caseworker at the Bar Pro Bono Unit until 2008 (when he commenced his pupillage). Ned retains a keen interest in pro bono work and is a member of the Bar Pro Bono Unit's panel of volunteers.

LONDON

81 Chancery Lane,
London
WC2A 1DD
Tel: +44 (0)20 7832 1111
DX: London/Chancery Lane 298
Fax: +44 (0)20 7353 3978

MANCHESTER

82 King Street,
Manchester
M2 4WQ
Tel: +44 (0)16 1870 0333
Fax: +44 (0)20 7353 3978

SINGAPORE

Maxwell Chambers,
28 Maxwell Road,
04-03 & 04-04, Maxwell Chamber
Suites
Singapore 069120
Tel: +65 6320 9272

KUALA LUMPUR

#02-9, Bangunan Sulaiman,
Jalan Sultan Hishamuddin,
50000 Kuala Lumpur,
Malaysia
Tel: +60 32 271 1085