



“Paul is a particularly persuasive advocate, brilliant in both cross-examination and submissions.”

Chambers & Partners 2020

Paul Stinchcombe QC was called to the Bar in 1985, building up a substantial practice in Public, Environmental and Planning Law before becoming an MP (1997-2005), during which time he served on the Home Affairs Select Committee, the Joint Committee on Human Rights and the Joint Committee on House of Lords Reform. Since returning to the Bar in May 2005, Paul rapidly re-built his practice and was elevated to silk within six years. Paul acts for developers, Local Authorities and private clients, including local campaign groups. Paul is regularly recommended in the Legal Directories and was named as the Times Lawyer of the week following his successful challenge against a decision to redevelop the house in which Sir Arthur Conan Doyle wrote The Hound of the Baskervilles. He was shortlisted for “Real Estate, Environmental and Planning Silk of the Year” at the Legal 500 UK Bar Awards 2018 and, in 2005, was elected as a Visiting Fellow to Cambridge University’s Centre of Public Law.

PRACTICE AREAS

- Planning, Environment & Property
- Administrative & Public

SECTORS

- Art & Cultural Property
- Aviation & Aerospace

PRACTICE AREAS

PLANNING, ENVIRONMENT & PROPERTY

Paul Stinchcombe QC has an extensive practice in planning and environmental law, including major infrastructure & DCOs, compulsory purchase and compensation, local government and human rights. He acts for a very wide range of developers, as well as Local Authorities and campaigning groups, in relation to all forms of development, including housing and affordable housing, new settlements, retail, industrial and commercial development, and aviation. Paul regularly appears at sections 77/78 Public Inquiries and hearings, Local Plan Examinations and in the Courts in these areas.

Paul is very experienced in a wide range of environmental and environmental control issues in relation to development and infrastructure, including Environmental Impact Assessments, Habitats Regulation Assessments, Noise Assessments, Flooding Assessments, Heritage Impact Assessments, and Landscape and Visual Impact Assessments.

Having successfully argued ***Hunston Properties***, the seminal case on objectively assessed housing needs, Paul thereafter appeared in several leading High Court and Court of Appeal cases on related issues, as well as some of the largest Planning Inquiries regarding housing proposals – acting both for and against developers. He promoted “Drake Park”, a proposed development of over 1,000 homes in the Surrey Green Belt; resisted a new settlement of 1,600 homes at Dunsfold Park, also in Surrey, on behalf of a local campaigning group; and has appeared for Local Planning Authorities in many multi-day Inquiries, resisting thousands of homes pending the replacement of Local Plans.

Paul has promoted Local Plans himself, addressing leading edge issues as to how to meet housing needs whilst protecting gaps between settlements, ancient woodland and protected habitats. He has also acted in numerous other high profile Court of Appeal and High Court challenges on planning and environmental topics of national importance, as set out below in his ‘Cases of Note’

PLANNING LAW CASES OF NOTE

- ***R (Ross & Sanders acting on behalf of Stop Stansted Expansion) v Secretary of State for Transport [2020] EWHC 226 (Admin)***, an important case concerning the borderlines between the infrastructure planning regime under the Planning Act 2008 and the conventional planning regime under the Town and Country Planning Act 1990.
- ***New World Payphones Ltd. v Westminster City Council [2019] EWCA Civ 2250***, on appeal from [2019] EWHC 176 (Admin), a high profile case concerning the permitted development right to install telephone kiosks which are also used for illuminated advertising.
- ***CPRE (Surrey) and POW Campaign Ltd v Waverley Borough Council, Secretary of State for Housing, Communities and Local Government and Dunsfold Airport Ltd [2019] EWCA Civ 126***, on appeal from [2018] EWHC 2969 (Admin), concerning the extent to which Plan-makers need to investigate unmet housing needs outside their area before adopting a housing requirement to meet the same.
- ***Eastleigh Borough Council v Secretary of State for Housing, Communities and Local Government [2019] EWHC 1862 (Admin)***, concerning the planning balance to be applied when a housing application breaches policy and the Local Planning Authority can demonstrate a five year housing land supply.

- **Hallam Land Management v Secretary of State for Housing, Communities and Local Government and Eastleigh Borough Council** [2018] EWCA Civ 1808; [2017] EWHC 2865 (Admin), leading Ned Helme in a case concerning the proper approach to gap policy and whether an exact calculation of housing land supply is required.
- **William Davis (and Ors) v Charnwood Borough Council** [2017] EWHC 3006 (Admin), concerning the differences between “Development Plan Documents” (which can only be adopted by a Local Planning Authority after independent examination) and “Supplementary Planning Documents (which can be adopted after consultation only, and without independent examination).
- **R (Government of the Republic of France) v Kensington and Chelsea Royal London Borough Council** [2017] 1 WLR 3206, leading Ned Helme for the Government of the Republic of France in a 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 (Gibson) v Waverley Borough Council** [2015] EWHC 3784 (Admin), leading Ned Helme in a second challenge against a decision to redevelop the house in which Sir Arthur Conan Doyle wrote the Hound of the Baskervilles.
- **St Albans DC v Secretary of State for Housing, Communities and Local Government & Ors** [2015] EWHC 655 (Admin), acting for STRiFE Ltd., leading Ned Helme in a section 288 challenge to the grant of permission for a Strategic Rail Freight Interchange near St Albans.
- **R (Tesco Stores Limited) v (1) Forest of Dean District Council (2) Asda Stores Limited and Others** [2015] EWCA Civ 800; [2014] EWHC 3348 (Admin), successfully appearing for Asda (when the Council did not appear), defending the Council’s decision to grant planning permission for an Asda superstore in Lydney; and thereafter successfully defending the decision (with Jonathan Darby) in the Court of Appeal and on behalf of the landowner when neither the Respondent nor any other Interested Party appeared to resist the appeal.
- **R (1) Peter Sanders (2) Brian Ross) v (1) Airports Commission (2) Secretary of State for Transport** [2013] EWHC3754 (Admin), leading Ned Helme in a high profile apparent bias judicial review relating to the workings of the Airports Commission, the body tasked by the Secretary of State for Transport with addressing the heated issue of aviation expansion in the UK.
- **Hunston Properties Limited v (1) Secretary of State for Communities and Local Government and (2) St Albans City and District Council** [2013] EWCA Civ 1610 (on appeal from [2013] EWHC 2678 (Admin)), leading Ned Helme in a successful and landmark challenge against an Inspector’s decision to refuse planning permission for 132 dwellings on a Green Belt site, the first case on the proper interpretation of paragraph 47 of the NPPF and the assessment of housing needs following the revocation of Spatial Strategies.
- **R (Skinner and Alvarado) v London Borough of Haringey**, [2013] EWHC 1475 (Admin), leading Ned Helme in successfully resisting an application for 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).
- **Avon Estates Ltd v Welsh Ministers & Ceredigion County Council** [2013] EWHC 1796 (Admin), successfully defending an Inspector’s decision to refuse to grant a Certificate of Lawfulness in respect

of a proposed use of holiday homes in a holiday park as unrestricted dwellings.

- ***R (Gibson) v Waverley Borough Council*** [2012] EWHC 1472 (Admin), leading Ned Helme in a successful challenge against a decision to redevelop the house in which Sir Arthur Conan Doyle wrote the Hound of the Baskervilles (for which Paul was named 'Lawyer of the Week' in the Times). The judgment was described by English Heritage as "the principal case law on the question of optimal viable use" in respect of heritage assets.
- ***Vallis v The Secretary of State for Local Government*** [2012] EWHC 578 (Admin), a successful challenge against a decision which would have required the demolition of an historic barn.
- ***Trad Scaffolding Co. Ltd. v. London Thames Gateway Development Corporation*** [2011] EWHC 314 (Admin), successfully defending the grant of planning permission for a new town centre, including superstore, housing and a school.
- ***Avon Estates Ltd. v Welsh Ministers & Ceredigion County Council*** [2011] EWCA Civ 553, [2010] EWHC 1759 (Admin), concerning the extent to which planning conditions restricting the use of a holiday park can have legal effect after the expiry of the permission to which they were attached.
- ***Stop Pyestock Blot Act Today (SPLAT) v Secretary of State for Communities and Local Government*** [2010] EWHC 1520 (Admin), challenging the decision to grant consent for a huge logistics park contrary to the Inspector's recommendation.
- ***Sumner v Secretary of State for Communities and Local Government*** [2010] EWHC 372 (Admin), concerning the lawful use to which a building can be put when erected without permission and time has expired within which the building might be enforced against.
- ***Hutchinson v Secretary of State for Communities and Local Government*** [2009] EWHC 304 (Admin), [2009] EWCA Civ 1494, concerning the interpretation of national Green Belt policy and the capacity of Local Authorities to rewrite its concepts.
- ***R (Barbone & Ross acting on behalf of Stop Stansted Expansion) v Secretaries of State for Transport and Communities and Local Government*** [2009] EWHC 463 (Admin), a challenge to the decision to permit 10 million additional passengers a year at Stansted Airport.

ENVIRONMENTAL LAW CASES OF NOTE

- ***R (Corrie) v Suffolk County Council*** [2014] All ER (D) 214 (Jul); [2014] EWHC 2490 (Admin), successfully defending the decision of the Waste Authority to grant itself planning permission for a new waste facility, in which it was held that it would be contrary to the conduct of good administration and legal certainty for a claimant to hold off from challenging a screening direction of the Secretary of State, thereby leaving a local planning authority in the position where it had no choice but to act in accordance with that direction, only to seek later to impugn the decision to grant planning permission on the basis that it was flawed.
- ***R (Karen Treagus) v Suffolk County Council*** [2013] EWHC 950 (Admin), successfully resting an application for judicial review of a planning permission granted for an anaerobic digestion plant.
- ***R (Jennifer Dawes) v Secretary of State for Transport and Anor*** [CO/ 2917/ 2020], leading Richard Wald QC and Gethin Thomas in a successful judicial review challenging the grant of a Development Consent Order re-opening Manston Airport on climate change grounds. For more information, please see

here: <https://www.39essex.com/manston-airport-dco-quashed/>.

COMPENSATION AND TRIBUNAL CASES OF NOTE

- ***Bishopsgate Parking and Powerfocal v The Welsh Ministers*** [2012] UKUT 22 (LC) where Paul successfully represented the Welsh Ministers in a £90m Lands Tribunal claim following a compulsory acquisition of land in Cardiff City Centre.
- ***Block Stone Ltd. v English Heritage*** LCA/5/2006, acting for English Heritage in a £3m Lands Tribunal claim in respect of a refusal to renew a mining consent near to a Scheduled Monument.
- ***Ocean Leisure Ltd v Westminster City Council*** [2004] EWCA Civ 970, a leading compensation case involving claims for loss caused to a business by hoardings obstructing the highway.
- ***Wildtree Hotels Ltd v Harrow London Borough Council*** [2001] 2 AC 1, another leading compensation case involving claims for loss caused to a business, this time by noise and dust.

PROMOTING LOCAL PLANS

Paul has considerable experience of promoting Local Plans and the reconciliation of meeting housing needs whilst protecting designated habitats and valued landscapes, leading Ned Helme in the examinations of both:

- ***Wealden District Council Local Plan 2013-2028.***
- ***Eastleigh Borough Council Local Plan 2016-2036.***

PROMOTING LARGE-SCALE DEVELOPMENT

Paul has considerable experience of promoting large-scale development, often acting for major house builders:

- Paul promoted “Drake Park”, a garden village development of up to 1,024 residential units on a Green Belt site in Elmbridge, Surrey.
- Paul has successfully promoted many substantial developments including:
 - 69 dwellings and a 60 bed care home on a Green Belt site in Waverley, Surrey;
 - 200 dwellings in Lydney, obtaining an expedited decision within 5 days of the Inquiry in order to secure grant funding for the development;
 - 132 dwellings on an unallocated countryside site in Hayling Island, next to an AONB, SSI and SPA;
 - 60m tower of student accommodation, designed by Piers Gough RA CBE, on a gateway site to the Wembley Regeneration Area;
 - Bespoke “grand design” houses in the South Downs National Park (6,000 sq.ft each) and in both Kensington & Chelsea in Hampstead (the latter two designed by Richard Reid).
 - Immediately before silk, Paul promoted a 580 house development in East London.

RESISTING LARGE-SCALE DEVELOPMENT

Paul has a considerable track record of representing both Local Planning Authorities and campaign groups resisting large-scale developments and infrastructure:

- **Science Park:** Paul recently appeared for Swindon Borough Council resisting a two phase Science Park with over 80,000m² of Class B1b and B1c development.
- **Housing:** Paul has recently appeared in a dozen Planning Inquiries for a Local Planning Authorities resisting in excess of 3,000 homes pending the replacement of Local Plans and the establishment of a 5-year supply of housing.
- **Aviation:** Paul appeared for “*Stop Stansted Expansion*” in the 30-day 2021 Inquiry against the expansion of Stansted Airport, having represented SSE in the 2007 Inquiry.
- **Urban Extension:** Paul represented “*Stop Pyestock B Act today*”, resisting 133,000m² of development in a Strategic Gap.
- **Eco-Town:** Leading Ned Helme for “*Stop Dunsfold Park New Town*” in the first Planning Inquiry into an eco-town, Paul successfully resisted 2,600 homes and 60,000m² of commercial floorspace.
- **New Town:** Leading Victoria Hutton, Paul appeared on behalf of “*POWCampaigning*” on a related proposal for 1,600 homes.
- **Strategic Railfreight Interchange:** Having successfully resisted a 330,000 sq.m interchange on a 72ha site Green Belt site in a 2007 Inquiry for “*STRiFE*”, Paul led Ned Helme in a repeat Inquiry in 2009.

ADMINISTRATIVE & PUBLIC LOCAL GOVERNMENT CASES OF NOTE

- ***R (Daws Hill Neighbourhood Forum) v Wycombe District Council*** [2014] EWCA Civ 228; [2013] EWHC 513 (Admin), representing Daws Hill Neighbourhood Forum in a landmark case, the first to consider the Neighbourhood Planning provisions of the Localism Act 2011.
- ***R (Kings Cross Railway Lands Group) v LB Camden*** [2007] EWHC 1515 (Admin), affirming the right of Local Authorities to change their mind on planning applications after a change of political control.

HUMAN RIGHTS CASES OF NOTE

Having served for several years on the Parliamentary Joint Committee on Human Rights, upon returning to the Bar Paul has appeared in two Court of Appeal cases concerning the application of the Human Rights Act to the Acquisition of Land Act:

- ***O'Connor v Wiltshire County Council*** [2007] EWCA Civ 426.
- ***Thomas v Bridgend County Borough Council*** [2011] EWCA Civ 862.

SECTORS

ART & CULTURAL PROPERTY

Paul has considerable experience in advising and appearing in cases raising heritage and cultural issues, both at

Inquiry and in the Court. These include **Vallis v The Secretary of State for Local Government** [2012] EWHC 578 (Admin), a successful challenge against a decision which would have required the demolition of an historic barn, followed by further success at the resultant reheard Inquiry; and two judicial reviews attempting to protect the listed house in which Sir Arthur Conan Doyle wrote the Hound of the Baskervilles – **R (Gibson) v Waverley Borough Council** [2012] EWHC 1472 (Admin) and **R (Gibson) v Waverley Borough Council** [2015] EWHC 3784 (Admin).

The first Conan Doyle case was described by English Heritage as “the principal case law on the question of optimal viable use” in respect of heritage assets and saw Paul named ‘Lawyer of the Week’ in the Times.

AVIATION & AEROSPACE STANSTED AIRPORT

Paul has over 15 years of experience fighting aviation cases. Having represented Stop Stansted expansion in the 49-day 2007 Inquiry against the expansion of Stansted Airport, he represented them again in the 30-day 2021 Inquiry fighting yet further expansion.

He has also appeared for Stop Stansted Expansion in three leading High Court cases, on issues as broad of the apparent bias of the Airport’s Commission **R (1) Peter Sanders (2) Brian Ross) v (1) Airports Commission (2) Secretary of State for Transport** [2013] EWHC3754 (Admin); the interplay between the Development Consent Order regime for Nationally Significant Infrastructure Projects and the conventional planning regime **R (Ross & Sanders acting on behalf of Stop Stansted Expansion) v Secretary of State for Transport [2020] EWHC 226 (Admin); and** how to address the tension between Government proposals to expand aviation whilst simultaneously committing itself to reduce carbon emissions regime **(Ross & Sanders (supra) and R (Barbone & Ross acting on behalf of Stop Stansted Expansion) v Secretaries of State for Transport and Communities and Local Government** [2009] EWHC 463 (Admin)).

MANSTON AIRPORT

Paul recently led Richard Wald QC and Gethin Thomas in a successful judicial review challenging the grant of a Development Consent Order re-opening Manston Airport (**R (on the application of Jennifer Dawes) v Secretary of State for Transport and Anor**), on climate change grounds. For more information, please see [here](#).

SOUTHAMPTON AIRPORT

Paul is currently acting for Eastleigh Borough Council, leading Ned Helme and Catherine Dobson, resisting two applications to seek judicial review of the Council’s decision to permit an extension to the runway of Southampton Airport:

RECOMMENDATIONS

Paul has been recommended as a Leading Silk in Planning Law by Chambers & Partners and The Legal 500 for many years and, now, as an Environmental Silk by The Legal 500.

Recent quotes include as follows:

“Paul gives a case everything – completely focused and in command of his brief.” Legal 500 2021

“Paul is a particularly persuasive advocate, brilliant in both cross-examination and submissions.” Chambers &

Partners 2020

"He is very responsive, to the point, and offers clear guidance." Chambers & Partners 2019

"Able to quickly grasp the salient facts and develop a logical strategy." The Legal 500 2019

"Paul is an exceptional and charming advocate. He is adept at getting straight to the crux of the matter and advising succinctly." Chambers & Partners 2018

"He understands what the client is trying to achieve, he has a very quick and incisive brain, and he's very approachable." Chambers & Partners 2017

"He is extremely generous with his time in helping people." Chambers & Partners 2017

"His strengths include: a deep knowledge of planning law and practice; an ability to absorb information quickly and research matters at high speed; and a facility of expression in describing relevant factors of a case." The Legal 500 2017

QUALIFICATIONS

EDUCATION

BA (Law) Double First Class Honours MA (Trinity College, Cambridge); LL.M (Harvard Law School).

SCHOLARSHIPS

Trinity College, Cambridge: Ten prizes for academic distinction including a Senior Scholarship from Trinity College and the Squire Law Scholarship (twice) from Cambridge University.

Harvard Law School: Frank Knox Fellowship.

Lincoln's Inn: Hardwicke Entrance Scholarship, Thomas More Bursary, Megarry Scholarship.

FELLOWSHIP

In 2005, Paul was elected as a Visiting Fellow to Cambridge University's Centre of Public Law.

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