



Rosie accepts instructions across all areas of Chambers' work, with a particular interest in administrative and public law, planning and environmental law.

Rosie makes regular court appearances, undertakes pleading and advisory work and has a broad experience of drafting pleadings, statements of case and other core documents. Recently she appeared on behalf of local residents in a major eight-day planning Inquiry into two housing applications.

PRACTICE AREAS

- Planning, Environment & Property
- Civil Liability
- Administrative & Public

PRACTICE AREAS

PLANNING, ENVIRONMENT & PROPERTY

East Bergholt Parish Council v Babergh District Council & Ors [2018] EWHC 3400 (Admin)

Rosie appeared successfully with Richard Wald on behalf of an Interested Party in a recent JR challenge to a grant of planning permission. The challenge involved complex issues relating to the calculation of 5YHLS, the proper interpretation of *St Modwen* and its practical application to identifying "deliverable sites", and whether challenging the 5YHLS calculations amounted to an impermissible collateral attack on the Annual Monitoring Report.

Wards Corner Regeneration Project, London Borough of Haringey: CPO Inquiry

Rosie acted as junior to Andrew Tabachnik QC on behalf of Grainger Plc, the Council's developer partner in a flagship regeneration project in Haringey proposing a substantial retail and residential development. The Order was successfully confirmed with minor modifications on 9th January 2019 following an inquiry in July 2017.

Itchen, Candover and Testwood Water Abstraction Public Inquiry – outcome still awaited

Rosie was instructed by Southern Water Services Ltd in a significant public inquiry concerning the interface between national and EU environmental legislation and the domestic water abstraction licensing regime, as a junior in a team from 39 Essex led by Justine Thornton QC, with Catherine Dobson and Adam Boukraa. The Inquiry closed with a ground-breaking compromise agreement between Southern Water and the Environment Agency. A decision is still awaited.

Land off Stone Path Drive, Hatfield Peverel – outcome still awaited

In December 2017 Rosie represented residents in an eight-day planning Inquiry on two applications for the same site: one called in by the Secretary of State for 140 dwellings and a second for 80 dwellings, to be re-determined after the High Court quashed the Inspector's decision. Issues included conflict with the emerging Local Plan and emerging Neighbourhood Development Plan; alleged impact on a Grade II* Listed Building; ecological, landscape and visual impacts on a greenfield site, impact on community facilities and five year land supply.

She was publicly commended by the Inspector at the close of the Inquiry for her conduct of her clients' case.

Land off 51-70 Waldemar Avenue

Rosie successfully appeared on behalf of residents' associations objecting to proposals for a dwelling and community centre in the heart of a Conservation Area, on grounds of loss of Open Space; harm to heritage assets and setting of locally listed buildings; and impact on local amenities.

Hertfordshire County Council (Graveley 15, 18 and 21 and Wymondley 24) Modification Order 2016 – outcome awaited

In January 2019, appearing for the order-making authority, Rosie conducted an Inquiry into rights of way along a former highway stopped up in 1981. The issues included the status of the way, user evidence and the proper test for whether a landowner had "no intention to dedicate".

Rutland County Council (Thorpe by Water) Modification Order (No. 2) 2017 – outcome awaited

Rosie appeared for the order-making authority at the public inquiry into the statutory dedication of a footpath. The key question was whether various alleged landowner interactions with footpath users were sufficient to establish that there was "no intention to dedicate" the footpath, in the face of conflicting user accounts.

Hertfordshire County Council (Little Gaddesden 2, 3 and 27) Modification Order 2014 – outcome awaited

Rosie represented the County Council at a public inquiry into a Modification Order under the Wildlife and Countryside Act 1981 relating to three footpaths. Issues included user evidence; sufficiency of evidence to demonstrate no intention to dedicate a right of way; historic evidence; whether evidence had been "discovered" by the authority. A final decision is awaited.

Rights of Way

Rosie is currently providing regular advice to a local authority in relation to Rights of Way matters, including issues arising from Modification Orders to the Definitive Map and Statement under the Wildlife and Countryside Act 1981 and the interaction between a List of Streets under s.36(6) Highways Act 1980 and the Definitive Map and Statement.

Enforcement

Rosie has a growing enforcement practice. She has recently undertaken several inquiries into appeals against Enforcement Notices (with a successful appearance for the LPA in December 2018 and others awaiting decisions), prosecuted breaches of Tree Preservation Orders and defended against charges of breaching Enforcement Notices.

Rosie is currently advising on an upcoming Inquiry into an appeal against an Enforcement Notice, combined with two s.78 appeals, in relation to a property built with significant differences to the approved plans.

Other Matters

Rosie has advised councils, developers, residents and other third parties on matters such as development in the green belt; permitted development rights; neighbourhood development plans; householder appeals and interim planning guidance. She also has experience in rights of way law; hazardous substances consent issues; planning application fees; five year land supply; and judicial review prospects.

She has recently advised on the application of Article 6(4) of the Habitats Directive and the Habitats Regulations 2017 to a ground-breaking compromise agreement on between a utilities company, the Environment Agency and Natural England.

Rosie has also advised on Water Resources Management Plans and Drought Plans.

She has assisted as a junior in successfully defending against permission to judicially review a grant of planning permission and also in advising developers challenging allocation of a "new settlement" site in an emerging Site Allocations Plan without an adopted or emerging policy basis; and advising on evidence in relation to a CPO Inquiry.

Rosie regularly gives seminars and case law updates on matters such as green belt issues, enforcement, planning obligations and conditions, heritage and neighbourhood plans.

CIVIL LIABILITY

Rosie has a thriving civil liability practice and is a well prepared, thorough and confident advocate. Rosie appears regularly in trials, Costs and Case Management Conferences (CCMCs), Case Management Conferences (CMCs) and interim applications.

She advises on liability and quantum and frequently drafts Particulars of Claim, Defences, Schedules of Loss and Counter-Schedules of Loss for a wide range of clients.

Rosie recently defended Metrobus in a person injury claim and received glowing client feedback: "She was excellent, I would actually go as far as to say in my 14 years working cases she is the best I have seen. She was well prepared and her abilities in court showed this."

Rosie's busy practice includes:

- Accidents in the workplace, including issues of contractual indemnity between contractors and sub-contractors;
- Occupiers' liability cases;
- Road traffic accidents, including personal injury and credit hire;
- Highways cases;
- Landlord and Tenant cases where disrepair led to injury;
- Animal Act 1971 cases;
- Possession claims;

In a recent fast track trial, Rosie secured a finding of "fundamental dishonesty" under CPR r.44.16(1) against a

Claimant bringing a low velocity rear-end shunt whiplash claim. The judge dismissed the case after hearing Rosie's cross-examination of the Claimant, who gave "shockingly poor evidence". The judge accepted that "this claim was fundamentally dishonest. This goes way beyond what one normally sees. What [the Claimant] said did not bear any scrutiny at all."

Rosie also has clinical negligence experience, advising both claimants and the NHSLA on a range of liability, causation and quantum issues. Rosie has also assisted Neil Block QC in advising on liability and causation issues on a clinical negligence matter on the Isle of Man, as well as assisting Judith Ayling on substantial clinical negligence claims, including a significant claim for delayed diagnosis of infection involving complex medical evidence. She was also instructed as a junior in the Paterson litigation.

ADMINISTRATIVE & PUBLIC

Rosie has lately undertaken a number of **Special Educational Needs** hearings before the First-Tier Tribunal in relation to s.51 CFA 2014 appeals regarding Education Health and Care Plans. She has growing experience in both working with and cross-examining Educational Psychologists, Speech and Language Therapists, Occupational Therapists, and teaching staff. In July 2018, Rosie successfully appeared for Northamptonshire County Council, persuading the Tribunal that the school proposed by parents was not suitable to provide for the pupil's needs, particularly in relation to particular sensory disability needs and differentiation of the curriculum.

Rosie is now instructed on a regular basis by a particular local education authority, drafting statements of case and consent orders, advising in the run-up to Tribunal hearings and conducting conferences with clients and education providers.

Rosie's experience of **mental health** work includes representing applicant patients and respondent hospital trusts before Mental Health Tribunal at appeals against detention under s.2 and s.3 MHA 1983. Rosie has also drafted numerous challenges under s.21A MCA 2005 to detention under Deprivations of Liberty Safeguards authorisations.

Recently, Rosie drafted a skeleton argument for a Responsible Authority to assist a First Tier Mental Health Tribunal panel on the impact of *Secretary of State for Justice v MM* [2017] EWCA CIV 194 on a Mental Health Tribunal's power to conditionally discharge a patient under s.73 MHA 1983. The Tribunal commented that the skeleton was "very skilfully drafted".

Rosie also has a developing practice in **immigration, asylum and nationality law**, particularly judicial review, but also in statutory appeals. Her recent instructions include defending multiple challenges to refusal decisions under paragraph 353 of the Immigration Rules.

QUALIFICATIONS

Previous Employment & Qualifications

- 2013-2015, Graduate Lawyer (Awaiting English Bar Qualification), Wilmer Cutler Pickering Hale and Dorr LLP, International Arbitration and Dispute Resolution Team
- 2013, BPTC, City Law School, *Outstanding*
- 2012, Graduate Diploma in Law, City Law School, *Distinction*

- 2010, Ancient & Modern History, Magdalen College, University of Oxford, *First Class BA Hons.* (top of class)

Scholarships

- 2012 Middle Temple Queen Mother Scholarship, for 'outstanding BPTC candidates'
- 2011 Middle Temple Queen Mother Scholarship, for 'outstanding GDL candidates'
- 2011 Santander Mobility Scholarship, for 'academic merit'

Prizes

- 2013 Caroline Lester Finalist's Prize, Middle Temple Mooting Competition
- 2013 Certificate of Honour, Middle Temple, for 'Outstanding' BPTC grade
- 2013 Finalist, Graham Turnbull Human Rights Essay Prize, Law Society
- 2006 First Class MacMillan Essay Prize, Hertford College, Oxford

ADDITIONAL INFORMATION

PRO BONO AND CHARITABLE WORK

Rosie currently volunteers with the charity 'Inspiring the Future', speaking to school pupils about a career in law (particularly to those from less traditional backgrounds) and seeking to raise their aspirations and ambitions.

Rosie has worked as a trained interviewer at the National Centre for Domestic Violence, drafting witness statements on behalf of domestic violence victims at immediate risk.

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