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Giles Atkinson

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Area of expertise

Planning & Environmental  
Public Law  
Regulatory & Competition

Professional memberships

Planning and Environment  
Bar Association  
South Eastern Circuit

## Profile

### Recommendations

"He was highly intelligent and analytical. He was well prepared, incisive and able to see the wood for the trees in a case which was procedurally complex."

Chambers UK Bar Guide [2019]

"A well-prepared junior with a fast and analytic approach. Able to handle complex nuances."

Legal 500 [2019]

"He is not fazed by the opposition and provides a superb service."

Legal 500 [2017]

## Education

University of Oxford (MA) Geography 1989; University of Nottingham (MA) Regional Planning 1992; University of Westminster (Grad Dip) Law 2000; Inns of Court School of Law (2002) BVC

## Practice

Giles Atkinson is a specialist planning barrister.

## Planning

Giles's practice now covers every aspect of advocacy and advisory work concerned with planning, development management, policy and particularly enforcement work, on behalf of local authorities, developers and private individuals.

Giles has a huge experience of planning inquiry work from large housing schemes in the South East to the smaller scale, particularly enforcement cases, including those affecting listed buildings and advertising control matters. Giles is increasingly instructed in estate regeneration CPO work and has a growing High Court practice.

Giles is also increasingly appears and is instructed in judicial review matters, principally defending local authorities' decision making in the High Court. Also in the High Court, Giles has much experience of obtaining planning injunctions under section 187B TCPA.

Giles's practice on the enforcement side regularly takes him to the criminal courts prosecuting and defending planning offences and has much recent experience advising and representing both prosecuting authorities and defendants in litigation under the Proceeds of Crime Act 2002 following conviction under section 179 TCPA.

Before coming to the bar Giles spent 10 years as a planner in the Public and Private sectors.

## Recent Planning Work

- Giles successfully defended at inquiry a Council's refusal of permission for a large gypsy and traveller site in the Green Belt. With 4 mobiles, 4 tourers and 4 day rooms proposed the appellants' scheme was a sizeable development. Represented by Alan Masters, the appellants' gypsy status was in issue at inquiry. [PINS Ref: [APP/G2245/W/17/3170535](#)]
- Successfully argued in making an application under section 22 POCA 2002 (reconsideration of available amount) on behalf of the prosecuting local authority that an indemnity against the making of the order under section 22, awarded to the defendant by the High Court in parallel civil litigation, was property which had the full value of that indemnity (£188,000) so that it could be included in the new calculation required under section 22. The court found that the indemnity had value for the purposes of section 22 notwithstanding that the "trigger event" for the indemnity was the making of the order itself under section 22 by the court. The case arose from unlawful conversion of a property to flats, contrary to section 179 TCPA

1990 and the defendant had been required to pay £100,000 by way of confiscation order, following his conviction, that sum representing the available amount in the shape of his equity in another property. The indemnity the defendant won in the civil courts arose from his successful claim against the insurers for his conveyancing solicitors (since gone out of business) who had failed to advise him of the planning status of the property he had gone on to convert upon its purchase by him.

- Successful in securing the upholding of 2 ENs at inquiry alleging no less than 6 material changes of use and 4 separate instances of operational development, together with 16 requirements, in respect of a particularly complex and long-standing "problem" site in the Kent AONB. PINS refs: APP/J2210/C/16/[3165735](#) and [3165873](#).
- Successfully represented Lewes DC at planning inquiry resisting a proposal for housing outside of settlement boundaries, in the countryside. The Inspector's decision confirmed that the relevant saved local plan policy is still up-to-date and that the LPA can demonstrate a 5 year HLS. Interesting points raised too about the impact of the proposals on the Ashdown Forest SAC. [PINS Ref: [APP/P1425/W/17/3180632](#)]
- Successful defence of the issue of an enforcement notice alleging unlawful conversion of an office building into 14 self contained flats in south London. Appeal brought on ground (d). [PINS Ref: [APP/N5660/C/16/3159452](#)]
- Represented the Council in a high profile Inquiry into the refusal to grant permission for the change of use and refurbishment of the listed former Hackney Police station into a 630 pupil muslim faith school. Decision recovered by the SoS. Main issues were the effect on the historic environment and on the highway network, including pedestrians, cyclists and transport. [PINS refs: [APP/U5360/W/16/3164952](#) and [APP/U5360/Y/16/3164946](#)]
- Successful defence at Public Inquiry of Council decision to refuse planning permission for mixed use development combining 28 flats with office space and flexible B1/D1 in conservation area in Brixton. In addition to heritage issues the case was concerned with the noise impact on the proposed housing of existing commercial uses nearby, the living conditions of future residents (other than as a result of noise) and the ability for the scheme to be delivered by way of Grampian condition relating to the adoption of the highway serving the appeal site. [PINS ref: [APP/N5660/W/17/3170507](#)]
- Successful challenge of gypsy status of appellant. Given the breadth of the definition of "gypsies and travellers" in the Government's Planning Policy for Traveller Sites (PPTS), August 2015, it is rare that an appellant asserting gypsy status may successfully be challenged by the local planning authority. In this enforcement case in Kent, however, this was achieved by drawing attention to the absence of any documentary evidence (invoices, receipts, advertising material etc) to substantiate the appellant's account of his nomadic habit of life. In the absence of such material the Inspector found that the pattern of travel described by the appellant was more akin to somebody travelling for work in the ordinary way, in much the same way as a builder might travel to carry out contracts. [PINS Ref: [APP/E2205/C/15/313747](#)]. See [news item](#) here.
- Giles successfully represented an LPA at a combined enforcement notice and planning appeal inquiry into the development of new housing in the countryside. This was a complex case involving consideration of the development of former agricultural buildings for residential use as well as application of PD for agricultural buildings to dwellinghouses and offices to dwellinghouses in rural Kent. [PINS reference: [APP/J2210/C/16/3158988](#) and [APP/J2210/W/16/3153039](#)]
- Giles successfully defended an LPA's decision not to apply the Vacant Building Credit to a 46 house development in the Metropolitan Green Belt. [PINS Ref: [APP/N1920/W/16/3162337](#)].
- Giles successfully defended at appeal a LPA's decision to refuse permission for 95 houses

on a greenfield site at Wivelsfield, East Sussex. The SoS recovered the appeal and agreed with his Inspector's recommendation that permission should be refused for non compliance with the development plan in the shape of the local plan and the recently adopted neighbourhood plan. [PINS Ref: APP/P1425/W/16/3145053].

- Giles successfully advised and represented the LPA at inquiry in resisting a complex enabling development scheme comprising the relocation of a business use and the redevelopment of that site for 65 houses, all within the Metropolitan Green Belt at Harlow Essex. [PINS Refs: 3143247 and 3143248].
- 2-12 Harwood Street. Successful advice and representation of the LPA at a combined section 78 and 174 public inquiry concerning the construction of a 192 room student accommodation block in Camden Town, otherwise than in accordance with approved plans, adjacent to a Conservation Area with a particularly complex planning history and legal argument. [PINS Refs 2214983 and 2214988].
- The Meadows, Lenham Road, Headcorn, Kent. Successfully defended a Council's decision to grant temporary consent for a very large 10 plot, 20 caravans, 10 mobile homes and 10 utility blocks, gypsy encampment in the open countryside. [PINS Refs 2198352 and 2198345].
- R (on the app of) Swarraton Farm General Partner Ltd v Basingstoke and Deane Borough Council Resisted a judicial review of the Council's decision to grant permission for change of use of an agricultural building for B8 storage. Main issues were the Council's interpretation of its own policy and the effect of a pre-existing condition requiring removal of the building when agricultural use ended.
- Holmes Road, Kentish Town, London. Successfully defended a decision to refuse permission for a 7-storey 313 unit student accommodation block, on the basis of loss of employment floorspace and over-concentration of student accommodation. [PINS Ref: 2197192].
- 2 Tavistock Place, London WC1. A recent example of the complex enforcement cases Giles specialises in, defended a challenge to an enforcement notice alleging change of use from 9 self contained flats to short stay accommodation. [PINS Ref: 2193366].
- See also 245 Barking Road, London E13 [PINS Ref 2187993] and 675a Romford Road, London E12 [PINS Ref 2182778] for similar "nitty gritty" enforcement appeals.
- Woodhall Way, Molescroft, East Yorkshire. A housing development of 141 units in Beverley, Giles acted for the LPA on a member overturn [PINS Ref 2182658].
- Dairy Crest Site, Snakey Lane, Middlesex. A complex advertising control case concerning the 2 huge illuminated advertisements at the start of the M3 motorway. Acting for the LPA, the enforcement notice was upheld [PINS Ref 2180002].
- College Lane, Highgate, London. Successfully representing the Council in a highways stopping-up case resulting in a recommendation that the Order should be made. [PINS Ref DPI/X5210/12/18].
- Highmead CPO, LB Enfield. Order confirmed to allow the redevelopment of land and the comprehensive regeneration of a deprived part of Edmonton [PINS Ref LDN023/Q5300/006/0017/PT1].

### Regulatory and Local Government Law

The other main element of Giles Atkinson's practice is broad experience of advisory and advocacy work for local authorities across a range of regulatory offences including: trading standards, environmental health, animal welfare, Non Domestic Rates and building regulations.

Within this area Giles has much experience in advising and prosecuting benefit frauds, and

prosecuting and defending matters under the Environmental Protection Act 1990, particularly noise abatement notices and "flytipping" offences.

Giles is also experienced in homelessness matters, particularly statutory reviews under section 204, and licensing.

### Notable Cases

- Michael Lyndon-Stanford QC v Mid Suffolk District Council [2016] EWHC 3284.
- Galliard Hotels Ltd v Lambeth LBC [2010] EWHC 1773 Admin. Concerned the true nature of a planning obligation entered into for the provision of coach and taxi drop off facilities for a hotel and whether its terms prevented the development from going ahead.
- Mohammed Aurooj Azam v Epping Forest District Council [2009] EWHC 3177 Admin. Concerned the approach to certificates issued by a prosecutor as to the date on which evidence sufficient to justify prosecution, in his opinion, came to his knowledge.

### Publications

Co-Author of Wildy Practice Guide, ["Planning Law and Practice"](#), published in March 2013.

### Direct Access

Authorised to accept Public Access work