



## Howard Leithead

### Planning and Environment



Year of Call: 2014

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Howard is a specialist planning and environmental law barrister. He is experienced in dealing with appeals to the Secretary of State (drafting written representations and appearing in hearings and inquiries) and in representing clients in cases in courts and tribunals from the magistrates' court to the Court of Appeal.

He acts for and advises clients of all types, including developers, local authorities, the Government, campaign groups, local residents, and private individuals.

Howard accepts instructions both from professional clients and on a public access basis across England and Wales. He is appointed to the Attorney General's C Panel of Counsel in London.

### Developments

Howard is involved in a variety of development work. Much of his work is focused on helping clients to obtain or oppose grants of planning permission, including at the planning application stage, in appeals to the Secretary of State, and in challenges in the High Court and the Court of Appeal.

He is experienced in dealing with all the main issues that arise in this context, including heritage impact, Green Belt, interpretation of policy, character and appearance, appropriateness of location and sustainable travel, housing land supply, highways, air quality, ecology, viability, affordable housing, and the public sector equality duty.

Other development issues that he deals with include disputes over the interpretation of planning permissions and listed building consents, s.106 agreements, lawful development certificates, applicability of permitted development rights (such as in relation to domestic projects, agricultural buildings and barn conversions), use class disputes, implications of the granting of planning permissions by mistake, and issues that arise in the context of mineral permissions.

Howard is also interested in compulsory purchase disputes and represented the Secretary of State for Transport in valuation references to the Upper Tribunal concerning properties compulsorily purchased to facilitate the development of the new HS2 Euston Station.

**Recent appeals:**

- Land at Buckingham Hotel, 1-2 Burlington Road, Buxton, APP/H1033/W/22/3302879, 15 August 2023, represented the local planning authority in an appeal concerning an appeal to redevelop a historic hotel (heritage and economic viability, character and appearance)
- Land at (OS 8579 4905) Post Office Lane, Kempsey, Worcestershire, APP/J1860/W/22/3313440, 14 August 2023, represented the local planning authority in an appeal involving a proposal for 30 dwellings (character and appearance, spatial development strategy, housing land supply, affordable housing, infrastructure)
- Land at Loughborough Road, Burton on the Wolds, Leicestershire, PP/X2410/W/22/3310932, 26 July 2023, represented the local planning authority in an appeal concerning a proposal including the development of 56 dwellings (character and appearance, heritage, appropriateness of location and accessibility)
- Land at Broadway Lane, Fladbury, Pershore, Worcestershire, APP/H1840/W/22/3313745, 22 June 2023, represented the local planning authority in an appeal involving a proposal to develop 34 affordable dwellings (scale and type of development, accessibility to services and facilities)
- Land off Leconfield Road, Nanpantan, APP/X2410/W/22/3304644, 5 May 2023, represented the local planning authority in an appeal concerning the proposed development of up to 30 dwellings (character and appearance, biodiversity)
- Land at 8-10 Station Road, Shirehampton, Bristol, APP/Z0116/W/22/3305852, 5 April 2023, represented the developer in an appeal involving the proposed development of 21 dwellings (character and appearance, heritage, green infrastructure, biodiversity, living conditions, affordable housing)
- Land North of Barking Road, Needham Market, APP/W3520/W/22/3308189, 31 March 2023, represented the developer in an appeal involving a proposal for up to 279 dwellings (character and appearance, flood risk, highway, accessibility, residential amenity (noise and light), ecology, air quality, heritage, minerals, agricultural land)
- Land at Rush Lane, Dosthill, Tamworth, APP/R3705/W/22/3290788, 25 January 2023 (costs decision following appellant withdrawing the appeal), represented the Rule 6 major construction suppliers in opposing the proposed development of up to 189 dwellings (noise)
- Land at Steart Bushes, Wedmore Road, Cheddar, Somerset, APP/V3310/W/21/3286963, 9 December 2022, represented the developer in an appeal against the decision of the local planning authority to refuse planning permission for the development of 19 dwellings (viability and affordable housing, ecology, highway and parking)

- Land at Easthorpe Lodge, Manor Road, Easthorpe, APP/Y2430/W/22/3295437, 2 December 2022, represented the local planning authority in an appeal concerning 36 dwellings (character and appearance, acceptable housing mix)
- Land at (OS 8349 4918), Old Hills, Callow End, Worcestershire, APP/J1860/W/22/3295623, 15 November 2022, represented the local planning authority in an appeal involving the proposed development of 30 dwellings (character and appearance, location and accessibility)
- Land at and adjacent to No. 1 and The Neuk No. 3 Bretforton Road, Badsey, Worcestershire, APP/H1840/W/21/3266573, 20 September 2022, represented the local planning authority in an appeal concerning the proposed development of up to 100 dwellings (principle of development, character and appearance, affordable housing and infrastructure)
- Land at Park Field, New Road Hill, Bonnington, Ashford, Kent, APP/E2205/W/22/3297749, 24 August 2022, represented developer in an appeal concerning the development of an agricultural site (need for residential development, viability, character and appearance)

#### **Notable cases:**

- *R (Whitley Parish Council) v North Yorkshire County Council* [2023] EWCA Civ 92, led by Richard Kimblin KC, represented the claimant parish council in its judicial review challenge of a decision to grant planning permission to a developer to extract pulverised fuel ash
- *R (Curran) v London Borough of Lewisham Council and Network Rail Infrastructure Limited* (High Court, 2022), represented the claimant who challenged the defendant local planning authority's decision to grant prior approval for the significant development of Hither Green Railway Station under permitted development rights
- *Miah v Secretary of State for Transport; Diamond and Diamond v Secretary of State for Transport* (Upper Tribunal (Lands Chamber), 2020), represented the Secretary of State in valuation references relating to properties compulsorily purchased as part of the HS2 project
- *R (Besser) v Brighton and Hove County Council* (Court of Appeal, 2020), led by Christopher Young KC, represented the developers of a proposed development that included a new synagogue in opposing a judicial review claim in the High Court (unled) and the Court of Appeal
- *Retirement Villages Development Ltd v Oxfordshire County Council* (High Court, 2020), led by Christopher Young KC, judicial review claim linked to a s.78 appeal regarding the speed limit on a stretch of road adjacent to the appeal site, which was discontinued after the Secretary of State granted planning permission
- *Lucy Developments Ltd v Secretary of State for Housing, Communities and Local Government* (High Court, 2019), led by Richard Kimblin KC, represented the claimant in challenging an appeal decision in a s.288 review concerning a residential development

## Enforcement

The enforcement work in which Howard is engaged broadly falls into three main areas: (1) appeals to the Secretary of State against enforcement notices and other enforcement actions; (2) High Court work, such as s.289 appeals, applications for injunctions, and contempt proceedings; and (3) criminal proceedings in the Crown Court and the magistrates' court (such as for breach of an enforcement notice, or for harm to a heritage asset) and other court work (such as s.215 notices and advertising control).

Howard is skilled at providing clear advice and advocacy and is focused particularly on helping clients to find practical solutions in an area where the law can be particularly complex.

### Recent appeals:

- Land at Brindwood House, Millthorpe Lane, Holmesfield, Derbyshire, APP/R1038/C/21/3288613 and 771, 4 January 2023, represented the local planning authority in appeals against enforcement notices involving development in the Green Belt
- Land at 13-15 Walm Lane, Willesden Green, London, APP/T5150/C/18/3209760 and 1506, 19 April 2022, represented the developer in appeals against enforcement notices concerning the development of a restaurant

### Notable cases:

- *R v Algul and N.R. Algul Limited* (Crown Court, 2023), represented the defendants in a complex prosecution concerning multiple enforcement notices
- *R (Dhanji) v Secretary of State for Levelling Up, Housing and Communities and Harrow Council* (High Court, 2023), represented the claimant in conjoined s.288 and 289 appeals involving developments at his residential property
- *HHM 20 Ltd v Manchester City Council* (Magistrates' Court, 2023), represented the appellant owner of a Grade II listed theatre challenging a s.215 notice that required extensive works

## Environmental

Howard accepts instructions on a range of environmental work, both within the context of planning disputes and separately. This includes: appeals to the Secretary of State, statutory nuisance, judicial review claims, and criminal prosecutions (including those relating to waste disposal).

### Notable case:

- *Environment Agency v Himley Environmental Limited* (High Court, 2023), represented the defendant in injunctive proceedings concerning two enforcement notices

## Other

- Involved in appeals and hearings concerning footpaths, rights of way, and highways issues
- Represented local planning authority in opposing application to discharge extended civil restraint order in the High Court in *Bozeat v Hannington Parish Council* [2019] EWHC 2894

## Further Experience

Howard regularly writes articles and speaks about planning and environmental issues. He provides expert analysis articles for LexisPSL, appears on No5 Planning Podcasts, takes part in webinars, and gives papers at seminars and conferences. He has also contributed to several specialist publications, including the NAPE Planning Enforcement Handbook.

He is committed to education and training and is involved in training professional witnesses for planning inquiries, coaching law students at Inner Temple and elsewhere, and judging mooting competitions. Since 2021, he has organised the United Kingdom Environmental Law Association Moot (UKELA).

## Recommendations

“Howard has the ability to get to the nub of the main issues quickly and gives sensible and pragmatic advice which is easy to understand and explains in clear language his advice so that the client can readily understand and comprehend complex issues and risks.”

Legal 500 2023

## Awards

Major Scholarship, Inner Temple

Exhibition Award, Inner Temple

Lightfoot Prize, University of Cambridge

Senior Scholarship and Tripos Prize, Trinity College, Cambridge

## Memberships

Planning and Environment Bar Association (PEBA)

United Kingdom Environmental Law Association (UKELA)

Inner Temple

## Qualifications

GDL and BPTC, City University, London

MPhil, Trinity College, Cambridge (Distinction)

BA (Hons), Trinity College, Cambridge (First Class)