

Paul Caines KC

Planning and Environment

Year of Silk: 1980 Year of Call: 2016
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Paul Cairnes was called to the Bar in 1980 and specialises exclusively in Planning & Environmental work. Paul acts principally for developers throughout England and Wales and he has considerable High Court experience with regard to planning and environmental issues. Paul is presently promoting a number of major residential and commercial schemes across the country, including a proposed garden community , large scale residential schemes for major national housebuilders across the country, specialist logistics and life sciences sites and a surf lagoon.

Recommendations

Paul featured as a top-rated junior in Planning magazine (2013 - 2015) before taking Silk in 2016 and he now features as a top rated silk (2018-2020). Paul is ranked as a Leading Planning Silk (Band 1) in both the Chambers and Legal 500 Legal Directories and recommendations have included:

“He is an outstanding advocate who is able to present complex legal matters in a very coherent way. His ability to retain and recall information is exceptional and he is never fazed by challenging questions in court but is always able to formulate a calm and measured response. He is also friendly and a pleasure to work with.”

Legal 500 2024

“Paul is careful, considerate and always extremely well prepared. His ability to absorb information is incredible. He is an exceptional barrister.”

Legal 500 2023

“He has considerable High Court experience with regard to planning and environmental issues.” “He is a superb barrister; he is very incisive and his clients love him.”

Chambers UK 2021 - Band 1

“Enormously popular with clients because he is very easy to get along with and he is an impressive advocate and effective cross-examiner.” “He is impressive in his knowledge and approach.”

Legal 500 2021

“Excellent in his approach to clients, providing straightforward, clear advice, with a willingness to be forceful where required.”

“Excellent client communication skills and collaborative working style. Strategic thinker, who is always a few steps ahead in developing an argument. As an advocate, he is good to listen to – never overblown or wordy.”

Legal 500 2021 - Tier 1

“A marvellous barrister. He seamlessly combines in-depth knowledge, attention to detail, gravitas and charm.”

Legal 500 2019

"Brilliant with clients. He explains things well and has such gravitas." "Very approachable, very thorough and a very good advocate."

Chambers & Partners UK Bar Guide 2018

Notable Cases

Paul is regularly instructed to appear and advise in high profile and large-scale development proposals, recent examples of which include a variety of housing and mixed use schemes. More recently Paul has been instructed in the promotion of very large scale residential and commercial development proposals at both EiPs and s.78 appeals. Paul also has experience in the field of Minerals and Waste in both the High Court and planning appeal contexts.

His environmental work includes advice, seminars and challenges concerning nutrient neutrality (effects and mitigation), impacts of development upon the provision of NHS Trusts, impacts of noise nuisance and other amenity issues.

Recent significant cases include:

Persimmon Homes (Thames Valley) Ltd v Worthing Borough Council [2023] EWCA Civ 762: Court of Appeal consideration of conflict with weight to be afforded to emerging local plan policies and application of national policy with regard to development proposals in the setting of a National Park.

R (University Hospitals of Leicester NHS Trust) v Harborough District Council [2023] EWHC 263 (Admin): Impacts of development proposals upon provision of acute healthcare by NHS Trusts and whether they can constitute a material consideration in the decision making process.

R (Wright) v Forest of Dean DC & Resilient Energy Severndale Ltd [2019] UKSC 53: Supreme Court authority on principles surrounding acceptability of financial incentives attached to a planning application.

Wingrove v Stratford-on-Avon District Council [2015] EWHC 287 (Admin): Successful resistance to challenge of use by LPA of s.70C TCPA 1990 (introduced by Localism Act 2011) to decline to determine retrospective application for planning permission where enforcement notice in place.

Stratford-on-Avon District Council v Secretary of State & Ors [2013] EWHC 2074 (Admin): Challenge to grant of planning permission formulated on consultation rights as contained in the Aarhus Convention.

Jenkins v Gloucestershire County Council and Ors [2012] EWHC 292 (Admin): Opposing challenge to grant of planning permission in the Cotswold Water Park.

Stratford on Avon District Council v David Wilson Homes and Others (2011): Successful enforcement of s106 obligation to provide financial contribution to community facilities.

Wiltshire Council v (1) Secretary of State for Communities & Local Government and (2) Robert Hitchins Ltd [2010] EWHC 1009 (Admin): Disaggregation of housing land supply and the potential use of summary judgment in s.288 appeals.

R (on the application of Egerton) v Taunton Borough Council [2008] EWHC 2752 (Admin): The meaning of 'curtilage' in the context of the listed buildings legislation.

Memberships

Accredited Mediator (BSPC Regent's Park College)
Planning and Environmental Bar Association

Qualifications

LLM in Public Law (Bristol University)
LLB (U.C.W. Aberystwyth)