

Daniel Henderson

Call: 2021



Daniel Henderson is building a broad and varied practice as part of the Planning, Environment and Public Law groups.

Daniel has already appeared in the Court of Appeal unled, the High Court (both led and unled), the Crown and Magistrates' Courts, the First-tier Tribunal, and at a number of planning inquiries across the country, representing a wide variety of different individuals, organisations, and local and central government. He also has a busy and varied advisory practice, and is regularly instructed to draft documentation including grounds of judicial review, summary and detailed grounds of resistance, and applications for permission to appeal (including to the Privy Council). Daniel is a member of the Government's Junior Junior panel of counsel.

Prior to joining No5, Daniel served as the Judicial Assistant to Lord Justice Lewis and Lord Justice Holroyde at the Court of Appeal. In that role, he worked on a number of significant appeals concerning important points of Public and Planning law, as well as a number of first-instance judicial review challenges before the Divisional Court. He completed pupillage at a highly-ranked criminal set in London, and appeared daily in the Magistrates' and Crown Court, both prosecuting and defending in criminal trials, applications for civil behaviour orders, and environmental and education prosecutions.

Prior to commencing pupillage, Daniel studied for undergraduate and postgraduate degrees in Law and Public Law, obtaining several academic prizes. Daniel also spent time volunteering at Advocate (formerly the Bar Pro Bono Unit), assisting as the first point of contact for vulnerable individuals seeking pro bono representation. Outside of the law, Daniel is a keen musician, and has spent many years singing in choirs all over the world, including as a Choral Scholar in the Choir of King's College, Cambridge.

Expertise

Environmental Regulation & Prosecutions

Daniel has experience of advising and appearing in environmental prosecutions in a variety of contexts, ranging from housing to street works. He also has experience of advising and appearing in adjacent matters such as appeals against section 215 notices.

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Inquests, Public Inquiries & Coronial Law

Daniel practices the following areas:

Inquests, Public Inquiries & Coronial Law (Public Law)

Daniel is presently instructed on Phases 5 and 6 of the Post Office Horizon IT Inquiry, conducted by Sir Wyn Williams. Work on this is ongoing.

Inquests, Public Inquiries & Coronial Law (Regulatory Law)

Daniel has experience of appearing at inquests, including representing witnesses who do not appear as Interested Parties. He is familiar with various elements of the coronial jurisdiction, including applications for fresh inquests under section 13 of the Coroners and Justice Act 2007, having worked closely on the recent leading Court of Appeal case on the subject (*Dove v HM Assistant Coroner for Teesside* [2023] EWCA Civ 289).

Privy Council, Caribbean & British Overseas Territories

Daniel has experience of acting for both appellants and respondents before the Privy Council, including drafting applications for permission to appeal and statements of case. Daniel is currently instructed in a number of appeals before the Privy Council, including acting pro bono in an appeal against a murder conviction. He has experience of acting in appeals from a range of countries, including The Bahamas and Montserrat.

Planning

Daniel joined Chambers as a Probationary Tenant in September 2023, and is developing a broad and varied practice as part of the Planning and Environmental team. He accepts instructions across all areas of Planning and Environmental law, and has experience of acting for developers, local authorities and NGOs, both advising and appearing in court and at inquiry.

As to court work, Daniel has appeared in the High Court (both led and unled) representing both claimants and local authorities. He has experience of drafting statements of facts and grounds for claimants, and both summary and detailed grounds of resistance for defendants. Daniel also has experience of appearing in the Crown Court and Magistrates' Court at trials, sentencing hearings, and other procedural applications. As to inquiry work, Daniel is presently instructed on behalf of developers promoting a variety of large-scale residential schemes, and a solar farm. Daniel is also developing a strong advisory practice, advising individuals, developers, NGOs and local authorities on a wide range of procedural and substantive matters.

Prior to joining Chambers, Daniel was the Judicial Assistant to Lord Justice Lewis and Lord Justice Holroyde in the Court of Appeal, and worked on a number of significant Planning and Environmental appeals. He also gained considerable experience of first-instance challenges in the Divisional Court, and applications for permission to appeal from the Planning Court and Administrative Court.

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Planning Judicial and Statutory Reviews

Daniel has experience of all stages of High Court challenges, including drafting statements of facts and grounds, drafting both summary and detailed grounds of resistance, appearing at oral renewal hearings, and appearing at full hearings. He has appeared in the High Court on a number of occasions, both led and unled. He has experience acting for public authorities and for claimants, and has appeared in the Planning Court and the Administrative Court more generally, including before the Divisional Court.

Daniel is also a member of No5's Public Law team, and as a result, his work on judicial review challenges before the High Court extends well beyond the Planning and Environmental context. He is therefore well-placed to advise and act on a broad spectrum of matters in a local government and Public Law context, and is very familiar with the procedure on applications for judicial review. Daniel is also a member of the Government's 'Junior Junior' panel of counsel.

Daniel also has experience of appellate challenges, having worked as a Judicial Assistant at the Court of Appeal on a diverse range of planning matters, including *Secretary of State for Levelling Up, Housing and the Communities v Smith* [2023] EWCA Civ 514 on the role of Appeal Planning Officers; *East Quayside 12 LLP v Newcastle upon Tyne City Council* [2023] EWCA Civ 359 on the heavily contested redevelopment of Newcastle quayside; and various other appeals on the interpretation of the NPPF, local and regional planning policies, and the GPDO. He also has experience of applications for permission to appeal to the Court of Appeal from the Planning Court.

Planning Appeals

Daniel is currently instructed on a range of planning appeals across the country, and has experience acting in relation to a number of large-scale residential schemes. Recent instructions at inquiries include promoting residential schemes of 151 affordable homes in Welwyn Hatfield, and 330 homes in Windsor and Maidenhead.

Daniel also has experience of advising both appellants and local authorities pre-appeal on prospects of success on a wide variety of potential appeals, including under s.78, and in respect of s.73 applications and CLEUDs. He also has experience of advising on strategic next steps post-appeal, including on the prospects of success of challenges by way of judicial review or under s.288.

Planning Enforcement

Daniel's background and experience at the Criminal Bar means he is ideally placed to advise on all matters relating to enforcement prosecutions, and to appear at trial. Daniel has considerable experience of appearing in the Magistrates' and Crown Court, and has conducted over 100 trials, a large number of sentencing hearings including ancillary applications for related orders under the Proceeds of Crime Act 2002, and numerous other procedural applications. He has also appeared unled in the Court of Appeal (Criminal Division).

Daniel is currently instructed to advise and act in a number of s.179 prosecutions, appearing for a range of local authorities. He has experience of dealing with a variety of difficult and complex points of law and procedure arising in the course of such cases, and is well-placed to advise on such matters.

Public Law

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Daniel joined Chambers as a Probationary Tenant in September 2023, and is developing a broad and varied practice as part of the Public Law team. He is developing a particularly busy practice in Education and Prison Law, and regularly appears in the First-tier Tribunal and before the Parole Board. Daniel also has experience of appearing before the High Court (both led and unled) in oral renewal hearings and full applications for judicial review. He is also developing a busy advisory practice, and is regularly instructed to draft judicial review grounds and grounds of resistance.

Prior to joining Chambers, Daniel spent a year as the Judicial Assistant to Lord Justice Lewis and Lord Justice Holroyde. He worked on a number of significant Public Law matters both at first-instance in the Divisional Court and on appeal to the Court of Appeal, including the 'Rwanda' judicial review challenge, and the three-day challenge to the legality of the Investigatory Powers Act 2016, better known as 'Snooper's Charter'.

Data & Information Rights

Daniel has experience in advising and appearing in court in relation to a variety of matters concerning data and information rights, including on the interaction between data protection rights and disclosure in civil proceedings. Daniel also has experience in a range of adjacent matters, including appeals against decisions of the Disclosure and Barring Service, and the complex provisions of the Investigatory Powers Act 2016 and their operation (having worked very closely on the Court of Appeal challenge to the Act, heard over three days in 2023 (R (Liberty) v SSHD [2023] EWCA Civ 926)).

Education

Daniel is developing a busy Education Law practice. He regularly acts in appeals before the First-tier Tribunal, including appeals against Sections B, F, and I of EHCPs, extended appeals involving social care and health care issues, and appeals against refusals to assess. He acts both for appellants and a wide range of local authorities. He has experience of working alongside, and challenging the evidence of, professional witnesses at full hearings, as well as of negotiating and narrowing down issues in working documents, both before and during hearings. He also has experience in acting on a number of appeals raising complex points of law, particularly in relation to Section I, and of advising on prospects of success on appeal to the Upper Tribunal on points of law and procedure.

Prison & Police Law

Daniel is developing a busy prison law practice, focused on oral hearings before the Parole Board. He has successfully acted in a number of such hearings seeking release, transfer, or live risk assessments, including a number of complex hearings focusing on detailed psychological evidence. He was recently successful in securing release against professional advice following a particularly complex two-day in-person oral hearing with eight witnesses.

Daniel also has experience of advising on and drafting applications for reconsideration and applications to set aside, and was recently successful in an application to set aside a decision refusing release. Daniel is also instructed to advise on the merits of judicial review challenges to a range of Parole Board decisions, and has experience of first-instance and appellate prison law challenges. He has appeared in the High Court, both led and unled, at both renewal hearings and full hearings.

In a police law context, Daniel has experience of acting for both claimants and Police Forces in a wide range of contexts, including civil actions against the Police and prosecuting and defending applications for civil behavioural orders in Magistrates' and Crown Courts. He has drafted judicial review grounds against a decision to issue a caution in breach of PACE Codes. Daniel also has

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advisory experience in this context, including acting as independent counsel to Police Forces on disclosure and legal professional privilege in the context of ongoing high-profile criminal investigations.

Accreditations

- Scarman Prize (City University)
- Oxford University Press Prize (City University) Asbury Scholarship (Middle Temple) Lawyers' Alumni Prize (London School of Economics)
- Anniversary Scholarship (London School of Economics)

Qualifications

- MA (Hons) Law (2019) (University of Cambridge) (2.i)
- LLM Public Law (2020) (London School of Economics) (Distinction, 1st in year)
- Bar Vocational Studies (2021) (City University) (Distinction, 2nd in year)

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