

Scott Stemp

Call: 2000



Scott Stemp is a specialist planning, environment and regulatory practitioner. He is rated as one of Planning Magazine's Top Rated Planning Juniors.

Expertise

Planning & Environment

Scott's practice covers large and complex multidisciplinary planning, environmental and regulatory matters spanning both civil and criminal law, regularly advising and representing developers, commercial clients and planning authorities on a broad range of planning, environmental and regulatory matters and at all stages from pre-application advice through appeal and before the High Court and Court of Appeal where he is instructed alone or leading others.

In his planning work Scott regularly advises and represents developers, commercial clients and planning authorities on all manner of proposals, including those concerning heritage assets (listed buildings and conservation areas), Green Belt, protected species and habitats (including SPAs and SACs), 5yr housing land supply, landscape impacts, gypsy and traveller issues and waste and minerals planning.

Scott has a wealth of experience in enforcement-related matters, frequently advising on and acting in substantial and complex enforcement Inquiry work, High Court injunctions, committal proceedings, Magistrates' Court and Crown Court prosecutions under the Town and Country Planning Act, the Environmental Protection Act and associated Regulations and with a special interest in confiscation under the Proceeds of Crime Act (POCA). He also acts in enforcement of s106 agreements.

His wider practice includes advising on and appearing in reviews of Assets of Community Value (ACVs), Town and Village Green (TVG) applications and highways/Rights of Way matters.

Scott regularly presents seminars across all of his practice areas to other professionals, who consistently rate him very highly as a speaker.

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s78 Inquiry work

Recent examples of Scott's s78 Inquiry work include:

[2019] Langaller Lane – outline application for 200 dwellings, issues include green wedge, highway safety and accessibility.

[2018] North Street – outline application for 95 dwellings, issues include 5yr housing land supply and landscape/visual impact.

[2018] Bagley Road – outline application for 205 dwellings and 60 apartments with care, issues include impact on schools and accessibility.

[2018] Wisborough Green – outline application for 30 extra care (C2) units, doctor's surgery (D1) and community uses (D2), issues include impact on heritage assets (conservation area and listed buildings), local green space, landscape and visual impact.

[2018] Brambley Hedge – gypsy and traveller accommodation in a National Park, issues include general housing need, specific circumstances of the applicant and his family, medical expert evidence and human rights.

[2017] Browns Field – hybrid application for 258 dwellings and a secondary school (outline) and 37 dwellings (full), issues include green belt, impact on education infrastructure, protected species and habitats (SPA), heritage assets (conservation area and listed buildings), highways and loss of community facilities

Enforcement Inquiry work

Recent examples of Scott's enforcement Inquiry work include:

[2018] Swift Lane – enforcement notice appeals concerning importation of circa 43,000m³ waste material, stationing of caravans, unauthorised businesses and operational development, grounds (d), (a) and (f). This matter also involved injunction proceedings and multiple prosecutions (see below)

[2018] Westcotes Drive – enforcement notice appeal concerning historic uses and the interpretation/application of historic Use Classes Orders

[2017] Birdham Farm – enforcement notice appeal concerning unauthorised stationing of thirteen gypsy caravans in the Area of Outstanding Natural Beauty (AONB) of Chichester Harbour

Planning injunctions

Recent examples of Scott's injunctive work include:

[2017] WBC v Scott and others – defending the lead defendants in a multi-handed (ten-defendant) High Court claim for an injunction, involving a substantial volume of evidence and complex disclosure issues

[2017] SHBC v Lee – obtaining interim injunctive relief as part of a multi-jurisdictional and multidisciplinary approach to matters at Swift Lane

[2017] PCC v Miller – High Court injunction to support previously issued enforcement notice

[2017] GBC v Cooper – interim injunction relating to unauthorised gypsy site within the Green Belt and an Area of Outstanding Natural Beauty (AONB)

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Planning prosecutions

Recent examples of Scott's prosecution work include:

[2018] SCC v Hill – Crown Court prosecution on breach of an enforcement notice (waste importation) with POCA proceedings following

[2018] SHBC v Lee, PNM Skip Hire, Hudec, Kuna and others – multiple prosecutions of multi-defendant matters variously for breach of a Stop Notice and matters under the Environmental Protection Act 1990 and Environmental Permitting Regulations 2016 with POCA proceedings following (these matters are connected to Swift Lane, above)

[2018] NWLDC v Evans – Crown Court prosecution on breach of an enforcement notice (unlawful storage) with POCA proceedings following

[2018] WBC v Scott and others – defending nine (of eleven) defendants in the Crown Court prosecution on breach of an enforcement notice, successfully stayed as an abuse of process and successfully upheld at the Court of Appeal (Criminal Division)

[2018] GBC v Fortune and Bonage – defending joint defendants in the Crown Court prosecution for unauthorised works to a listed building

[2018] WBC v Warren Farm – defending in the Crown Court prosecution on breach of an enforcement notice with POCA proceedings following

[2018] EBC v Nadeem – Crown Court prosecution on breach of an enforcement notice with POCA proceedings following

[2018] EBC v Awad – Crown Court prosecution on breach of an enforcement notice with POCA proceedings following

[2018] EBC v Malik – defending in the Crown Court prosecution of a solicitor on breach of an enforcement notice with POCA proceedings following

Awards



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Memberships

- Planning and Environment Bar Association
- Criminal Bar Association
- Western Circuit

Qualifications

- LLB Hons (First Class) Southampton

Notable Cases

Wokingham Borough Council v. Scott and others [2019] EWCA Crim 205

Scott acted for nine (of eleven) successful defendants in staying a prosecution for breach of an enforcement notice. The prosecution was stayed as an abuse of process after the 1st defendant was improperly induced to withdraw his appeal against an enforcement notice by the Local Authority, causing prejudice to him and occupiers of the land when that Local Authority then resolved to pursue prosecution for breach of the same enforcement notice. The Authority had improper financial motivations for the prosecution which was commenced in contemplation of confiscation under the Proceeds of Crime Act (POCA) proceedings

<https://www.bailii.org/ew/cases/EWCA/Crim/2019/205.html>

Provectus Remediation Ltd v. Derbyshire County Council [2018] EWHC 1412 (Admin)

Mr Stemp acted for the Applicant in this High Court authority establishing the circumstances in which an applicant can require the return of application fees under the Town and Country Planning (Fees for Applications, Requests and Site Visits) (England) Regulations 2012

<https://www.bailii.org/ew/cases/EWHC/Admin/2018/1412.html>

Wokingham Borough Council v. Scott and others [2017] EWHC 294 (QB)

Scott represented the lead defendants in this multi-handed (ten defendant) High Court planning injunction matter concerning the operation of a garden centre and related businesses from a site in the Green Belt in breach of planning controls

<https://www.bailii.org/ew/cases/EWHC/QB/2017/294.html>

Fiaz Akhtar v. Slough Borough Council [2017] EWLandRA 2016_0207

Mr Stemp acted for the successful Council in this application to rectify the register because of a purported mistake arising from a claimed forged signature on transfer documentation, set against a background of criminal fraud prosecutions and Proceeds of Crime Act proceedings

https://www.bailii.org/ew/cases/EWLandRA/2017/2016_0207.html

Kestrel Hydro v. Secretary of State for Communities and Local Government and Spelthorne Borough Council [2016] EWCA Civ 784

Mr Stemp acted for the successful Council in this Court of Appeal authority on when an enforcement notice issued against an unlawful

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change of use may require the removal of structures connected with the unlawful use which (but for the unlawful use) could have been erected lawfully, addressing the proper interpretation and application of the previous cases of Murfitt (1980) Somak Travel (1988) and Bowring (2013) and the human rights compliance of the approach thereby adopted to the ground (f) appeal

<https://www.bailii.org/ew/cases/EWCA/Civ/2016/784.html>

Elmbridge Borough Council v. Secretary of State for Communities and Local Government and another [2015] EWHC 1367 (Admin)

Mr Stemp acted for the successful Applicant in this authority on the limits of a ground (f) appeal against an enforcement notice and the interaction between appeals made under grounds (f) and (a)

<https://www.bailii.org/ew/cases/EWHC/Admin/2015/1367.html>

Whitcher v. Secretary of State for Communities and Local Government and the New Forest National Park Authority [2015] EWHC 3001 (Admin)

Scott acted for the successful National Park Authority in this matter concerning the proper interpretation and application of Development Plan policies concerning provision of Gypsy and Traveller accommodation and evidence of need.

<https://www.bailii.org/ew/cases/EWHC/Admin/2015/3001.html>

Wellington Pub Company v. Royal Borough of Kensington and Chelsea and The Norland Conservation Society CR/2015/0007

Authority on the definition of a 'building' and the applicability of the concept of the 'planning unit' to listings of Assets of Community Value (ACVs). Mr Stemp appeared at the First Tier Tribunal (General Regulatory Chamber) for the successful Conservation Society.

<https://www.bailii.org/uk/cases/UKFTT/GRC/2015/CR-2015-0007.html>

Contributor

- Contributor to Butterworths Planning Law Service
- Scott was responsible for a comprehensive review of the chapters on (1) rural constraints (2) green belts and (3) advertising controls

First Tier Tribunal

Examples of Scott's work before the First Tier Tribunal include:

[2017] Akhtar v SBC – contested application to amend Land Registry title for purported mistake against a background of criminal prosecutions and Proceeds of Crime applications

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