

Our planning team has considerable expertise in dealing with a wide range of contentious and non contentious planning matters, including in relation to substantial and complex strategic land and regeneration projects. We have a strong client base of developers, landowners, investors and businesses for which we act in relation to the development of land for housing, commercial and mixed use developments.

We are experienced in providing advice, in cooperation with our property colleagues, to landowners who are, working to obtain planning permission with a view to sale and in connection with proposed acquisitions. We also advise landowners and developers who are looking to develop land themselves. Our work for developers includes both substantial national and regional developers, the latter being both from within and from outside our region.

We regularly advise on legal issues arising in relation to **planning applications**, in particular issues surrounding Environmental Impact Assessment.

- We are acting in relation to a proposed development in Kent for up to 2000 houses and supporting facilities and infrastructure. The application has been withdrawn and the site is being promoted through the local plan process with a view to it being allocated for development. A substantial factor in this case is the fact that the site is an SSSI and very substantial provision must be made for the ecological mitigation.
- We advised in relation to the procedure for the promotion of land for its development as a rail freight terminal or very substantial warehousing project with associated infrastructure.

A significant area of work is the negotiation and drafting of **section 106 agreements** and advice in relation to **CIL**, in connection with the development of land for residential and mixed use urban expansions, and for commercial and domestic developments.

- We acted for a client in relation to the negotiation of a section 106 agreement for a mixed use regeneration scheme involving the construction of 1400 dwellings and up to 1200 sq m of commercial floorspace. The matter was complicated by the fact that the local planning authority owned some of the development site.
- We prepared the section 106 agreement for the development of a large site for 500+ homes and ancillary facilities as the final phase of a much larger development.

We have been involved in a wide range of **planning appeals**, and undertake advocacy at public inquiries with great success. This allows us to offer a seamless service to clients in contentious matters which is unrivalled by many firms.

- We acted as advocate in an appeal in relation to an application for the construction of up to 30 houses where the key issue was whether or not the local planning authority could demonstrate a 5 year supply of housing land.



- We successfully secured consent on appeal for the erection of a grain store where the main issues were the impact of the proposal on traffic and highway safety, on the street scene, settlement pattern and landscape character of the area, and on the setting of a nearby listed church.

We undertake a significant amount of work in relation to High Court matters, including **Judicial Review**.

- We conducted proceedings in the Court of Appeal for an investor looking to convert an office building into residential accommodation under permitted development rights, which concerned the interpretation of a planning condition prohibiting changes of use.
- We have acted for a retail business in relation to four applications for judicial review of decisions by a local planning authority to grant planning permission for a supermarket on the edge of a small town where there is a likelihood that it will harm the town centre.

We act for clients in connection with a range of **enforcement issues**, including advocacy in the criminal courts.

- We dealt with a dispute over a section 106 agreement relating to the construction of a synagogue and whether its terms had been fulfilled.

In addition, we advise on applications for **certificates of lawfulness** of existing and proposed use and development, including in the preparation of statutory declarations where these are needed in support of certificate applications.

- We assisted the owner of a farm business in securing a certificate of lawfulness in relation to 4 static homes that had been permanently located at the site for in excess of 4 years, together with an application to regularise some business uses at the farm.

*We advise in connection with all aspects of **permitted development** relating to commercial, residential and agricultural projects.*

- We have advised in relation to the conversion of commercial buildings to dwellings in the light of the constraints of the permitted development rights for such change of use.

We have expertise in the field of **minerals and waste** planning, both in terms of securing consent and dealing with enforcement issues.

- We have advised one client as to whether certain works constituted lawful implementation of a permission for the extraction of sand and gravel, in the light of various pre-commencement conditions.
- We have acted for a landowner and waste contractor in connection with a series of complex interrelated issues concerning the remediation of land in the green belt, which involved the submission of an application for a certificate of lawfulness for the deposit of material, and appeals against enforcement notices concerning the creation of a new access.

Listed Buildings are an area in which we have considerable experience, whether they are listed in their own right or curtilage listed.

- We acted in relation to a proposal to demolish two grade II listed mills and to develop the site with up to 121 dwellings including access and associated works which had been called in by the Secretary of State.
- We have advised clients in relation to whether buildings are curtilage listed, or are within the curtilage of listed buildings, and how that impacts on permitted development rights.

We also advise in connection with **tree preservation orders** and other special protections, such as **scheduled ancient monuments** and **conservation areas**. We also advise in relation to the **compulsory acquisition of land** and compensation issues, including references to the upper tribunal.

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This document is written as an outline guide only and any action should not be based solely on the information given here. Appropriate professional advice should always be taken in specific instances.

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