



Charles Mynors

Year of call: 1988 (Middle Temple)



Practice Profile

After obtaining degrees in architecture and town planning, Charles Mynors spent nine years as a planning officer at the Royal Borough of Kensington & Chelsea, during which time he also qualified as a chartered surveyor. He has since then built up a general practice at the planning bar, whilst becoming the leading specialist in the law on listed buildings, trees and outdoor advertising - he has written the leading textbook in each of these three areas. He has also developed an expertise in commons and village greens, access for disabled people, and ecclesiastical law. He has an extensive advisory practice, and appears regularly at planning inquiries (particularly those relating to his specialist fields) and in the courts - for English Heritage, local authorities, developers and property owners. He has also chaired a number of inquiries.

Cases of Note

In the House of Lords

- *R. (Sunningwell Parish Council) v. Oxfordshire County Council* - town and village greens; prescription - for Oxford Diocesan Board of Finance (landowner)

In the Court of Appeal

- *International Traders Ferry v. Adur District Council* - stop notices; compensation - for Adur (planning authority)
- *R. v. Clearbrook PLC* - tree preservation orders; statutory interpretation - for Clearbrook (developer)

In the High Court

- *Palm Developments v. Secretary of State* - tree preservation orders; meaning of "tree" - for Palm (landowner and developer)
- *Derby City Council v Anthony* - listed buildings; safety; justification for injunction - for Anthony (landowner)
- *Chambers v Guildford Borough Council* - listed buildings; availability of declaratory relief - for building owner
- *R. (Westminster City Council) v. Mayor of London*, - congestion charging; environmental assessment; judicial review - for Westminster (local authority)
- *R. (McAlpine Homes) v. Staffordshire County Council* - town and village greens; partial registration - for Staffordshire (registration authority)
- *R. v. London Borough of Hounslow, ex parte Cal Brown Advertising Ltd.* - advertising; change of use - for CB (advertiser)
- *R. (Knott) v. Caradon District Council* - revocation of planning permission; enforcement; estoppel - for Caradon (planning authority)
- *Historic Buildings and Monuments Commission v. Secretary of State* - conservation areas; article 4 directions - for HBMC [English Heritage]

In the Lands Tribunal

- *Duncan v. Epping Forest District Council* - tree preservation order; compensation - for Epping Forest (planning authority)
- *International Traders Ferry v. Adur District Council* - stop notice; compensation - for Adur (planning authority)
- *Old England Properties v Telford and Wrekin Council* - purchase notice - for OEP (developer)
- *Reaper Ltd v. Merseyside Waste Disposal Authority* - compulsory purchase; compensation - for Reaper Ltd (landowner)

At inquiries (as chairman)

- Applications to register land as a town or village green - for South Gloucestershire Council (2), Derbyshire CC (3), Kent CC, Bromley LBC (2), Tower Hamlets LBC, Gateshead MBC
- Proposed revocation of certificate of lawful use - for Lambeth LBC

At inquiries (as advocate)

- Fairford Lakes, Gloucestershire - town or village green - for amenity group
- Basingstoke - listed building - enforcement - for local planning authority (LPA)
- Former Power Station site, Kingston-upon-Thames - major residential development; design - for LPA
- Myrtle Cottage, Odiham, Hampshire - residential development; conservation area - for LPA
- Trechmann's Wharf, Rochester - woodland; TPO consent - for landowner
- Woodcock Hill, Borehamwood, Herts - village green - for Laing Homes (potential developer)
- Radley Lakes, Oxfordshire - village greens - for nPower (owner)
- Leighton Buzzard, South Beds - major residential development - for LPA
- Woodbridge, Suffolk - listed building; extension - for LPA
- Croxley Green, Hertfordshire - village greens - for TfL (landowner)
- North Field, Filton Airfield, South Glos - 2,200 houses, 16 hectares of employment; infrastructure - for Bovis Homes
- Henley-on-Thames - mixed-use redevelopment - for Henley Town Council
- Clandon Manor Farm, Surrey - conversion of listed farm buildings; green belt - for Swangrove Developments (developer)
- Park Farm House, Goring - new house; AONB; PPS 7 exception - for landowner
- The Fox PH - conversion of listed building - for LPA

Advisory Work

Clients include:

- Public bodies such as English Heritage and ICOMOS;
- local authorities - as planning authorities, registration authorities and landowners;
- private landowners and developers; and third parties and local amenity groups.

Experience

PLANNING

After obtaining degrees in architecture and town planning, Charles Mynors spent nine years as a planning officer at the Royal Borough of Kensington & Chelsea, during which time he also qualified as a chartered surveyor. He has since then built up a general practice at the planning bar, whilst becoming the leading specialist in the law on listed buildings, trees and outdoor advertising - he has written the leading textbook in each of these three areas. He has an extensive advisory practice, and appears regularly at planning inquiries (particularly those relating to his specialist fields) and in the courts - for English Heritage, local authorities, developers and property owners.

He is a Fellow of both the RTPI and the RICS; and a member of the Expert Advisors in Planning Service (EAPS) panel, assisting the Planning Inspectorate.

Listed buildings, conservation areas

Charles is the author of the leading textbook in this field, *Listed Buildings, Conservation Areas and Monuments* (fourth edition published by Sweet & Maxwell, 2006). He also lectures widely on this topic, both to practitioners and students. He was a founder member of the ACO and, later, the IHBC (Institute of Historic Buildings Conservation), and for a number of years wrote a law column in its journal *Context*.

He advises a wide range of clients, including English Heritage, planning authorities, developers, property owners and amenity groups. And he has appeared in a number of cases in the courts (including the criminal courts) and at inquiry, including:

- *Derby City Council v Anthony* - he appeared for the owner in the High Court, to resist an injunction preventing the demolition of a derelict theatre, and negotiated with the planning authority on his behalf.

- *Chambers v Guildford Borough Council* - he appeared in the High Court for the property owner to argue for a declaration as to the need for listed building consent.
- *Historic Buildings and Monuments Commission v. Secretary of State* - he appeared for English Heritage in its challenge to the decision of the Secretary of State relating to the important Wirksworth Conservation Area in Derbyshire.
- He has appeared in a number of enforcement inquiries relating to listed buildings - at Basingstoke, Hants, and Woodbridge, Suffolk for the LPA; at Clandon, Surrey for the property owners
- He has also appeared for the LPA at an inquiry relating to alterations to the listed Fox PH in Oxfordshire.

Trees

Charles is the author of the only textbook in this field, *The Law of Trees, Forests and Hedgerows* (published by Sweet & Maxwell in 2002; a second edition expected in 2010). He lectures widely on this topic, to lawyers and tree professionals. He is an affiliate of the Arboricultural Association; and he was given an Award of Merit by the International Society of Arboriculture for work with trees and the law.

He advises a wide range of clients, including planning authorities, developers, and property owners. And he has appeared in a number of cases in the courts (including the criminal courts) and at inquiry, including:

- *Palm Developments v. Secretary of State* - he appeared for the prospective developer, both at inquiry and in the High Court, in an important case relating to the scope of woodland tree preservation orders
- *Duncan v. Epping Forest District Council* - he appeared for the planning authority at inquiry, resisting an application to fell TPO trees, and in the Lands Tribunal in the resulting dispute as to compensation.
- *R. v. Clearbrook PLC* - he appeared both in the Crown Court and in the Court of Appeal (Criminal Division) for a developer seeking to avoid prosecution for unauthorised works to protected fruit trees.

Outdoor advertising

Charles is the author of the textbook in this field, *The Control of Outdoor Advertising and Graffiti* (published by Shaw & Sons in 2009), and lectures on this topic to lawyers and others. He advises both planning authorities and advertisers, and has appeared in a number of cases in the criminal courts, and in High Court cases including *R. (Cal Brown Advertising Ltd) v. Hounslow LBC*, *Nahlis v Secretary of State* and *Wandsworth LBC v Mills and Allen* (all on behalf of advertisers).

Other planning cases

In addition to work in his specialist fields, Charles also advises private and public clients on the full range of general planning matters.

- He has appeared for the planning authority in the Lands Tribunal and the Court of Appeal in *International Traders Ferry v. Adur District Council*, a case relating to compensation for stop notices. And he appeared for the authority in the High Court in *R. (Knott) v. Caradon District Council*, relating to the revocation of planning permission, enforcement, and estoppel.
- Charles has appeared at inquiries into major schemes for housing and supporting infrastructure - at Leighton Buzzard in South Bedfordshire (for the planning authority), and at Filton Airfield in South Gloucestershire (for the developer)
- He has also appeared for the planning authority in relation to inquiries where design and townscape issues were paramount: including the former Power Station site, Kingston-upon-Thames; a site in Odiham, Hampshire, and the town centre in Henley-on-Thames.
- He sought to obtain permission for a major new country house in the AONB at Goring in Oxfordshire.

In addition, Charles chaired a non-statutory inquiry for Lambeth Council into the proposed revocation of a certificate of lawful use.

LAND VALUATION

Charles regularly advises private and public clients in compensation disputes, particularly those relating to trees. He has also appeared in various cases in the Lands Tribunal, including:

- *International Traders Ferry v. Adur District Council* - a case relating to liability for compensation for stop notices; he appeared for the planning authority both in the Lands Tribunal and the Court of Appeal;
- *Duncan v. Epping Forest District Council* - compensation for refusal of consent under tree preservation order - for the planning authority;
- *Old England Properties v Telford and Wrekin Council* - compensation for a purchase notice - for the developer; and
- *Reaper Ltd v. Merseyside Waste Disposal Authority* - a major case relating to compensation for compulsory purchase - he acted for the landowner.

ENVIRONMENT

Charles is the leading authority on the law relating to trees, forestry and hedgerows. He is the author of the textbook in this field, *The Law of Trees, Forests and Hedgerows* (published by Sweet & Maxwell in 2002; a second edition expected in 2010). He lectures widely on this topic, to lawyers and tree professionals. He is an affiliate of the Arboricultural Association; and he was given an Award of Merit by the International Society of Arboriculture for work with trees and the law.

He advises a wide range of clients, including planning authorities, developers, and property owners. And he has appeared in a number of cases in the courts (including the criminal courts) and at inquiry.

PUBLIC LAW

Charles advises on local authority law generally, and appeared for Westminster in *R. (Westminster City Council) v. Mayor of London*, in which it sought judicial review of the congestion charge scheme when it was first introduced.

SPECIALIST AREAS

Town and village greens

Charles is a leading practitioner in the law and practice of town or village greens. He has lectured widely, and has appeared in two important case in the courts:

- *R. (Sunningwell Parish Council) v. Oxfordshire County Council* - the first of the major cases in recent years, in the House of Lords - he appeared for the landowner both at the initial inquiry and later in the House of Lords;
- *R (McAlpine Homes) v Staffordshire CC* - he successfully represented the registration authority in the High Court.

He has advised many registration authorities on problems arising in connection with applications to register new greens; and has chaired eleven inquiries, including:

- South Gloucestershire: Hoopers Lane, Winterbourne, and The Fields, Patchway;
- Derbyshire: Back Lane, Eckington; Thacker's Field, Bakewell; and Fairfield Common, Buxton;
- Kent: Booth Field, Harrietsham;
- Greater London: Magpie Hall, Bromley; and Morris Street, Tower Hamlets;
- Tyne & Wear: Barmoor, Gateshead.

He has also advised landowners and prospective developers as to village green matters, and has appeared on their behalf at inquiries, including:

- Radley Lakes, Oxfordshire
- Croxley Green, Hertfordshire
- Woodcock Hill, Borehamwood, Hertfordshire
- Bernard's Heath, St Albans, Hertfordshire
- Beaconsfield, North Tyneside.

He has also advised applicants for village green status (generally local people), and has appeared on their behalf at inquiries, including:

- Fairfield Lakes, Gloucestershire - town or village green - for amenity group

Ecclesiastical law

Charles advises on ecclesiastical law, and appears in consistory courts. He has been since 1998 the Chancellor of the Diocese of Worcester, and for a number of years on the Committee of the Ecclesiastical Law Society.

Access for disabled people

Charles has written a number of articles relating to the law on access for disabled people. He the Chairman of the Middle Temple Accessibility Working Group, and a member of the Bar Council Equality and Diversity Committee Disability Sub-Group.

Publications

Charles Mynors wrote *Urban Conservation and Historic Buildings: A Guide to the Legislation* for RB Kensington & Chelsea (published by Architectural Press in 1983). Since then, he has written a number of standard textbooks, including:

- *Planning Applications and Appeals* (Architectural Press, 1987).

- *Listed Buildings, Conservation Areas and Monuments* (1989; fourth edition, Sweet & Maxwell, 2006)
- *The Law of Trees, Forests and Hedgerows* (S & M, 2002; second edition expected 2010)
- *The Control of Outdoor Advertising and Graffiti* (Shaw & Sons, 2009).

He has also written over 50 articles in professional journals, as well as a regular legal column in *Context*, the journal of the Institute of Historic Buildings Conservation (IHBC).

Charles Mynors is a regular speaker at professional conferences and training seminars, particularly in relation to the law and practice relating to listed buildings and trees.

Qualifications and Appointments

- Called to the Bar - 1988 (Middle Temple); 2002 (Northern Ireland).
- MA (Architecture), MA (Town and Regional Planning), Dip Law.
- FRTPI, FRICS, IHBC.
- Chancellor of the Diocese of Worcester (since 1998).
- Visiting Professor, Faculty of the Built Environment, Oxford Brookes University (since 2005).
- Chairman, Complaints Appeals Board, Institute of Chartered Foresters (ICF) (since 2008).
- Member, Expert Advisors in Planning Service (EAPS) panel, assisting Planning Inspectorate (since 2009).
- Committee Member, Planning and Environment Bar Association (PEBA), 1999-2007.
- Member, General Committee, Ecclesiastical Law Society (1993-2002; and since 2007).
- Member, Middle Temple Estates Committee (since 1998; Chairman, Accessibility Working Group).
- Member, Bar Council Equality and Diversity Committee Disability Sub-Group (since 2005).
- Member, Editorial Board, Journal of Planning and Environment Law (since 1998).
- Member, Editorial Advisory Board, Journal of Architectural Conservation (since 1994).