



William Webster

Year of Call: 1975

Email Address: William.Webster@3pb.co.uk

Telephone: 020 7583 8055

Overview

Legal practice and Expertise

William's practice focuses mainly on planning and land-based Chancery although he retains a strong interest in construction cases which he has undertaken for many years.

Key areas of practice include planning enforcement, land-related professional negligence, easements, restrictive covenants, rights of way, village greens and assets of community value.

William frequently acts for local authorities, landowners and developers, often in complex cases at public inquiries, judicial review and on appeals. He is particularly interested in public rights of way and has acted in both the public and private sectors in relation to the making and confirmation of orders made under Part III of the Wildlife and Countryside Act 1981.

Notable Publications

Restrictions on the Use of Land (2024) (Second Edition)

This is a practitioner's handbook (co-authored with Robert Weatherley of 3PB) on easements, restrictive covenants, public rights of way, village greens, assets of community value & elements of planning law (notably enforcement and appeals and statutory review of planning decisions). Both the first and second editions contained Forewords by Lord Neuberger of Abbotsbury (formerly President of the Supreme Court) which will be found below.

Renewable Energy from Wind and Solar Power: Law and Regulation (2021)

This book was the first comprehensive guide on UK wind and solar regulation and included case studies on project approvals. This book contained a Foreword by The Right Honourable Lord Justice Lindblom (now retired but formerly Supervising Lord Justice for Planning and Senior President of Tribunals) which is set out below.

Planning Law: A Practitioner's Handbook (2019)

This book runs to over 700 pages and is a comprehensive practitioner's guide to the law and practice of planning law and is highly regarded for its depth and clarity. The book covers a wide range of planning topics and includes a Foreword by Lord Justice Lindblom which is set out below.

A second edition of this title (again co-authored with Robert Weatherley of 3PB) is in the course of production. Its

publication has been delayed by revisions to the National Planning Policy Framework expected in mid-July 2026.

Extracts from Forewords

Restrictions on the Use of Land (2024) (Second Edition)

Restrictions on the Use of Land – a Practitioner’s Handbook (2024)

The authors of this second edition have done an impressively thorough job in updating and improving the excellent first edition, for which I wrote the Foreword. I am glad to report that I can greet this second edition with equal enthusiasm and praise.

Lord Neuberger of Abbotsbury

Renewable Energy from Wind and Solar Power: Law and Regulation (2021)

William Webster has taken on, and performed, a formidable task. In describing and explaining the complex framework of regulation for electricity generation by the two principal sources of renewable energy in this country – solar and wind power – and in presenting a vast amount of law, policy and decision-making, he has filled an expanding gap in the literature on environmental and energy law. Indeed, he has produced the first comprehensive, and authoritative coverage of the subject in a legal textbook.

Rightly, the book places its examination of the relevant law and policy in the wider context of the United Kingdom's efforts to reduce reliance on fossil fuels, the legally binding targets for greenhouse gas emissions in the Climate Change Act 2008, the international obligations under the Paris Agreement of 2015, the IPCC's "Special Report on Global Warming of 1.5C" of October 2018, and the reports of the Committee on Climate Change in 2018 and 2019.

The book explores the arrangements for the approval of wind and solar energy projects in the planning legislation and the process of gaining consent under section 36 of the Electricity Act 1989. It connects that discussion to the legislation regimes for the protection of the environment, including the legislation for environmental impact assessment, with a particular focus on habitats and the historic environment. It illuminates the law on nationally significant infrastructure projects. It brings together the national policy and guidance bearing on wind and solar energy projects. And it devotes full chapters specifically to the development of wind farms, both onshore and offshore, and to the development of solar energy. All of this is lucid and thorough.

A feature of the book likely to be welcomed by practitioners is the series of case studies in chapters 8 and 10, which analyse recent decisions of the courts and of the Secretary of State, or an inspector and reporter, and draw out the salient principles – for example, on wind power or solar power development proposed in the Green Belt; or affecting important landscape or seascape, or a heritage asset or its setting; or biodiversity; or likely to harm the living conditions of local residents; or offering "community benefits"; or of a scale requiring a development consent order, with a wide range of implications for the local environment, and requiring powers for the compulsory acquisition of land. Here again the approach is both practical and meticulous.

William Webster's experience as a practitioner in this area of the law, the care he has taken in organising his material and the clarity of his text will, I am sure, bring this book the success it deserves.

The Right Honourable Lord Justice Lindblom

Recommendations

"William Webster of 3PB Barristers is well known for his expertise in various areas of planning law, including village greens, assets of community value and public rights of way. He frequently acts for local authorities, landowners and developers." Strengths: "William Webster has all the experience for the big cases."

Chambers UK 2025/Planning/Western Bar/Band 1

Strengths: "He is a focused barrister." "William is always supportive."

Chambers UK 2024/Planning/Western Bar/Band 1

Chambers UK 2023/Planning/Western Bar/Band 1

'William's attention to detail is good, and he retains a good knowledge of matters. He can consider carefully a case and pick out relevant information.'

Legal 500 2025/Planning and Environment/Leading Juniors/Western Circuit - Ranked: Tier 1

'William is very experienced and knowledgeable in this area of law. He has good management skills in a public inquiry setting and communicates readily and clearly with all parties. His reports and recommendations are also extremely detailed and thorough.'

Legal 500 2024/Planning and Environment/Leading Juniors/Western Circuit - Ranked: Tier 1

'William is highly knowledgeable about planning law, and he focuses on the cases' key points. His communication with judges is both clear and persuasive.'

Legal 500 2023/Planning and Environment/Leading Juniors/Western Circuit - Ranked: Tier 1

Strengths: "He is very easy to work with and accessible, and has a wealth of experience."

Chambers UK 2022/Planning/Western Bar

'William is a recognised expert in town and country planning. He is efficient, knowledgeable and thorough.'

Legal 500 2022/Planning and Environment/Leading Juniors/Western Circuit

Strengths: "William is approachable, clear in his advice and puts the client at ease due to his thorough comprehension of complicated issues."

Chambers UK 2021/Planning/Western Bar

'His chain of thought is clear, precise and the advice covers all aspects that a client may wish to cover. William is strong in his area and also considers costs efficiency for the client without prejudicing the client's position.'

"Of particular note, William Webster is a specialist in the law of village greens having sat as an inspector at numerous non-statutory inquiries and has also appeared in the Court of Appeal and Supreme Court in leading village green cases. 'In a public inquiry setting, he has the ability to explain the issues to the applicants who have no legal knowledge and background in a way that avoids being patronising and conveys the meaning in a readily understandable way,' said one solicitor."

Legal 500 2021/Planning and environment

'He has superb planning knowledge.'

Legal 500 2020/Construction/Planning and Environment

'An expert in land law.'

Legal 500 2018/19 Construction/Planning and Environment

'A feisty and forceful advocate.'

Legal 500 UK 2017/ Construction/Planning and Environment

"A careful lawyer and an effective advocate."

Recommendation from an instructing solicitor: *"Verdict on William Webster today – very good indeed, 120/10 thanks. I cannot thank you enough for the introduction to William Webster. Both my clients and myself were more than impressed with not only his hard work, the way in which he was able to absorb, in such a short time, all the papers in an extremely complex matter in which both my and his predecessors had made elementary mistakes."*

"His bedside manner with his lay clients was second to none. His conduct in court with both his opponent and the judge was exemplary. I have recommended 3PB to all in this firm.... and my daughter's new firm in London. Rest assured you will be my 1st port of call for all my southern work and Mr Webster in particular for ALL my property work."

Academic qualifications

- LLB, Bristol University, 1974
- Inns of Court School of Law, 1975

Professional qualifications & appointments

- Year of Call: 1975 (Middle Temple)

Professional bodies

- Western Circuit
- Chancery Bar Association
- Property Bar Association

Expertise

Property and Estates

Examples of recent work in planning / public law sector

Planning inquiry: acting for a Southern League football club where the proposal involved the owner's redevelopment of the ground and the club's relocation to another ground.

Planning inquiry: acting for LPA in the case of significant development on a redundant nursery site in the Green Belt.

Planning inquiry: acting for a developer in cross-boundary appeal where the proposal involved limited enabling development within an urban greenfield site with a view to funding (i) the eradication of what is thought to be the largest spread of Japanese Knotweed in the UK (notably a case involving enabling development resulting in enhancement to the natural environment rather than to heritage assets), and (ii) the establishment of a community park.

Appeal hearing: acting for developer at an appeal hearing which was primarily concerned with setting and the principle of consistency in local decision-making.

Appeal hearing (pending): acting for a developer in the case of an appeal seeking outline permission for 9 houses where the application on appeal differs from the original refused scheme and engages the *Wheatcroft* principles.

Enforcement appeal: acted for landowner in respect of the change of use without planning permission of a farm building to a dwellinghouse.

JR challenge: by another football club to the grant of planning permission for replacement playing and other facilities arising from the closure of their ground which was sited in an area targeted for regeneration.

JR challenge: disputed standing in Planning Court where neither appellant had made objections during the appeal process and had merely lived in neighbouring properties (*Crawford-Brunt v Secretary of State for Communities and Local Government* [2015] EWHC 3580 (Admin)).

JR challenge by community group to a temporary grant allowing 90 modular units for homeless persons on a former school site in South Wales.

Section 288 challenge against the decision of a PINS Inspector which proceeded to full hearing (*NG8 2RJ Ltd v Secretary of State for Housing, Communities and Local Government* [2025] EWHC 470 (Admin)).

Planning advisory: advice on impact of nesting peregrines on tall building in implementing a planning permission (advice involved a consideration of the a developer's liability in relation to the of protection of wild birds under the Wildlife and Countryside Act 1981).

Planning advisory: advice on whether, in the case of a redundant agricultural building, the work carried out was a rebuild rather than permitted development as a Class Q conversion and the permissibility of a retrospective planning application under section 73A TCPA 1990.

Planning advisory: drafting an objection statement for a local community group who oppose a planning application for a solar farm on land in the countryside near their village (application pending).

Planning advisory: advising a community group which opposes the adoption of a Local Development Order affecting land in the metropolitan green belt whose object is to facilitate the construction of what will purportedly be Europe's largest data centre (pending).

Planning enforcement

Enforcement: multiple appearances at enforcement and committal proceedings involving members of the gypsy traveller community.

Enforcement: hearing involving unlawful subdivision of a dwelling; the issue was whether children under the age of 18 counted as 'residents' for the purposes of a Class 4 use (*Paramaguru v Ealing LBC* [2018] EWHC 373 (Admin)).

Enforcement: advisory in the case of a complaint by a farmer against the use of neighbouring land as a campsite in a sensitive coastal location in a National Park (advertised through an agency offering a number of such sites around the country online) which gave rise to prior approval PD which had been ignored.

Planning advisory: multiple advices on heritage issues (including those of setting and fragmentation and a proposal involving a Scheduled Monument (buried Roman artefacts)) and breaches of planning obligations and conditions.

Schools: advice on planning obligations which concerned developer delivery of school sites.

Neighbouring owner: advising in the case of a proposed 2-storey leisure centre (in the grounds of a Grade 2 listed hotel complex in a conservation area) involving significant impacts on habitats and the prospect of unacceptable light and noise pollution.

Excessive height: advice on tall buildings in Birmingham and London involving issues of excessive height and massing and adverse impact on the townscape, including the setting of heritage assets and harm to the historic environment (historic canals).

Habitats: multiple advices on assessments made under the Habitats Regulations along with disputed mitigation contributions and design issues affecting a 100-plus residential development close to European sites.

Green Belt: drafting written representations for developer in the case of an appeal involving infilling exception on a site in the Green Belt.

Control of advertisements: advice given on the likelihood of consent to the siting of an elevated digital display unit on a building overlooking a large roundabout having five exits and four entrances.

Professional negligence: advice on negligence against a planning consultant arising from failed applications for prior approval for a Class O use.

Solar Farm: advising a Parish Council on the recovery of promised community benefits arising from the development of a solar farm.

Highways

Judicial Review: acted for local authority in the case of a landowner's unsuccessful JR challenge to a provisional DMMO (*R (Monkton) v Staffordshire County Council* [2022] EWHC 3049 (Admin)). The owner was found to have a suitable alternative remedy under the statutory procedure contained in Schedule 15 of the Wildlife and Countryside Act 1981.

Public inquiry: where a claimed public right of way (PROW) was not confirmed by the Secretary of State after a lengthy public inquiry where landowner was represented by a leading KC. Important issues at the inquiry included (i) the level of proof required to justify a finding that a PROW existed on the older documents (in a case where there was no evidence of actual use), and (ii) whether a declaration made by a Court of Quarter Sessions under the National Parks and Access to Countryside Act 1949 (section 31(1)(a)) that no PROW existed between points along the claimed way could be overcome by new evidence introduced under Part III of the Wildlife and Countryside Act 1981 (section 53).

Public Inquiry: acted for highway authority at a disputed confirmation appeal at a DMMO public inquiry where there were

objections to the closure and diversion to a PROW, including in relation to disability discrimination (the new path had steps). The appeal outcome was reported.

Compensation claims: acting for local authority on claims for compensation arising out of highway works.

Village greens

Mr Webster has for several years sat as a non-statutory inspector at multiple public inquiries dealing with village green applications (his recommendation to the registration authority not to register was affirmed in the Supreme Court in *R (NHS Property Services) v Surrey County Council* [2019] UKSC 58). Mr Webster has also assisted a registration authority in dealing with a large backlog of TVG applications involving a high volume of advisory work within a relatively short period.

Assets of Community Value

Football: acted for a Southern League football club on the owner's unsuccessful appeal against the listing of the ground as an asset of community value.

Football: acted for the listing authorities on the listing of the stadia of Old Trafford and Anfield.

Landowners: multiple advices (including drafting written submissions on law/fact to the listing authority) for owners of land affected by listing, including the listing of pubs in Somerset and Gravesend, and a redundant sports stadium complex in Swindon.

Landowners: acting on multiple occasions for landowners at listing review hearings.

Other notable recent work

Significant dispute between neighbours: involving a breach of statutory duty arising from a neighbour's non-compliance with Party Wall Act 1996 processes and a threat to the structure of buildings straddling a common boundary along with significant harassment by neighbours giving rise to actual/potential claims for injunctions/damages for distress and invasion of privacy.

5-day construction hearing (2024): acting for Cs whose premises comprised a south London boxing club and community centre operating within redundant church premises. Cs awarded damages of more than £400,000 (and 80% of their costs). Ds also ordered to carry out various works to remove trespass. The claim arose from the settlement of a flank wall abutting Cs' premises that occurred during unsupported excavations for a basement on Ds side. Damages included the amount required for reinforcement of Cs foundations by a 20-week programme of remedial works involving the installation of a new ground beam which will sit on nine piles whose function is to support the damaged wall.

Unfair prejudice proceedings: acting for Petitioner in unfair prejudice proceedings. The land interest held by a connected company comprises a valuable development site.

Winding up: acting for a debtor seeking an injunction restraining the creditor from presenting (or advertising) a winding up petition.

Repair covenants and subsistence: advising multiple tenants of long leases in a large building in relation to long-standing breaches of landlord's repairing covenants, including subsidence damage. Claim involved specific performance of repairing covenants and differing claims for damages for breach of covenant (including for loss of assessed rental value).

Land registration cases: multiple cases involving land registration issues including, in one case, where a restriction had not

even been registered against the holder of the unregistered title and, in another, where the deed containing the restrictions had not even been executed by the original covenantor.

Restrictive covenants: multiple cases involving advisory work and the drafting of applications leading to hearings in the Upper Tribunal for orders for the discharge or modification of restrictive covenants under section 84 of the LPA 1925.

Land clean-up: successful application to discharge an order made under section 215 of the TCPA 1990 (under which an authority may take steps requiring land to be cleaned up when its condition adversely affects the amenity of an area).

Land option: acting for a local authority in the case of a disputed land option which did not run with the land and loss of chance damages against the original covenantor.

Coastal protection works: advice on liability in the case of loss arising from coastal protection works carried out by a coastal erosion management authority.

Coastal protection works: advising on regulatory functions in the case of coastal protection works and the delivery of Shoreline Management Plan policies.

Waste Recycling: High value litigation between operators involved in the management, disposal, and recycling of household waste.

Traveller site ownership: TOLATA dispute: and accounts involving ownership of a traveller site.

Right of Way: acting for freeholder in an action for an injunction and damages arising from the use of a vehicular right of way by a large garden centre for the sale of goods outside the range of goods permitted to be sold within the scope of the permitted right of way.

Right to light loss: advice on claim and assessment of quantum arising from overshadowing commercial development in an historic street in Bath.

Quiet enjoyment: acting on breach of the covenant for quiet enjoyment/derogation from grant in the case of the acts or omissions of a commercial landlord.

Nuisance: multiple claims involving interferences with domestic and business-use rights of way giving rise to issues over the physical extent of the claimed way, the quality of the permissible use, the remedy required to abate the nuisance of which complaint is made, the assessment of loss for obstruction and the recovery of sums spent on improvements.

Business loss: claim to set aside Tomlin Order (in a case involving a settlement of a number of claims and cross-claims by a business tenant and his landlord) which lacked prudent safeguards along with an associated trespass to goods claim arising from the removal by the landlord of externally located refrigeration plant which it was claimed resulted in severe financial loss to the tenant's business.

Local Authority powers: advising a local authority on their powers to override easements and restrictive covenants under the Housing and Planning Act 1996 (ss.203-4) and in the case of the exercise of statutory powers, including advice on the authority's power of appropriation and sale where land is affected by third party rights.

Professional liability

William's experience in his field of chancery work allows him to examine, advise upon and conduct claims where professional negligence issues arise. His expertise in property issues lead him to be called in where there may have been negligence by professional advisers such as counsel, solicitors, surveyors or valuers.

Articles

Journal of Planning and Environment Law publishes a superb review of Webster and Weatherley's "Restrictions on the Use of Land".

In a review authored by Dr Ashley Bowes, the Journal of Planning and Environment Law has positively commented on "Restrictions on the Use of Land", William Webster and Robert Weatherley's planning law reference book.

Click below to read the review.

Published by Wildy, Simmonds & Hill the book covers the law and practice in a number of fields which impact the use of land and there is considerable focus on remedies for the infringement of rights in, on or over land. The areas covered include: easements, town and village greens, public rights of way, restrictive covenants, assets of community value and elements of planning law.

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3PB Planning Barristers William Webster and Graeme Sampson summarise and analyse the government's Housing White Paper.

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