



William Webster

Year of Call: 1975

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Land and boundary disputes

William has expertise in the law of easements (including rights to light) and restrictive covenants in the development context, where he has had a number of cases in the Upper Tribunal dealing with applications to discharge or modify restrictive covenants affecting freehold land. He also regularly deals with disputes on title, conflicts over boundaries and claims to possessory titles. William is also very familiar with the law and practice affecting business and agricultural tenancies and he has a great deal of experience in claims involving rent review, dilapidations or other breaches of covenant in these sectors.

Planning

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William has a substantial body of recent experience in planning law where he has acted for both local planning authorities and developers, notably on appeals involving proposals for development in the green belt. William also has a special interest in listed buildings and planning conditions which seek to restrict occupancy of new or converted dwellings to local inhabitants. William has a special interest in heritage assets (a recent application on which he advised involved development within the site of a scheduled monument) and has also been instructed to advise in connection with planning conditions which affect the occupancy of new or converted dwellings to local inhabitants. William has also advised on planning obligations which concern developer delivery of school sites. William considers that his expertise in planning law is assisted by his lengthy background as a Chancery lawyer specialising in land law.

William also advises on the control of advertisements. He recently advised on the likelihood of a consent to the siting of an elevated digital display unit on a building overlooking a large roundabout having five exits and four entrances.

William is also regularly instructed by landowners and local authorities in cases involving planning enforcement. William has acted in cases where enforcement has involved claims for demolition and where unlawful sub-division has given rise to demands for substantial compensation under the Proceeds of Crime Act 2002. He also appeared for the landlord in *Paramaguru v Ealing LBC* [2018] EWHC 373 (Admin) where it was held by the Planning Court that children under the age of 18 counted as 'residents' for the purposes of a Class C4 use within the meaning of the Town and Country Planning (Use Classes) Order 1987. The case has serious consequences for landlords of small HMOs occupied by six or fewer residents which do not require planning permission.

William also appeared for the appellant in *Crawford-Brunt v Secretary of State for Communities and Local Government* [2015] EWHC 3580 (Admin) where the claim to standing failed as neither appellant had made objections during the appeal process and merely lived in neighbouring properties. William had unsuccessfully attempted to distinguish the facts of this case from the decision of the Supreme Court in *Walton v Scottish Ministers* [2013] PTSR 51.

William was also recently involved in a successful application to discharge an order under section 215 of the Town and Country Act 1990 (under which an authority may take steps requiring land to be cleaned up when its condition adversely affects the amenity of the area).

William is also currently involved in a substantial, high value litigation between operators involved in the management, disposal and recycling of household waste materials.

Town and village greens, commons and highways

William has considerable experience in relation to commons and village greens on which he has written and regularly given seminars. He regularly takes part as an inspector or counsel in a large number of village green inquiries. He advises applicants for registration, landowners and registration authorities on matters of procedure, evidence and law on a range of matters, not least in relation to the prescriptive acquisition of recreational rights over land and what to do when your land has been wrongly registered as a green.

William was instructed by Surrey County Council to act as the non-statutory inspector in *R (NHS Property Services Ltd) v Jones* [2018] EWCA Civ 721, a case which went to the Court of Appeal where William's recommendation to the registration authority on the statutory incompatibility objection was restored (William's report to the registration authority ran to 111 pages). This case is now proceeding in the Supreme Court (being conjoined with *R (Lancashire County Council) v Secretary of State for the Environment, Food and Rural Affairs* [2018] EWCA Civ 721) following the grant of permission obtained on 31/10/2018).

William also appeared as junior counsel in the Supreme Court in *Taylor v Betterment Properties (Weymouth) Ltd* [2014] UKSC 6, now the leading case on non-peaceable use. William also speaks regularly on village greens and highways.

Public rights of way is another challenging area of the law and gives rise to acute conflicts of interest. All too often the issue is whether an ancient track in the countryside is in law a public highway or, if it is, whether those who would like to use it with motorbikes for recreation have had their rights taken away by legislation. William has regularly appeared for landowners at inquiries in the case of opposed modification orders.

Assets of Community Value

William is an expert on the law and practice of assets of community value which was introduced in the Localism Act 2011. He acted for the listing authorities of Trafford Council and Liverpool City Council on the listing of the football stadia of Old Trafford and Anfield. He has also appeared for landowners at review hearings where it is possible to rescind a listing prior to a challenge being taken by a landowner to the General Regulatory Chamber of the First-tier Tribunal. As the jurisprudence develops these cases are becoming ever more complex, particularly in cases involving the closure or development of public houses (by far the most popular type of asset listed as an ACV, at least until permitted development rights were disapplied in 2015).

Recommendations

'An expert in land law.'

Legal 500 2018/19 Construction, planning and environment - Tier 1

'A feisty and forceful advocate.'

Legal 500 UK 2017/ Construction, planning and environment

"A careful lawyer and an effective advocate."

Legal 500 UK 2016 / Construction, planning and environment

Recommendation from an instructing solicitor:

"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.

Chris, once again, you have helped me out of a difficult situation for which I will ever be grateful. If only there were more clerks like you who are willing to go that extra mile.

I have recommended 3PB to all in this firm as well as the criminal practice, to which I am a consultant 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

- 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

Direct Access

William Webster is qualified to accept instructions directly from members of the public and professional clients under the Direct Public Access scheme.