

Overview

Local Government
Planning
Professional Liability
Property

Profile: Overview

Clive Moys specialises in planning, property and local government law, including compulsory purchase and compensation, and rating and valuation. Clive has over 25 years' practising experience and is regularly recommended in legal directories. The Chambers UK 2015 Guide to the London Planning Bar says: *"He advises on a range of planning, compulsory purchase and rating law matters and receives praise for his client-handling skills and his ability to quickly get up to speed on complex matters."*

Clients say: *"He is very approachable, has a good grasp of the issues and is very good as an advocate."* And: *"Clive is a master of explaining complex technical matters and their immediate implications for the client's situation in a very clear and practical way. He also has great commercial understanding."*

Experience and Expertise

Clive practised as a solicitor in London local government for ten years before call to the Bar in 1998. He brings a valuable insight into the workings of local government.

Clive provides advisory, drafting and advocacy services to a wide range of clients from large scale developers (e.g. Weston Homes Plc) to individual householders; from inner London borough councils (e.g. Camden and Kensington & Chelsea) to district councils (e.g. Brentwood and Chichester).

His planning advocacy includes: appeals at public inquiry, civil litigation in the High Court and county courts, and four Crown Court trials where he has successfully defended owners, builders and architects prosecuted for offences under listed buildings or conservation area law.

His property work includes both private law matters such as commercial landlord & tenant, easements, restrictive covenants, TOLATA, proprietary estoppel, constructive trusts and adverse possession; and public law matters such as common land, public rights of way, town and village greens, and especially real property cases which raise points of planning law or practice, or which concern local authority land.

Clive's local government work typically concerns functional land or corporate property, particularly redevelopment, disposal and compulsory purchase and compensation.

Cases and Work of Note

- *The Rt. Hon JFH Baring and others v. Grange Park Opera Ch Div.* (HC-2016-002079) landlord & tenant dispute concerning fixtures, fittings, chattels & dilapidations at theatre premises forming part of The Grange a listed building and scheduled ancient monument (instructed by Hunters).
- *R. (otao O'Brien) v. Brentwood BC Planning Ct.* (CO/4471) Judicial review of a grant of prior approval under the GPDO (instructed by Brentwood legal services).
- *Masala Zone Ltd. v. Golding* (V/O) [2016] UKUT 0328 (LC) successful (in part) valuation appeal on behalf of the ratepayer concerning a restaurant in Soho (formerly Cranks) - instructed by Winbourne Martin French.
- *Henley Developments 206B v. Westwoods Ltd. & others* (2016) Central London CC - enfranchisement dispute concerning a valuable property in south Kensington where the freehold reversion had been sold pending an enfranchisement claim which had not been the subject of a notice at the Land Registry.

- *M Gaze Ltd. v. Durrants Ltd.* (2015) Norwich CC – breach of contract/professional negligence claim against surveyors/planning consultants concerning a waste recycling centre in Norfolk (instructed by Hatch Brenner).
- *Mayor’s Office for Policing and Crime v. The Metropolitan Police* (Imber Court) Sports Club and others (2010-2015) High Ct. Ch. Division - long-running dispute concerning equitable/beneficial interests in land (instructed by Hunters).
- *R. (otao Zafar) v. Secretary of State for Communities and Local Government* (2015) High Ct. Planning Court - s. 288 appeal from a planning inspector’s decision dismissing an appeal from East Herts. DC’s refusal of planning permission for works to premises in Bishop’s Stortford (instructed by Devereaux).
- *R. (otao Elliott) v. South Norfolk DC* CO/4618/2014 High Ct. Planning Ct. – resisting a judicial review challenge to various decisions taken in the context of planning enforcement (instructed by nPLaw).
- *Camden LBC v. Cornhill Investments Ltd.* (2014) Central London CC - commercial landlord & tenant claim concerning the recovery and demolition of the Abbey Rd. car park as part of phase 1 of a multi-million pound housing redevelopment (instructed by Camden legal services).
- *Travis Perkins Plc v. Camden LBC* (2013) Central London CC - commercial landlord and tenant claim concerning 156 West End Lane – insertion of landlord’s redevelopment break clause and new rent (instructed by Camden legal services).
- *Chichester DC v. Searle(s)* (2012) Portsmouth CC – 5 day committal application for contempt (successful) – breach of planning injunction - land in South Downs National Park (instructed by Chichester DC legal services).
- *Vines Ltd. v. de Mauny* (V/O) [2010] UKUT 322 (LC) – only reported challenge to the R/V of car show-room premises in the 2005 list – comparable evidence, tone, relativity & quantum allowance (instructed by Bisset Moffatt Hill chartered surveyors).
- *Valoris and South Norfolk DC v. Elliott & Jay* (2009/258/9/60) [2010] decision of Adjudicator to HM Land Registry on 3 references concerning the effect of s. 55 of the LRA 2002 on the sale of land by the local authority as mortgagee-in-possession having taken direct action to remedy a breach of planning control.

Recommendations

Clive is recommended for Planning by Chambers UK. Recent editorial has included:

- "Clive is a master of explaining complex, technical issues and their immediate implications for the client's situation in a very clear and practical way. He also has great commercial understanding." 2015
- "He is very helpful and very approachable, has a good grasp of the issues and is very good as an advocate." 2015
- "He provides excellent service." 2014

Publications

- Has the Town and Country Planning Act 1990 stood the test of time? JP & EL Issue 5, 2016.
- Planning Offences and the Proceeds of Crime - 2014 Lexology
- Terminating Tenancies under the Landlord & Tenant Act 1954 (joint with David di Mambro) – 2013 Lexology
- Planning Permission Challenges and the CPR – 2013 Lexology
- Charities and Non-Domestic Rates Relief: Occupation, Use or Purpose? (joint with Francesca Quint) – 2013 (issue 5) Private Client Business
- Tolerated Trespass 2008 New Law Journal
- The Modification of Restrictive Covenants by Local Authorities [2007] JPL 1564.

Seminars / Lectures / Papers

- Housing and Planning Act 2016 - Update a LexisNexis webinar with Iain Gilbey of Pinsent Masons and David Whipps of Holmes & Hills.
- Planning Issue for Residential Property Lawyers (2016) - joint webinar with Carl Dyer, partner Irwin Mitchell for Lexis Nexis.

- Planning Law matters for Real Property Lawyers the Junior PLA & PBA 2015
- The Town and Country Planning Act 1990 25 years on - has it stood the test of time? The City of Westminster & Holborn Law Society 2015
- Planning Offences and Confiscation Orders - South London Legal Partnership and npLaw & local authorities in Norfolk 2015
- Charities and Rates' liabilities - MBL 2014 Charity Law up-date
- Community Infrastructure Levy and Non-domestic rates for charities MBL (2009 & 2010)
- Direct Action by local authorities CLT (2009 & 2010)
- Planning for Gypsies and Travellers CLT (2004, 06, 08 & 12).

Qualifications

LLB (Hons) (Cardiff) 1984, Solicitor of the Supreme Court 1988, Diploma in Local Govt. Law & Practice 1989, called to the Bar by Lincoln's Inn 1998, qualified for Direct Public Access 2012, dual practising certificate as consultant planning barrister to Nockolds solicitors 2015.

Other Experience

Planning Consultant Barrister to Nockolds solicitors (2015-)
 Board Member Reigate & Banstead Housing Trust (2000-03)
 Legal Adviser & Company Secretary Wimbledon Civic Theatre Trust (1991-2001).

On a Personal Note

Married with two children and lives in London. Interests include swimming; skiing; sailing and the theatre.

Memberships

Administrative Law Bar Association
 Charity Law Association
 Chancery Bar Association
 Compulsory Purchase Association
 Planning & Environment Bar Association
 Property Bar Association
 Public Access Bar Association

Other Details

VAT Registration Number: 739947372

Bar Membership Number: 38228

For More Information

Please click on the links to the left or contact a member of the clerking team