

# Naomi Candlin

Year of Call: 2003

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## Introduction

Naomi has a broad chancery and public law practice with a particular emphasis on property, private client and judicial review. Her practice encompasses the law relating to property and trusts in many guises, from issues arising between neighbours over boundaries and rights of way to disputes between landlords and tenants over business tenancy renewals and the right to forfeit; from the distribution of property in the administration of estates and the settlement of property in the Court of Protection to advising individuals and local authorities in appeals against refusals of planning permission or the issuance of enforcement notices. As an appointee of the Government Legal Department's panel of regional counsel since 2007 (re-appointed 2010 and 2015), Naomi has variously advised the Secretaries of State for Justice, Transport, and Communities and Local Government on issues arising from the management of ministerial property, and represented them at planning enquiries in respect of the green belt, conservation areas and sites of archaeological interest, and at appeals to the High Court. The latter often involve elements of Judicial Review, in which Naomi has a wealth of experience through her representation of the Secretary of State for the Home Department at both oral permission and substantive hearings. Naomi has recently been appointed an Examiner of the Court and Deputy District Judge. She is an accredited mediator in civil and commercial mediations and is particularly suited to mediating property and wills and trust disputes. She is also accredited to accept instructions under the Bar public access scheme.

### Qualifications and Appointments:

- Deputy District Judge 2019
- Accredited Mediator 2018
- Examiner of the Court 2017
- Regional Representative of the Bar International Committee 2016
- Regional A Panel Counsel, appointed 2007, re-appointed 2010 and 2015
- JP Warner Scholar, ECJ, Cabinet of Attorney General Sharpston 2006
- Bar Vocational Course (BPP London) 2003: Lord Nottingham scholar of Lincoln's Inn
- Dip Law (City) 2002: Lord Bowen and Lord Denning scholar of Lincoln's Inn
- Yale University, Henry Fellowship, 1996
- MA Classics, UCL, 1995: British Academy Award
- BA (Hons), Trinity College Cambridge, Classics, 1st Class, 1994: Chancellor's Medal and Verheyden de Lancey prize

### Languages:

- French, Spanish, Italian

# Court of Protection & Social Care

Naomi has extensive experience of advocacy and drafting pleadings and advice in respect of applications before the Court of Protection, Property and Affairs, for which she is ideally qualified in light of the extensive property and trusts element to her wider practice. Her recent experience includes advice and representation in respect of applications seeking retrospective permission to sell a patient's property; the making and varying of statutory wills; the removal of attorneys, and enforcing performance of deputies' duties. Naomi is also experienced in respect of the recovery of unpaid debts for care provided under the various social security provisions and is fully conversant with the Care Act 2014. She is experienced in dealing directly with elderly and/or vulnerable clients through her direct access work, for which she is fully accredited, and through her immigration judicial review work, for which she receives regular instructions from the Secretary of State for the Home Department.

## Reported Cases:

- San Investments Ltd v Secretary of State for Communities and Local Government [2016] EWHC 2830 (Admin): challenge to the refusal of permission to convert commercial units in the Jewellery Quarter, a Conservation Area, to residential use.
- Kershaw v Roberts [2014] EWHC 1037 (Ch); [2015] 1 All E.R. 734; [2014] 3 Costs L.R. 536; [2014] W.T.L.R. 1395; (2014) 158(16) S.J.L.B. 57: case management hearings and cost budgeting for Part 8 claims.
- Infocus Public Networks Ltd v Secretary of State for Communities and Local Government [2010] EWHC 3309 (Admin); [2011] J.P.L. 1048; [2011] N.P.C. 2: appeal pursuant to section 289(1) Town and Country Planning Act 1990 in respect of enforcement action against the installation of telephone kiosks in the City of London.
- Ashcroft v Bradford & Bingley Plc Court of Appeal [2010] EWCA Civ 223; [2010] 2 P. & C.R. 13; [2010] – N.P.C. 30: claim for repayment of an outstanding mortgage debt was not time-barred as time had started to run again under s29(5) Limitation Act 1980.
- R. (on the application of Gaogalalwe) v Secretary of State for the Home Department [2017] EWHC 1709 (Admin): use of voice recognition software in verifying application for indefinite leave to remain.
- R. (on the application of Easy) v Secretary of State for the Home Department [2015] EWHC 3344 (Admin); [2016] A.C.D. 38: refusal to grant a passport based on the assertion that the applicant sought to rely on the passport of a long-deceased infant.
- Begum v Secretary of State for the Home Department [2014] EWHC 2968 (Admin): standard of proof required of evidence in application for citizenship and passport.
- R. (on the application of Reid) v Secretary of State for the Home Department [2014] EWHC 1772 (Admin): Deportation of persistent offenders.
- Kadyamarunga v Secretary of State for the Home Department [2014] EWHC 301 (Admin): ministers' powers and duties in respect of evidentiary facts.

## Commercial Litigation