



GARDEN COURT CHAMBERS

# Justine Compton

YEAR OF CALL: 2005



Justine has specialised in housing law (as a solicitor and barrister) for over 20 years. She specialises in complex homelessness cases and possession claims involving vulnerable tenants. She also has particular experience in anti-social behaviour matters and succession cases. She is regularly instructed by the Official Solicitor.

Justine has been appointed as a Deputy District Judge on the South Eastern Circuit.

"Justine is an excellent barrister. She is a forceful advocate and puts the client's case in the best possible way. She gives clear advice and is very approachable."

CHAMBERS UK, 2023

"Justine can see the full picture quickly, and gives pragmatic advice on the case, and in particular in consideration of obtaining a settlement to ensure that the client gets the best outcome possible."

"An accomplished housing junior with specialist knowledge of Traveller law."

CHAMBERS UK, 2021 (SOCIAL HOUSING)

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"She is an excellent advocate. She is always well prepared and professional in her work. Justine is very approachable and clients like her. She is extremely knowledgeable, particularly in Equality Act issues. She is very responsive and gives clear well thought out advice. She is a tenacious lawyer and willing to fight for the client."

LEGAL 500, 2021 (SOCIAL HOUSING)

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"She is able to engage with clients effectively to understand their needs and is sympathetic yet at the same time impresses with her advocacy. She is approachable and clients like her a lot."

CHAMBERS UK, 2020

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"She is a joy to work with. She is reliable, thorough and someone who quite simply gets the job done."

CHAMBERS UK, 2019

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If you would like to get in touch with Justine please contact the clerking team:

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## HOUSING LAW

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**B5/2017/1218 *Paragon Asra Housing Ltd v Neville* - Court of Appeal - 10/7/18 - judgment awaited - led by Edward Fitzpatrick**

Appeal by the Claimant landlord against the lower court decision that ss.15 and 35 Equality Act 2010 could be invoked at a warrant suspension application.

The Defendant tenant was disabled. The parties invited the court to make a suspended order which was subsequently breached. The trial judge refused to allow the defendant to rely on ss.15 and 35 of the Equality Act 2010 unless a significant change of circumstance since the SPO could be demonstrated (as per *R (on the application of JL) v Secretary of State for Defence* [2013] EWCA Civ 449). The application to suspend the warrant was ultimately refused. The Defendant successfully appealed and Recorder Williamson QC set aside the order of the Trial Judge holding that the Judge should have revisited the issue of discrimination and applied a structured approach to ss.15 and 35 EA 2010 (as per *Aster Communities Ltd v Akerman-Livingstone* [2015] UKSC 15) at the enforcement stage.

***Islington LBC v Dyer* [2017] EWCA Civ 150; [2017] P.T.S.R. 731; [2017] H.L.R. 20 (led by Tim Baldwin)**

A notice served by a landlord on a tenant for the purposes of the Housing Act 1996 s.128 could be comprised in more than one document. There was no reason why an accompanying information leaflet should not be treated as part of the notice if the reasonable recipient would have understood that the documents were intended to be read together.

***CM v Westminster CC - Central London County Court - 1/12/16 - s.204 Housing Act 1996 appeal.***

The court quashed the decision by Westminster that the applicant was not homeless.

Ms Recorder Genn upheld the four substantive grounds of appeal and found that the Council had made insufficient enquiries and had failed to properly consider whether CM had any legal entitlement to occupy her children's accommodation in India.

The Council had not considered whether it was reasonable for CM to relocate to India having been in the UK for 16 years and granted British Citizenship and that the Council had failed to properly consider the cultural issues involved.

Counsel and case featured in [\*The Times\*, \*Lawyer of the Week\* column.](#)

***R (ota of Francis) v LB Ealing - High Court - Administrative Court - Mr Justice Stuart-Smith - 22/11/17***

Application for interim relief regarding provision of temporary accommodation pending determination of the

client's homeless application. The client had significant mental health and addiction problems. His protective factor was his dog.

The council offered him accommodation which was shared and where a dog was not permitted. An urgent order was sought from the court which specified that accommodation must be provided which was self-contained and a dog permitted.

The court granted the order in the terms sought. Unusual in that normally the court would leave it to the local authority to find 'suitable' accommodation and would not prescribe what was suitable.

***London & Quadrant HT v The PRs of Anna-Marie Stenger and Mr S Seeram - DJ Swann - Clerkenwell & Shoreditch County Court - 7 and 8 July 2018***

A claim for possession by the landlord, defended on the basis that Mr Seeram had satisfied the succession provisions under s.17 HA 1988 by a) Being in a relationship with the deceased which was akin to being a spouse/civil partner as defined in s.17(4) of the Act, and: b) Immediately before the deceased's death, he occupied the flat as his only or principal home.

The defendant produced 18 witnesses, 15 of whom attended court. After hearing from 10 of them, the claimant landlord conceded the claim and agreed that Mr Seeram had met the provisions and had accordingly succeeded to the tenancy. It also agreed to clear the significant rent arrears which had accrued during the time which the issue had been in dispute (over £9000).

***Vala-Devine v City of Westminster, Central London County Court, HHJ Wulwick - 2016***

A homeless appeal concerning whether the client was intentionally homeless as a result of leaving her husband who had caused the client psychological harm. There was no existing authority on whether the committal of adultery was capable of fulfilling the wider definition of domestic violence as formulated in the case of *Yemshaw v LB Hounslow* ([2011] UKSC 3).

The Judge held (1) such behaviour did amount to domestic violence and (2) the evidence of the Appellant's treating professionals should not have been rejected. The fact that they were not treating the Appellant at the time of her departure in no way undermined the evidence.

## **ADMINISTRATIVE AND PUBLIC LAW**

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Justine is experienced in judicial review claims in respect of homelessness, allocations and community care.

## PLANNING LAW

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### ***Brown v Ealing LBC* (led by Marc Willers QC) - Queen's Bench Division (Administrative Court), 09 March 2017, [2017] EWHC 467 (Admin)**

Judicial review of the decision to grant planning permission to QPR football club for a training ground. The claim was refused by the High Court. Permission to appeal was granted by the Court of Appeal.

The case concerns (1) whether the local authority found non- Metropolitan Open Land (MOL) harm existed and whether the loss of public access was acceptable when balanced against the availability of the new public sports pitches outwith the very special circumstances exercise and (2) the failure to further London Plan policy to protect MOL open spaces.

see also cases under 'ROMANI GYPSY AND TRAVELLER RIGHTS'

## ROMANI GYPSY AND TRAVELLER RIGHTS

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Justine represents Gypsies and Travellers in eviction and planning matters. Having focused on this area of law for over five years as a solicitor, she has an in-depth knowledge of the issues facing Gypsies and Travellers and their accommodation needs. Justine has experience of advising and representing clients in respect of unauthorised encampments, issues arising out of occupation of public sites, planning applications, hearings and inquiries for private sites and breaches of planning control including direct action and injunctions.

Justine has been a Trustee of [Friends, Families and Travellers](#) since 2000.

### NOTABLE CASES

#### **High Court, QBD, Birmingham District Registry - *Kettering BC v Foster and others***

Application to vary a s.187b TCPA injunction to enable the client and his family to remain residing on the site until 31 October 2016 by which time his planning appeal, listed for 23 and 24 August 2016 will have been determined.

#### ***Doncaster MBC v Secretary of State for Communities and Local Government* (led by Marc Willers QC) [2016] EWHC 2876 (Admin)**

Representing the second defendant, a Gypsy who had been granted planning permission by a planning

inspector. The Local Authority appealed against this decision.

The court ruled that the planning inspector had properly applied planning policies regarding Traveller sites and development in the green belt. Although the policies stated that it was unlikely that unmet need for Traveller sites and personal circumstances would outweigh harm to the green belt, that did not mean that they could not do so. Appeal dismissed. It was one of the first cases analysing the amended planning guidance on Gypsy sites in the Green Belt.

See coverage in [Garden Court blog](#) and [Travellers Times](#).

## WELFARE BENEFITS LAW

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Justine advises on appeals to the Upper Tribunal in respect of social security issues and sits as a part-time Judge in the First Tier Tribunal of the Social Entitlement Chamber.

## BACKGROUND

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Justine was formerly a solicitor with the Community Law Partnership (admitted in 2000) specialising in Housing and Gypsy and Traveller Law. Before joining Garden Court Chambers in 2015, she practised at 1 Pump Court Chambers between 2006 -2014.

During the 1990s, Justine was a housing, debt and welfare benefits adviser at Coventry, Cambridge and Warwick District Citizen Advice Bureau.

## PUBLICATIONS

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'Give and Take' *Property in Practice*, December 2015 (Compton & O'Donnell)

'An End to Retaliatory Evictions? New Measures on Repossession by Private Sector Landlords' *2015 LTR* Issue 3 (Luba & Compton).

'A devastating blow to social housing in England' (*Compton and Davies, LAG July 2016*)

'The Equality Act 2010 and transgender tenants' (*Compton, Mullins and Sanchez, LAG December 2017*).

## TRAINING AND SEMINARS

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Justine has been a freelance trainer for Shelter and tutor of the BVC judicial review course at BPP school of law. She also delivers seminars and in-house training.

## ADVISORY WORK

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Justine has recently worked with Fully Focused Productions, advising on homelessness law for the scripts of two powerful short films. '[Nadia](#)' combines law and drama to highlight legal rights on homelessness, and '[Eviction](#)' highlights the eviction rights of private tenants. The films, commissioned by the Legal Education Foundation, were made with young people from the charity Centrepont who have experiences of homelessness and are available on [YouTube](#) and can be found below.

[Nadia](#)

[Eviction](#)

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