

Tanfield Chambers

Christopher Heather

cheather@tanfieldchambers.co.uk

Areas of Practice

Property

Career

1995 Called to the Bar, Middle Temple

Profile

Winner - *Barrister of the Year* - Enfranchisement & Right to Manage Awards 2010

Christopher has built a highly regarded property practice and is experienced in a wide range of advisory and litigious matters. In particular he specialises in:

- Landlord and Tenant (commercial and residential)
- Leasehold enfranchisement
- Real property
- Land registration including proceedings before the Adjudicator to HM Land Registry
- Rights of way, boundaries and easements
- Right to buy
- Rights of operators and land owners under the Telecommunications Code

As well as regular appearances before the High Court, county courts, leasehold valuation tribunals, and the Lands Tribunal, Christopher is also experienced in proceedings before the Adjudicator to HM Land Registry, the Rent Assessment Committee and has had three appearances in the Court of Appeal in the previous 12 months alone. He also has experience in property-related professional negligence claims involving solicitors and surveyors.

In addition to his property work he maintains an interest in general mercantile, insurance and business law, and has particular expertise in disputes relating to contracts for differences and spread-betting contracts – on which he has experience at Court of Appeal level – and EU public procurement disputes.

When not working he enjoys skiing, swimming and photography.

Experience

Property

Appearing in the Court of Appeal on behalf of a local authority and successfully overturning findings of misfeasance in public office and establishing the tests for misfeasance by reckless omission and the validity of delay notices in a right-to-buy case

Successfully representing a parish council in a five-day trial before the Adjudicator to HM Land Registry in hotly-contested proceedings against a property developer who asserted rights of way over the village green

Successfully representing the nominee purchaser in a complex leasehold enfranchisement claim lasting six years, including establishing that a lease of the airspace above the flats granted by the freeholder to a related company was void under s.19 of the Leasehold Reform, Housing and Urban Development Act 1993

Negotiating a highly advantageous settlement of a five-day High Court trial on behalf of a freeholder arising from a fire which destroyed a residential and commercial block, leading to litigation between freeholder, head-lessee and commercial tenant.

Regular advisory work for a wide range of professional landlords, social landlords, surveyors and local authorities.

Advising on issues relating to mobile phone masts and TV cables on land and buildings. He recently represented a major telecommunications company in a substantial dispute under the Telecommunications Code involving cabling over all blocks of flats in an inner London borough.

Other

Regular work for the Bar Pro Bono Unit

Significant Cases

Hughes v Borodex Limited [2010] EWCA Civ 425

Assured tenancies – Local Government and Housing Act 1989 - disregard from assessment of rent under s.14 of Housing Act 1988 of value of improvements carried out by tenant during previous long residential tenancy.

Hilmi & Associates Limited v 20 Pembridge Villas Freehold Limited [2010] EWCA Civ 314

Leasehold enfranchisement – successfully represented appellant reversioner in Court of Appeal establishing that s.13 and s.42 notices cannot be signed by only one director of a corporate tenant.

Wilson v Grainger [2009] EWHC 3145 (Ch)

Adverse possession - rectification of the register, degree of factual possession and evidence of licence to use land.

Westminster City Council v CH2006 Limited [2009] UKUT 174 (LC)

Collective enfranchisement: whether agreement reached as to part of purchase price deprived LVT of jurisdiction to determine that element of the price; should a mandatory leaseback include provision indemnifying the local authority lessee against unexpected increases in service charge which cannot be recovered from tenants exercising right to buy.

Hughes v Borodex Limited [2009] EWHC 565 (Admin) (2009) 26 EG 114

Assured tenancies – Local Government and Housing Act 1989 - disregard from assessment of rent under s.14 of Housing Act 1988 of value of improvements carried out by tenant during previous long residential tenancy.

Hanoman v Southwark LBC [2009] 1 WLR 1367 (HL) [2009] 1 WLR 374 (CA)

Right-to-buy - delay, jurisdiction of county court and off-setting housing benefit against purchase price

Southwark LBC v Dennett [2008] HLR 23 (CA)

Right-to-buy - notices and misfeasance in public office

Meldale Limited v Ludgershall PC [2007] (Adjudicator to HMLR)

Construction of Ludgershall Inclosure Act 1778, Inclosure Award and right of way by lost modern grant

Kintyre Limited v Romeomarch Property Management Limited [2006] 1 EGLR 67

Collective enfranchisement – airspace lease – void lease of common parts

Spreadex Limited v Battu [2006] LLR 106 (CA)

Construction of terms in spread-betting contract

Landsman v De Concilio [2005] BPIR 829

Relevant considerations for appointment of trustee in bankruptcy

Bennett T/A Soho Pizzeria v AXA Insurance plc [2004] Lloyds Rep IR 615

Construction of insurance policy

Orchard Court Residents' Association v St Anthony's Homes Limited [2003] 2 EGLR 18 (CA)

Appointment of manager under Landlord and Tenant Act 1987

Telia Sonera AB v Hilcourt Limited [2003] EWHC 3540

Availability of specific performance in arbitration proceedings relating to land

Fanning v Waltham Forest LBC [2001] L&TR 41

Assured tenancies – loss of status

Lewisham LBC v Masterson [2000] 80 P&CR 117 (CA)

Quantification of use and occupation charges

Publications

Contributor, *Service Charges and Management: Law & Practice* 2nd edition (Sweet & Maxwell)

Contributor, *Service Charges & Management: Law and Practice* 1st Edition 2006 (Sweet & Maxwell)

Memberships

Member, Chancery Bar Association

Member, Property Bar Association

Member, Bar Pro Bono Unit

Qualifications

MA (Cantab)

Directory quotes

'calm and measured professional attitude'

Chambers UK 2010

'An assured manner with clients' and 'confident and articulate in his addresses'
Chambers UK 2009

'His caseload is leaning toward leasehold enfranchisement, though he is more than capable of handling real property as well'
Chambers UK 2008

'Inspires a great following due to his very calm approach'
Chambers UK 2007

'Very good on the detail'
Chambers UK 2006

'Thorough, friendly and fantastic at this stage of his career'
Chambers UK 2005

'unflappable'
Legal 500 2009

'Extremely calm and competent in everything that he deals with...very good with clients - a gentle approach rather than arrogant'
Legal 500 2007

'One to watch'
Legal 500 2005

Christopher is listed as expert in Property Litigation in **Legal Experts 2008, 2009 and 2010**.