

TANFIELD

PROPERTY & REAL ESTATE BARRISTERS



Christopher Heather KC

Year of call Silk
1995 2017

Christopher Heather KC's expertise encompasses all aspects of real property, commercial and residential landlord and tenant and associated professional liability.

He has a keen interest in the principles of valuation in a range of different contexts and particularly enjoys working with (and cross-examining) expert witnesses.

Christopher has been recommended for property and real estate litigation in the main directories for many years.

Real Property

Mortgages, land registration, boundaries, easements, rights of way, freehold covenants, options, overage, trespass and squatters

He is known for his advisory work in relation to complex transactions and developments. He has advised institutional investors in relation to ownership structures, and advised in relation to the purchase of one of the substantial reversionary interests in Bluewater.

Recent work includes:

- High value rectification claims under Schedule 4 of LRA 2002 following mistakes by the Land Registry.
- Advising in relation to discharge or variation of freehold covenants for a multi-million pound property in Hampstead.

- Acting for a national house-builder in relation to an agent's aim for an introduction fee.

Landlord & Tenant

All aspects including break clauses, forfeiture, assignments, dilapidations.

Recent work has included:

- Acting for a restaurant chain in litigation concerning agreements for lease at the Arndale Centre redevelopment in Eastbourne.
- Acting for the developers of 41 Conduit Street in dispute with landlord/adjoining owner re alterations/trespass.
- Landlord's redevelopment rights in the context of LTA 1954 and LRHUDA 1993.

Leasehold Enfranchisement

All aspects including break clauses, forfeiture, assignments, dilapidations.

Recent work has included:

- Acting for the freeholder of student accommodation in dispute with the headlessee as to contractual liability under the lease for fire safety works and third party claims under the Building Safety Act 2022
- Acting for the developers of a Mayfair members' club in dispute with landlord/adjoining owner re alterations/trespass.
- Landlord's redevelopment rights in the context of LTA 1954 and LRHUDA 1993.

Professional Negligence

Christopher is currently instructed on a number of high-value negligence claims against solicitors, valuers and barristers. He acts for claimants and defendants and has been involved in multi-million pound claims involving complex issues of liability and quantum.

Recent work includes:

- Acting for a purchaser whose solicitors failed to advise in relation to the effects of granting a sub-lease for tax purposes on a claim to acquire the freehold of a house in central London under the LRA 1967.
- Acting for a tenant whose solicitors failed to register notices claiming new leases at the Land Registry.
- Acting for a solicitor in relation to a claim for failure to advise a purchaser on the implications of the leasehold interests in a building where there had been a previous collective enfranchisement.

Leasehold Enfranchisement

Acting for landlords and tenants in claims under the 1967 and 1993 Acts.

Recent work has included:

- Acting for the leasehold owners of a substantial London property in claim that it qualifies for enfranchisement under 1967 and 1993 Acts
- Acting for the participating tenants in a collective enfranchisement where substantial development value is being sought by the reversioner

Development

Acting for developers and housebuilders with particular emphasis on site assembly, options and overage

Recent work has included:

- Acting for national housebuilder in option valuation dispute for a 400 dwelling site within M25
- Acting for developer in dispute with funder seeking to terminate £100 million loan agreements and to forfeit site.
- Obtaining possession of a substantial greenfield site for a national housebuilder where an adjoining business was claiming adverse possession and easements of storage on part of site.
- Advising a pension fund on the legal and physical structure of a London development to reduce prospects of successful enfranchisement and LTA 1987 rights.

Professional Negligence

Christopher is currently instructed on a number of substantial negligence claims against solicitors, valuers and barristers. He acts for claimants and defendants and has been involved in multi-million pound claims

involving complex issues of liability and quantum.

Recent work includes:

- Acting for a purchaser whose solicitors failed to advise in relation to the effects of granting a sub-lease for tax purposes on a claim to acquire the freehold of a house in central London under the LRA 1967.
- Acting for a tenant whose solicitors failed to register notices claiming new leases at the Land Registry.
- Acting for a solicitor in relation to a claim for failure to advise a purchaser on the implications of the leasehold interests in a building where there had been a previous collective enfranchisement.

Mediation

Christopher understands the importance of ADR and has assisted clients to achieve settlements at, and as a result of, successful mediations and round-table meetings.

Pro Bono Work

Christopher has been a member of the Bar Pro Bono Unit for many years and regularly provides advisory and advocacy assistance.

Notable Cases

Northwood Solihull Ltd v Fearn [2022] EWCA (Civ) 40; [2022] 1 WLR 1661

Notices given by a corporate landlord under s.8 of the Housing Act 1988 and certificates given pursuant to the Housing (Tenancy Deposits) (Prescribed Information) Order 2007 can be given by the landlord's agent and do not require execution in accordance with the provisions of s.44 of the Companies Act 2006.

Whale v Maunder Taylor [2021] UKUT 210 (LC)

Chris acted for the lessees in their successful appeal against a decision of the FTT as to whether an order which appointed a manager of a block of flats under LTA 1987 permitted the manager to demand contributions to a reserve fund. The order did not contain such a power and, although the lease permitted a reserve fund, the manager was bound by a concession in earlier proceedings that it did not.

Performance Retail (General Partner) Ltd v wagamama Ltd [2021] EWHC 564 (Ch)

Chris acted for the restaurant and successfully resisted the developer's claim for a declaration that a development agreement for a lease of a unit in a newly constructed shopping centre had become unconditional. On a proper interpretation of its conditions the agreement had not become unconditional by the conditions long-stop date and the agreement had been validly terminated by the restaurant.

Rees v 82 Portland Place LLP [2020] EWHC 1177 (Ch)

Land Registration – Unilateral Notices – Mistake by the Land Registry – Rectification of the Register under Schedule 4 to the Land Registration Act 2002 – whether “unjust not to” – Enfranchisement – failure to protect a claim with a unilateral notice.

Urwick v Pickard [2019] UKUT 365 (LC)

Land Registration – Restrictions – Appointment of manager under Landlord and Tenant Act 1987 – Failure to enter a restriction – effect of transfer of freehold pursuant to collective enfranchisement.

Southwark LBC v Royce [2019] UKUT 331 (LC)

Service charges – district heating – major works – contractual construction.

Victory Place Management Co Ltd v Kuehn [2018] EWHC 132 (Ch)

Contractual discretion – permission to keep pets – Wednesbury unreasonableness – pre-determination.

Octagon Overseas Ltd v Coates [2017] UKUT 190 (LC)

Management orders – insurance.

Recommendations

“Chris is an excellent KC. He is very bright, has exceptional attention to detail, gets to grips with complex matters quickly and is calm and confident in his advocacy.”

Chambers UK 2024

“His advocacy is first-rate, and his judgement first-class. A top notch silk held in the highest regard. A real team player – willing to make himself available when needed.”

Legal 500 2024

"A superb advocate – calm, measured but robust when required."

Legal 500 2023

"I respect his judgement and his advocacy is absolutely top-notch, as was his guidance during a case." "He knows the field well and is astute in his analysis."

Chambers UK 2022

"A very calm and highly effective advocate. Technically excellent but also commercial in his approach. A pleasure to work with and great to have on your team. An increasingly well known "go to" QC for high value and complex enfranchisement work – at the very top of the list."

Legal 500 2022

"He's incredibly good with clients and he's a clear and effective advocate."

Chambers UK 2021

"A fine academic mind yet also pragmatic and commercial in his approach."

Legal 500 2021

"He is extremely good at advising on knotty or unusual claims." "Wonderful to work with and very pragmatic." "He offers helpful advice and a fast turnaround."

Chambers UK 2020

"He will make himself available whenever he possibly can to assist on new or ongoing matters."

Legal 500 2020 (Property Litigation)

"Very intelligent and excellent in court."

Chambers UK 2018

"He is very knowledgeable and very user-friendly."

Chambers UK 2018

"Pragmatic, technically sound and extremely helpful and proactive."

Legal 500 2017

Publications

- Sub-editor, *Service Charges & Management* (3rd, 4th & 5th editions) (Sweet & Maxwell)
- Contributor, *Service Charges & Management: Law & Practice* (1st & 2nd editions) (Sweet & Maxwell)

Qualifications

- MA (Cantab)

Memberships

- Association of Leasehold Enfranchisement Practitioners
- Bar Pro Bono Unit
- Chancery Bar Association
- Professional Negligence Bar Association
- Property Bar association