

TANFIELD

PROPERTY & REAL ESTATE BARRISTERS



Hugh Rowan

Year of call

2021

Hugh Rowan joined Tanfield Chambers after successful completion of his pupillage in September 2022. During his pupillage Hugh gained a wide experience of Chambers' practice areas through his supervisors: [Piers Harrison](#), [Daniel Dovar](#), and [Carl Fain](#)

Hugh accepts instructions in all areas of real property, commercial law, and residential and commercial landlord and tenant law. Hugh has appeared a sole counsel in the High Court, the County Court, and the First Tier Tribunal in multi-track, fast track, and small claims track cases.

Hugh is also involved a number of high-profile cases in Chambers, and is presently instructed as a Junior to Andrew Butler KC in a 10-day High Court commercial trial, and is due to appear in the Court of Appeal twice this year.

Hugh is Direct Access qualified and happy to accept instructions on a Direct Access basis in suitable circumstances.

A regular contributor to the Practical Law Dispute Resolution Blog and to the Landlord & Tenant Review, Hugh often writes the Case Digest for these publications as well as topical articles and case commentaries. He is also a co-author of the recent authored '*Building Safety Act 2022; A Guide for Property Lawyers*', and regularly travels to give talks on this topic.

Prior to joining Chambers Hugh undertook his GDL and BPTC (LLM) at City University, during which time he volunteered as a caseworker at the Free Representation Unit where he conducted a number of successful employment cases in the First-Tier Tribunal. Hugh was also a volunteer with Blackfriars Settlement Advice Clinic.

Hugh is also a freelance bagpipe player and an amateur beekeeper.

Residential Landlord & Tenant

Hugh has acted in a wide range of disputes, including possession proceedings, service charge disputes, appointments of a manager, rent repayment orders, disrepair, breach of covenant, and tenancy deposit claims.

Hugh recently appeared in a long running First Tier Tribunal appointment of a manager dispute relating to a multi-million-pound development in East London and is currently instructed on a six-figure High Court disrepair claim arising from the illegal conversion of a property into a cannabis farm. Hugh was instructed as junior counsel in the Upper Tribunal Appeal of *English Rose Estates Ltd v Menon & Ors*. [2022] UKUT 347 (LC), and was similarly instructed in a recent Court of Appeal case involving forfeiture which eventually settled.

Together with a number of members of Chambers, Hugh has also co-authored '*Building Safety Act 2022; A Guide for Property Lawyers*', and has given a number of lectures on topics and issues arising out of the 2022 Act.

Commercial Landlord & Tenant

Hugh is often instructed to advise or appear in County Court and High Court forfeiture proceedings, service charge disputes, lease renewals under the Landlord and Tenant Act 1954, dilapidations, and breach of covenant matters.

Hugh is currently instructed to appear in a County Court dispute involving rectification of a 20 year commercial lease. Hugh recently succeeded in recovering a seven-figure sum of arrears for a commercial landlord in West London, and has developed a particular speciality in advising on mixed-use developments.

General Commercial

Hugh has been instructed in range of disputes, including breach of contract, construction, rectification, rescission, mistake and misrepresentation. Hugh is often asked to provide a discrete opinion in these matters and has also conducted a number of successful County Court trials in these areas.

Recently, Hugh was led by Marc Glover in a successful two-day summary judgment application to the High

Court in *Gupta v Shah* [2023] EWHC 540 (Ch), a \$14million international commercial fraud claim, and is currently being led by Andrew Butler KC in a ten-day High Court commercial dispute arising out of a Shareholder's Agreement.

Hugh was recently instructed a sole counsel on a misrepresentation claim in the High Court worth more than £150,000. He has also appeared unled in a series of related *ex parte* commercial freezing injunctions in the High Court.

Real Property

Hugh regularly advises and appears in disputes involving easements, freehold and leasehold restrictive covenants, boundary disputes, adverse possession claims, and land registration matters. Hugh also advises on disputes relating orders for sale under the Trusts of Land and Appointment of Trustees Act 1996.

Hugh is instructed to appear as sole Counsel for the Defendants in a five-day trial in late 2023 regarding a number of boundaries and easements between a mixed-use farm and a rural residential property. Hugh is also instructed in a 2-day determined boundary application before the First Tier Tribunal.

Marc Glover also recently led Hugh representing the partly successful Appellants in the High Court appeal *Centaur v Scott* [2023] EWHC 2712 (Ch), a complex case involving proprietary estoppel in a commercial context and countervailing benefits.

Mortgages

Hugh has previously acted in a range of matters including receivership disputes, consumer protection legislation, and undue influence. He regularly appears in the County Court in possession matters acting for both the mortgagee and mortgagor.

Recently, Hugh was instructed a part of a long running receivership dispute in the High Court, and successfully extended an injunction preventing the Receivers from completing a contract for sale in exceptional circumstances.

Enfranchisement and Rights of First Refusal

Having gained detailed experience in this area under the supervision of Piers Harrison, Hugh is comfortable being instructed as a junior or sole counsel in this area and has previously been instructed in proceedings involving the validity of notices and valuation claims.

Hugh is happy to advise on a range of topics in this area from the applicability of the relevant Acts to the assignment of the benefit of notices. Hugh regularly appears in the County Court in particular in disputes under Chapter II of the Leasehold Reform, Housing and Urban Development Act 1993, and is presently instructed in a five-day collective enfranchisement trial listed for the end of 2024.

Wills, Trusts, and Probate

Hugh has been instructed to advise on a number of discrete issues in this area including in relation to the powers of executors and administrators. Hugh recently advised on a long running dispute concerning the Inheritance (Provision for Family & Dependents) Act 1975.

Professional Negligence

Hugh is happy to accept instructions in any matters of professional negligence related to property or commercial disputes.

Procedural Matters

Hugh regularly appears in procedural applications involving a range of procedural matters including jurisdiction disputes, summary and default judgments, disclosure applications, relief from sanctions, and service disputes.

Notable Cases

English Rose Estates Ltd v Menon & Ors [2022] UKUT 347 (LC)

An appeal concerning rectification by construction and issues of procedural fairness in the First-tier Tribunal.

Gupta v Shah [2023] EWHC 540 (Ch)

A multi-day summary judgment application on a \$14million international commercial fraud claim.

Centaur v Scott [2023] EWHC 2712 (Ch)

An appeal involving proprietary estoppel in a commercial context and countervailing benefits.

Awards

Grand Finalist in the Vis International Arbitration Moot (April 2019)

Gray's Inn Wilfred Watson Scholarship (2019)

Publications

- Co-author of: *Building Safety Act 2022: A Guide for Property Lawyers* (2024, The Law Society)
- 'The dangers of not providing a section 48 address for service', L & T. Review 2024, 28(1), 30-32
- 'Entitlement to forfeit and peaceable re-entry', L. & T. Review 2024, 28(1), 32-34
- 'RTM companies having breaches of covenant determined in the First-tier Tribunal', L. & T. Review 2023, 27(6), 248-250
- 'Uncertain start date of term: no binding agreement for a lease', L. & T. Review 2023, 27(5), 215-216
- 'Once is enough: defining eviction and differentiating harassment under the 1977 and 1997 Acts', L. & T. Review 2023, 27(4), 161-164
- 'Rent repayment orders: insufficient evidence of reasonable excuse?', L. & T. Review 2023, 27(3), 109-110
- 'Rent repayment orders: reasonable excuse during whole period of dispute?', L. & T. Review 2023, 27(3), 111-112
- 'The four-step approach to rent repayment orders', L. & T. Review 2023, 27(1), 25-26
- 'Failure to licence an HMO: management or control?', L. & T. Review 2023, 27(1), 26-28
- 'Mad hatters – the dangers of double hatting', L. & T. Review 2023, 27(1), 28-30
- 'Rent repayment orders – subletting no excuse', L. & T. Review 2022, 26(6), 243-244
- 'Selective licensing – the councillor's choice', L. & T. Review 2022, 26(6), 244-245
- 'Rent repayment orders – companies and control', L. & T. Review 2022, 26(6), 245-247

- 'Rent repayment orders – the role of inference in HMOs' L. & T. Review 2022, 26(6), 247-248
- 'Substance over form: the importance of evidence in establishing development value', L. & T. Review 2022, 26(1), 19-20
- 'Absurd results: a paradigm of the arbitrary and irrational', L. & T. Review 2022, 26(1), 21-22
- 'Reasons, Reductions and Respondents: Refining the Scope of Rent Repayment Orders', L. & T. Review 2022, 26(3), 93-9
- Various Case Summaries
- Regular contributor to the Practical Law Dispute Resolution Blog

Qualifications

City Law School (2020): Bar Professional Training Course (LLM) (Outstanding with Distinction on LLM)

City Law School (2019): Graduate Diploma in Law (Distinction)

Oriel College, Oxford University (2018): B.A. (Hons.) Philosophy & Theology

Memberships

Chancery Bar Association

Property Bar Association