

TANFIELD

PROPERTY & REAL ESTATE BARRISTERS



James Castle

Year of call

2015

James Castle accepts instructions in all areas of property law, with a particular focus on leasehold disputes.

James enjoys a busy landlord and tenant practice, dealing with both residential and commercial properties, acting for both landlords and tenants. He regularly appears in the County Court, acting in fast and multi-track trials. These matters range widely from possession (including forfeiture and property guardianship) claims, to claims in respect of dilapidations and other breaches of covenant, and business lease renewals.

James also appears frequently in the First-tier Tribunal (Property Chamber) in enfranchisement, right to manage and service charge disputes. James is uncommonly experienced for his year of call in cross-examining expert surveyors regarding valuation evidence.

Further, James has a busy real property practice dealing with boundary disputes, adverse possession, encroachment, easements and restrictive covenants.

James is also practiced in representing clients in mediations, having recently successfully negotiated settlements between: the manager of a large leisure facility, its building contractors and the local authority; and a father and son having difficulty agreeing how best to liquidate their property empire.

Outside of court, James's advisory practice is diverse, and he has recently advised: freeholders and lessees in respect of rights of first refusal; property developers regarding the easements and ransom strips; neighbours in various boundary disputes; and a large food and drinks distributor on penalty clauses in exclusive distributor agreements.

Landlord & Tenant

In 2018, James represented tenants in an appeal before a Circuit Judge related to the validity of service charge demands made by their landlord.

In February 2019, James appeared before the Deputy President of the Upper Tribunal in Robert Court RTM Company Limited v The Lough's Property Management Limited [2019] UKUT 0105 (LC) on an appeal related to (1) the validity of an application for a determination as to whether an RTM company was entitled to acquire the right to manage, and (2) the costs payable by the RTM company under the machinery of the 2002 Act.

In April 2019, James acted in a high value collective enfranchisement of a large property in Maida Vale. In June 2019, he represented the tenant in a complex 1993 Act lease extension where the subject property had an unexpired term of under 5 years.

James is currently representing a critically acclaimed London cocoa house in the latest of a long-running set of disputes with its landlord involving proprietary estoppel.

Real Property

Over the course of late 2017 and 2018 James appeared a number of times before Masters in the Chancery Division of the High Court acting for a homeowner in a case where his equitable chargee had obtained possession of his home pursuant to an order for sale, and then failed to sell the property for the better part of a decade, permitting it to fall into substantial disrepair in the meantime.

James is currently representing a professional footballer and his wife who are bound up in a neighbour dispute related to parking rights.

Commercial Disputes

In 2017, James represented the daughter of a property developer in a high value multi-track trial that involved undue influence and unfair relationships under the Consumer Credit Act 1974.

James is currently representing a property investor in a dispute with a development company related to the sale of a number of flats at a substantial undervalue.

Notable Cases

Robert Court RTM Company Limited v The Lough's Property Management Limited [2019] UKUT 0105 (LC)

An appeal related to (1) the validity of an application for a determination as to whether an RTM company was entitled to acquire the right to manage, and (2) the costs payable by the RTM company under the machinery of the 2002 Act.

Awards

- Hardwicke Entrance Award, Lincoln's Inn (2013)
- Ely Carter Scholarship (2011, 2013) & Ruth Deech Prize (2013), St. Anne's College, University of Oxford

Qualifications

- BPTC (Very Competent), Kaplan Law School (2013-2014)
- BA in Law (Jurisprudence, First Class), St. Anne's College, University of Oxford (2010-2013)

Memberships

- Property Bar Association
- Chancery Bar Association