

TANFIELD

PROPERTY & REAL ESTATE BARRISTERS



James Castle

Year of call
2015

James Castle accepts instructions in all areas of property law, and specialises in each landlord & tenant and real property litigation.

In his landlord & tenant practice, James deals with both residential and commercial properties, acting for both landlords and tenants across both the Court and Tribunal systems. His expertise spans the full range of leasehold disputes, from possession (including forfeiture) claims, to business lease renewals, dilapidations, service charges, leasehold enfranchisement, the right to manage, and the appointment of managers.

James is particularly adept at cross-examining expert surveyors regarding valuation evidence in (for example) leasehold enfranchisement disputes and interim rent claims under the 1954 Act. And even fewer junior members of the Property Bar have James's extensive experience in dealing with property guardianship disputes; James is the go-to junior counsel for a number of major property guardianship companies.

Further, James has a busy real property practice dealing with boundary disputes, adverse possession, encroachment, easements, restrictive covenants and matters arising under the new Electronic Communications Code.

James is the co-author (with Kerry Bretherton KC and Mark Loveday) and editor of *A Practical Guide to The Electronic Communications Code: A Practical Guide* (2nd ed 2023), and a contributor to *Service Charges and Management* (5th ed. 2022).

James is licensed to accept direct access instructions.

Landlord & Tenant

When it comes to possession work, James has expertise in 'edge cases' surrounding the licence/tenancy divide. This extends from property guardianship to temporary accommodation provided by third parties to local authorities to assist in fulfilling their statutory duties to house the homeless, and more. If there is a real question as to what species of agreement the parties have entered into, James wants to answer it.

Beyond possession, James undertakes a host of lease renewal and extension work, both in respect of business leases and long residential leases. Here, James's particular interest is in valuation, and the economic theory and practice underlying it. James's cross-examination of expert valuers regularly results in concessions that greatly benefit his clients' cases at trial.

James frequently appears in the First-tier Tribunal Property Chamber (Residential Property) dealing with service charge disputes, applications for management orders, and determinations of breach in respect of no-alteration or no-subletting covenants. Since the coming into force of the Building Safety Act 2022, James has found himself instructed several times by major landlords seeking dispensation from consultation requirements in respect of urgent major works to remedy cladding issues with funding from the Building Safety Fund.

Both of James's reported L&T cases, **Avon Ground Rents Ltd v Canary Gateway (Block A) RTM Co Ltd (No. 2) [2023] EWCA Civ 616** and **Robert Court RTM Company Limited v The Lough's Property Management Limited [2019] UKUT 0105 (LC)**, relate to the exercise of the Right to Manage under the Commonhold and Leasehold Reform Act 2002.

Real Property

In the real property sphere, James has a wealth of experience litigating interference with easements, and breach of freehold covenants. In 2021, James represented a professional footballer and his wife in a four-day trial concerning freehold parking covenants, harassment and nuisance. More recently, James has been advising several privately-owned business parks about their complex internal arrangements.

James also acts and advises on boundary disputes, and adverse possession claims. Throughout the COVID-19 pandemic, the surge in construction of garden offices resulted in James being instructed regularly on disputes relating to the precise boundary between neighbouring gardens, as busy professionals working from home sought to maximise the size of their cosy home offices at the expense of good relations with their neighbours.

Since the publication of the first edition of James's book *The Electronic Communications Code: A Practical*

Guide, James has been taking instructions on telecoms disputes, particularly in relation to the new code. Most frequently, James acts for private landowners seeking to resist telecoms companies compulsorily acquiring rights to house telecoms apparatus on their land.

Notable Cases

Avon Ground Rents Ltd v Canary Gateway (Block A) RTM Co Ltd (No. 2) [2023] EWCA Civ 616

An appeal in the Court of Appeal concerning whether shared ownership leases, which have not been staircased to 100% ownership, granted for a term exceeding 21 years are permitted to participate in exercising the Right to Manage under the 2002 Act

Ramshaw v Cator CAM/33UC/HMB/2022/0003

An application for a rent repayment order for wrongful eviction and harassment, where the tenant had moved a menagerie of animals into the grounds of a listed property, causing her landlords to seek to evict her

Plage Property Limited v Mupfeki (unreported, Reading County Court, heard February 2022)

An appeal relating to a possession order in a property guardianship case, made in the absence of a defendant who had attempted to apply to adjourn through solicitors from Zimbabwe

Ad Hoc Property Management Limited v Taskova and Borowski (unreported, Sheffield County Court, heard July 2021)

A trial relating to recovery of possession from property guardians, disrepair and harassment

Latinwo and Latinwo v Cox and Dunne (unreported, Central London County Court, heard January 2021)

A trial relating to breach of freehold parking covenants and harassment

Roy and Roy v Totland (unreported, Willesden County Court, heard December 2020)

A trial relating to misrepresentation during the sale of a flat as to parking rights

Grays Inn Capital Limited v Nwaodume and Nwaodume (unreported, Central London County

Court, heard August 2019)

An appeal concerning the validity of service charge demands made under a long lease of residential property

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

An appeal in the Upper Tribunal (Lands Chamber) 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)
- Ruth Deech Prize – St. Anne's College, University of Oxford (2013)
- Ely Carter Scholarship – St. Anne's College, University of Oxford (2011, 2013)

Publications

- Co-Author and Editor: The Electronic Communications Code: A Practical Guide (2nd edition 2023) (Legal Brief Publishing)
- Co-Author: Service Charges and Management (5th edition 2022) (Sweet & Maxwell)

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