

TANFIELD

PROPERTY & REAL ESTATE BARRISTERS



Stan Gallagher

Year of call

1994

Stan Gallagher's practice is exclusively in the field of real property and related areas, with an emphasis on landlord & tenant, particularly leasehold enfranchisement, breaches of covenant, the legal issues that concern developers and recovering possession of commercial premises.

He is particularly well known for his Property Tribunal work. He frequently appears in the Upper Tribunal, as well as in the Court of Appeal, the High Court and the County Court. He is also good at solving problems and achieving favourable outcomes for clients at mediations, settlement meetings and all other forms of ADR.

Stan is regularly instructed on behalf of a wide range of landlords and other property owners, though he frequently acts for tenants. In addition, Stan often works directly with surveyors under the Bar's professional access arrangements. He is currently involved in a number of high-profile leasehold disputes, including *Assethold v Eveline Road RTM Company Limited* [2023] UKUT 26 (LC) (qualifying premises for RTM) that is on appeal to the Court of Appeal and *Aneesh Limited v Hinchliffe & Others* [2023] UKUT 82 (LC) (compensation payable on a collective enfranchisement) that is also being appealed to the Court of Appeal.

Real Property

Stan has considerable advocacy experience before the Property Tribunals and the civil courts up to and including Court of Appeal level. He has been in many reported cases across the range of his areas of expertise, including: enfranchisement valuation cases; breaches of covenant; service charge disputes and consultation; 1954 Act business tenancies; evictions from commercial premises; forfeiture; compulsory purchase and contested RTMs.

Stan is particularly effective in conducting settlement negotiations on behalf of clients in mediations and other forms of ADR: for example, in 2023, the prompt negotiated recovery of possession of a large regional sports stadium on complex commercial terms.

Notable Cases

Assethold v Eveline Road RTM Company Limited [2023] UKUT 26 (LC). [2023] H.L.R. 33 [2023] L. & T.R. 17 (Upper Tribunal)

Qualifying premises for the RTM scheme, answering "the terrace problem", the definition of a self-contained building and the self-contained part of a building (on appeal by the other side to the Court of Appeal)

Aneesh Limited v Hinchliffe & Others [2023] UKUT 82 (LC) [2023] UKUT 82 (LC) | [2023] 4 WLUK 58 | [2023] R.V.R. 155 (Upper Tribunal).

Schedule 5 compensation payable for loss of development prospects on adjacent property

Kelly v Wallace (FTT) 2022 .

A rare, though ultimately unsuccessful challenge to the longstanding Sportelli deferment rate in which Stan acted for a major reversionary investor and, very exceptionally (probably for the first time in many years), obtained permission for expert financial market evidence to be called.

Collingwood v Carillon House Eastbourne Ltd [2021] UKUT 246 (LC) [2022] L. & T.R. 4 | [2022] 1 P. & C.R. DG10 (Upper Tribunal)

Service charge consultation, flats, landlords' duties; non-compliance and reasonableness

Russell v Transport for London [2020] UKUT 281 (LC) [2021] R.V.R. 189 (Upper Tribunal)

Compulsory purchase compensation, depreciation, environmental noise, pollution, street lighting and valuation principles

Reiner v Triplark Ltd [2018] EWCA Civ 2151 | [2019] 1 W.L.R. 2003 | [2019] H.L.R. 7 | [2019] 1 P. & C.R.

12 | [2019] L. & T.R. 7 | [2019] (Court of Appeal)

Right to Manage and bare trustees, status of a purchaser of a lease during the registration gap.

Curzon v Wolstehholme [2017] EWCA Civ 1098 | [2018] 1 W.L.R. 4497 (Court of Appeal)

Enfranchisement qualifying criteria

Mallory v Orchidbase [2016] UKUT 468 (LC) | [2016] 11 WLUK 41 (Upper Tribunal)

Enfranchisement – valuation, evidence of relativity.

Portman Estate Nominees (One) Ltd v Starlight Headlease Ltd [2016] UKUT 467 (LC) | [2016] 11 WLUK 32 | [2017] 1 P. & C.R. 10 | [2017] L. & T.R. 11

Enfranchisement; flats; intermediate leases; marriage value; reversionary interests.

Recommendations

"Very knowledgeable in this field, and happy to assist with additional pieces of advice."

Legal 500 2015

"A pragmatic and good-natured adviser."

Legal 500 2014

"Thorough, calm and effective advocate."

Legal 500 2009

"Rated for enfranchisement."

Legal 500 2008

Awards

Finalist, Enfranchisement & RTM Barrister of the Year 2023 (the ERMA's) .

Publications

- Contributor, Service Charges & Management: Law & Practice 2nd edition (Sweet & Maxwell)
- Contributor editor, Leasehold Valuation Tribunal Practice & Procedure 2004 (Sweet & Maxwell)

Qualifications

- LLB BEc, Monash University, Australia

Memberships

- Chancery Bar Association
- Property Bar Association
- Professional Negligence Bar Association