



## Martin Hutchings QC

Call: 1986

QC: 2011

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### Clerks' Details

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### Qualifications and Appointments

- MA (Oxon) Modern History

## “An understated and brilliant cross-examiner”

Chambers & Partners, 2014

### Memberships

- Property Bar Association
- Chancery Bar Association
- Professional Negligence Bar Association
- Pro Bono Unit panel

### Practice Overview

Martin has a broad property practice covering both contentious and non-contentious matters and professional liability in related areas. He has acted in many recent high-profile cases covering all aspects of property litigation. Martin is known for his ability to understand clients' commercial objectives and for providing rapid and practical advice.

He has particular experience in commercial landlord and tenant matters including business tenancies, dilapidations; insolvency-related lease issues, and consent for alienation. Martin also regularly appears in and advises on real property cases. He has a wealth of recent reported cases. They concern such diverse areas as restrictive covenants; development agreements; easements; commercial lease interpretation and land registration.

Martin was awarded *Real Estate 'Silk of the Year'* at this year's Chambers Bar Awards 2014.

In 2013 he was successful in four separate property cases in the Court of Appeal concerning: easements; construction of a property sale confidentiality agreement; issue estoppel and dilapidations.

Martin is involved in many aspects of alternative dispute resolution including acting in mediations and as an adviser to arbitrators and experts.

Martin is recommended in The Legal 500 and Chambers & Partners for property litigation and is listed in the **Who's Who Legal: UK Bar 2015** for Real Estate.

Recent editions of the directories have described him as:

- *"having excellent client care skills" and "noted for his clear and understandable opinions"*.
- *"A very safe bet, excellent value for money and a dream to work with"*

He is consistently praised for his advocacy. *Chambers & Partners* (2014) noted that he is: *'an understated and brilliant cross-examiner, he's gracious and unbelievably determined, and has phenomenal client skills. He delivers the blow and when the knife goes in you won't even feel it'*.



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## Property

Martin regularly appears in court in all matters relating to commercial and residential property. He has an outstanding record of success at all levels and is recommended as a leading silk for property matters in all leading directories. He has also been named as '*Real Estate Silk of the Year*' at this year's Bar Awards 2014.

### **His expertise includes the following property-related matters:**

- Commercial leases – dilapidations; break clauses; renewal, rent review; tenant insolvency.
- Development contracts – overage disputes; construction, drafting; registration; highways.
- Contracts of sale – specific performance; rescission, fraud, injunctions and other interim remedies
- Arbitration/Expert Determination – challenges, injunctions.
- Joint ventures – negligent drafting, enforceability, damages for breach.
- Easements – rights of light, rights of way, drainage rights.
- Restrictive covenants – modification, construction, enforceability.
- Land registration – mortgages, fraud, adjudication claims.
- Nuisance – noise and odours, animals, neighbour disputes.
- Trusts of land and Proprietary Estoppel – claims to beneficial interests.
- Party Walls – challenges, statutory interpretation, appeals.
- Compulsory Purchase – advising on compensation levels relating to HS2.
- Property related professional negligence – valuers, surveyors and solicitors.

### **Martin's recent cases of note include:**

- Commercial leases – acting for Tata Steel in rent reviews at Port Talbot and Immingham Docks.
- Commercial leases – *Ford v Ansa* [2013]. Successful defence of a forfeiture claim.
- Commercial leases – *Sunlife v Tiger* [2014]. Successfully acting for a landlord in the Court of Appeal in a ground-breaking dilapidations claim.
- Commercial leases – acting for landlord/developer in claims against tenants for failing to fit out premises and open for trade.
- Lease covenants and planning – *British Malleable Iron Company Ltd v Revelan (IOM) Ltd* [2013]. Successful strike out of claim for breach of covenant.
- Easements – appearing in the Court of Appeal for the successful respondent in *Elwood v Goodman* [2013] (registration and benefit and burden).
- Development agreements – *Dorchester v BNP Paribas* [2013] successful appeal to the Court of Appeal relating to the construction of a confidentiality agreement concerning property deal.
- Restrictive Covenants – acting for a successful applicant developer in the modification of a covenant to allow significant residential development.
- Trusts of land – *Williams v Lemas/Sealy* [2013]. Successful resistance to appeal regarding the issue of estoppel in a trust of land dispute.
- Expert determination – acting for a land owner in dispute regarding the developer's best endeavours obligations in the development agreement.
- Party Walls – interpretation of statute; appeals – *Kaye v Lawrence* [2011].
- Property-related insolvency – acting for a foreign property owner in dispute with a liquidator as to the ownership of valuable residential properties in London.
- Professional negligence – acting for the lender in property valuation negligence claims; acting for a barrister defending a claim relating to advice regarding the enforceability of a development agreement.



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## Professional Liability

Martin acts in professional liability matters relating to property professionals including valuers, solicitors and barristers. Martin is involved in numerous claims both for and against property professionals including valuers, managing agents, solicitors and barristers. He acted for the successful claimant in *Larksworth v H.B Surveyors Ltd* [2010] in which the claimant recovered substantial damages arising from a surveyor's negligent failure to advise on time limits for the issuing of a compulsory purchase compensation claim.

Recently he has acted in multiple claims for West Bromwich Building Society in negligence actions against commercial valuers.

**Martin is involved in a number of substantial property-related professional negligence claims including:**

- Acting for a high street bank in several lenders' claims against a variety of valuers.
- Defending a national firm of solicitors in relation to allegations concerning the wrongful appointment of a property receiver.
- Acting for the claimant in claims against a solicitor for negligence involving title issues regarding a high-profile residential development.
- Acting for the claimant in a claim against managing agents for negligence in the management of several blocks of flats.
- Defending solicitors in a claim relating to leasehold enfranchisement proceedings (*Katchukian v Kosky Seal* [2010]).
- Defending lawyers in a claim arising from advice given as to the enforceability of development agreements (*Ridgewood v Kilpatrick Stockton LLP and Otters* [2014]).

## International Arbitration

Martin acts frequently in property-related arbitrations and expert determinations.

**he has recently acted:**

- For a land owner in an expert determination relating to a failure by a developer to use best endeavours to secure planning permission.
- For an arbitrator, providing advice regarding the construction of lease repairing provisions
- In an arbitration for a land owner bringing claims against public utilities.
- In the Court of Appeal resisting a challenge to an expert determination under a mining lease – *Homepace v SITA* [2008].