



John Furber QC

Call: 1973

QC: 1995

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Clerks' Details

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Qualifications and Appointments

- MA (Cantab)

Memberships

- Chancery Bar Association
- Property Bar Association (Chairman 2011-2014)
- Planning and Environment Bar Association

“He never sites on the fence, always giving his views on an issue; his written advice is exceptionally clear.”

The Legal 500 2021

Publications

- *Hill and Redman's Law of Landlord and Tenant* (2019) (general editor of this looseleaf textbook since 1996)
- The Landlord and Tenant Act 1954: 'substantial work of construction' and the role of the building surveyor (with Christopher Sullivan and Vivien King), *Journal of Building Survey, Appraisal and Valuation*, Autumn 2017
- [‘Relief from forfeiture: Can the landlord gather a windfall?’](#) (2016) *Wilberforce Property Update* (Issue 2) April 2016
- [‘Mount Eden Land Limited v Bolsover Investment Limited’](#) (2014) *Wilberforce Property Update* (Issue 1) May 2015
- *A new lease of life* (on the drafting of lease clauses) (January 2015) (with Vivien King) *Estates Gazette*.
- [‘Expert determinations and the powers of the court’](#) (2012) *Development Disputes: Current issues for property litigators* (Wilberforce Chambers)

Practice Overview

John is a specialist in all areas of real property law and litigation, with particular emphasis on commercial leases and issues related to property development. He also has many years of experience in the law and practice of town planning and compulsory acquisition of land. He accepts instructions to act as an independent expert and as a legal assessor in arbitrations

John's practice is both advisory and litigious. The advisory work often relates to development projects and possible impediments to them (for example, restrictive covenants and easements), where a robust and reliable view is needed. Some recent decided cases will provide an impression of John's litigious work. In *Cosmichome Ltd v Southampton City Council* [2013] 1 WLR 2436, John established that a restrictive covenant relating to broadcasting studios was not enforceable because it was not intended to protect the amenity or value of the covenantee's land. *Mount Eden Land Ltd v Bolsover Investments Ltd* [2014] EWHC 3523 (Ch) concerned a landlord's objection to the development of commercial premises to provide flats, on the grounds that future lessees of the flats might enjoy rights of enfranchisement; John established that, in the circumstances of the case, such an objection did not provide a reasonable ground for refusing consent to the proposed alterations. *Stadium Capital (No. 2) Ltd v St Marylebone Property Company Ltd* [2012] 1 EGLR 103 was, as Vos J put it, "the third instalment of a long-running battle concerning an advertising hoarding on the west side of the Finchley Road, projecting into the airspace of a cleared development site". In the "first instalment" John had established that his developer client was entitled to damages for trespass and the decision of Vos J is now one of the leading cases on the method of assessment of such damages.

Examples of cases in which John has been instructed in 2020 are as follows:

- advising a central government department in relation to a claim for an "overage" payment arising out of the development of a solar farm; a long-running dispute was eventually concluded by a substantial payment agreed to be made to the department;
- advising a landlord of business premises as to the interpretation of a rent review clause based upon the retail price index; this dispute was resolved by an arbitration award in favour of John's client, following written submissions;
- advising a tenant of business premises in relation to possible interference with parking rights to be caused by a proposed development by its landlord, considering both planning and property issues;



Publications continued

- [Stokes v Cambridge: What does it say? How does it help?](#) (2008) *Hot Topics in Property Law: A Surveyor's Guide* (Wilberforce Chambers)
- *Guide to the Commonhold and Leasehold Reform Act* (2002) (joint author)
- Past contributor to *Halsbury's Laws of England on Landlord and Tenant* and on *Compulsory Acquisition of Land*

Practice Overview continued

- advising the owner of a cottage occupied by a former employee as to the interpretation of an unusual option to purchase the cottage and preparing for litigation relating to a dispute between the parties.

In The Legal 500 2021 he is described as follows: **"He never sits on the fence, always giving his views on an issue; his written advice is exceptionally clear"**.

In Chambers UK 2020 it is stated that he is **"user-friendly, very well regarded and impresses with his strategic advice"**.

In The Legal 500 2019, he is described as **"good technically, very approachable and clear with clients"**.

In Chambers UK 2019, he is described as **"very detailed, hugely experienced and enormously well respected"**.

In The Legal 500 2017, it is stated that **"his advice is direct, balanced and always clear"** and the following comments are recorded in Chambers UK 2018:

"John's advice, both orally and in writing, is excellent, focused, to the point and commendably concise."

"Very good and very thorough, he gives very considered opinions and doesn't miss a trick."

Chambers & Partners 2016 records that he frequently advises on landlord and tenant issues and is well versed in the areas of commercial property and development projects.

"He is hugely experienced and very effective. His approach and manner make him a great choice for any solicitor and client."

In Who's Who Legal 2016, he is **"commended for his 'sharp mind' and 'quick and decisive nature' which has garnered him a 'brilliant reputation' among clients."**

In The Legal 500 2016, he is described as providing **"strong legal analytical skills and practical advice, especially regarding tactics."**

Domestic Arbitration

John has more than forty years experience of dealing with disputes relating to the law of landlord and tenant and real property. As such disputes are often required to be referred for determination to an arbitrator or an expert, John is very familiar with the law applicable to such determinations and the procedure which must be followed. John has acted as an expert and arbitrator himself and has advised surveyors acting in these capacities, in addition to advising the parties to disputes referred for such determination. His essay on ["Expert determinations and the powers of the court"](#) was published in [Development Disputes](#) (Wilberforce Chambers 2012).

Most recently John has advised a party to a rent review dispute on legal issues relating to mixed use premises on the fringe of the City of London, which was referred to an expert surveyor for decision. He also advised an expert surveyor who was appointed to determine a dispute relating to the sale of land and 'onerous planning conditions'; for these purposes, he attended a hearing where the case was argued by leading counsel for the parties to the dispute.