



## Julian Greenhill QC

Call: 1997

Silk: 2018

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### Clerks' Details

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### Qualifications and Appointments

- MA (Cantab), Double First in History, Matthew Wren Scholar of Peterhouse
- Dip Law (City)

*“Very focused, incredibly bright but also very good with clients”*

The Legal 500, 2020

## Memberships

- Chancery Bar Association
- Property Bar Association
- COMBAR

## Publications

- [‘Tindall Cobham 1 Ltd v Adda Hotels’](#) (2015) *Wilberforce Property Update* (Issue 1) May 2015
- [‘Good Faith’ clauses in development agreements](#) (2012) *Development Disputes: Current issues for property litigators*
- [Reinstatement of alterations at the end of a lease](#) (2008) *Hot Topics in Property Law: A Surveyor’s Guide*
- *Atkin’s Court Forms Vol 34, Restrictive Covenants and Sale of Land* (2008) (editor)

## Practice Overview

Julian took silk in 2018 following many years as one of the leading juniors in his principal fields of practice. He is now forging a busy and successful practice in silk. The core of Julian’s practice lies in property, commercial and professional liability litigation. Often his cases straddle these different fields. Julian prides himself on handling often complex cases in an approachable and userfriendly manner. Persuasive advocacy, both oral and written, is central to Julian’s approach in every case.

Recent editions of the leading directories have described Julian as *“easy to instruct and very personable”, “he does a fantastic job and is very efficient”, “great with clients and very thorough”*. He is *“dynamic, forward thinking, progressive and engaged”, “an instructing solicitor’s dream; he is unafraid to stick to his views, and holds his own against leading silks”, “phenomenally efficient and has a very good knowledge of the law”, “personable and easy to get on with. A very good team player.”* He is *“superb value for money”, “brilliant at finding and articulating strong arguments”,* and *“provides comprehensive advice and is extremely user-friendly”*.

Julian is again listed in the **Who’s Who Legal: UK Bar 2018** for Real Estate.

Julian welcomes invitations to act on expert determinations to determine disputes within his areas of expertise at the request of parties to disputes



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## Property

Julian is a property specialist. Property litigation is the focus of most of his work. He is widely recognised for his property work and has been described as **"very focused, incredibly bright but also very good with clients"** (Chambers & Partners, 2020), along with being **"a major player at the Property Bar"** (Chambers & Partners, 2019). Julian's work encompasses all aspects of property, real estate, and landlord and tenant litigation.

He also has a particular expertise in disputes arising from the development of land. Over the last decade Julian has acted for or against many of the leading national developers and institutional investors in cases arising from a wide variety of development contracts and leases, following his appearance in the House of Lords in one of the most notable development and overage cases, *Chartbrook v Persimmon Homes Limited* [2009] 1 AC 1101.

### Notable cases include:

- *Bamlet v Newton* (2019)(CC, Southampton) – acting for the claimant farmer in a dispute over the scope and interpretation of a right of way to a farm with development potential near Dorchester.
- *Zinc Cobham 1 Limited v Adda Hotels* [2018] EWHC 1025 (Ch) – high profile £110 million claim by the landlord of ten Hilton-operated hotels seeking specific performance of covenants in the hotel leases requiring Hilton to adhere to its own published hotel standards.
- Advising a high-net worth individual in relation to a threatened nuisance by reason of noise and vibration damage to his listed home and its antique contents caused by refurbishment of a neighbouring office building in Central London (2018).
- *Pennant v Watkin Jones & Sons Limited* [2018] EWHC 790 (Ch) – acting for the defendant developer of a housing development in North Wales in a dispute over the scope and exercise of a right to lay a sewer over a historic listed bridge in order to drain the development.
- *Vivienne Westwood Ltd v Conduit Street Development Ltd* [2017] EWHC 350 (Ch); [2017] L&TR 23 – the first case applying the penalty principle in the landlord and tenant field in England, a principle recently re-cast by the Supreme Court in *Cavendish v Makdessi*.
- *TCG Pubs Ltd (In administration) v The Master and Wardens or Governors of the Art of Mystery of the Girdlers of London* [2017] EWHC 772 (Ch) – acting for the tenant in a claim for exercise of a right of pre-emption and wrongful refusal of consent to assign a valuable London pub property to another pub operator as part of a sale in a pre-pack administration.
- *Hanson Marine Limited v H Sivyer Transport Limited* (2016) ChD – successful expedition application in an urgent and publically important possession claim acting on behalf of Hanson to obtain possession of a large site beside the Thames needed to supply the concrete to build the eastern section of the "Super Sewer".
- *Denouement Pty v Shaffer* (2016) ChD – acting for a Queensland-based service company in a long-running and complex possession claim against the daughter of the late screenwriter and playwright, Anthony Shaffer, for possession of a valuable mews dwelling in Knightsbridge.
- *UK Leasing Brighton v Topland Neptune Limited* [2015] EWHC 53 (Ch); [2015] 2 P&CR – reported case elaborating the implications of the leading guarantees case of *K/S Victoria v House of Fraser* [2012] Ch 497 for covenants granting consent to assign conditional on the provision of a repeat parent company guarantee, dealing with the mechanism for unravelling an unlawful assignment without contravening the 1995 Act.
- *K/S Habro Gatwick v Scottish & Newcastle Limited* [2015] EWHC 2084 (Ch) – acting and appearing at trial for the third party, GLH Hotels, defending a claim for an indemnity in relation to sums payable by the original tenant under an "old tenancy" of a hotel near Gatwick Airport following disclaimer by the insolvent tenant.
- *Tindall Cobham 1 Limited v Adda Hotels* [2014] EWCA Civ 1215; [2015] 1 P&CR 5 – the first case to explore the implications of the leading guarantees case of *K/S Victoria v House of Fraser* [2012] Ch 497 for covenants granting consent to assign conditional on the provision of a repeat parent company guarantee.



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## Property continued

- *Manchester Ship Canal Company Limited v United Utilities Plc* [2014] 1 WLR 2576 (Supreme Court) – acting and appearing for the successful appellant sewerage undertaker in a dispute over the interpretation of the Water Industry Act 1991 governing the lawfulness of over one hundred separate discharges of water and treated effluent into the Manchester Ship Canal (earlier decisions at [2013] 1 WLR 2570 and [2012] EWHC 232 (Ch)).
- *A T Promotions Limited v TP5* (2014). Appearing for the claimant company in a claim to recover excess sums demanded by its landlord in respect of electricity supplied to industrial units.
- *Blueco Limited v BWAT Retail Nominee (1) Limited* [2014] EWCA Civ 154. Appearing for the successful respondents both at trial and on appeal in a dispute over the interpretation of a pre-emptive right to acquire a share in the rental income from the Bluewater shopping centre in Kent.
- *Avon Estates Limited v Evans* [2013] EWHC 1635 (Ch). Appearing at trial for the defendants in a substantial boundary dispute between two landowners in Warwickshire.
- *Clarence House Limited v National Westminster Bank Plc* [2010] 1 WLR 1216 (CA). Appearing for the successful appellant bank in the leading case on the effect of a "virtual assignment" of a lease.
- *Chartbrook Limited v Persimmon Homes Limited* [2009] 1 AC 1101 (House of Lords). Appearing for the successful appellants a dispute over the interpretation of the overage provisions in a development agreement. This case was recently voted one of the fifteen most important cases decided in the last 150 years ([read more](#)).

## Professional Liability

Julian has a wide-ranging professional liability practice including acting and advising in relation to claims against solicitors, surveyors, valuers, land agents, financial professionals, and insurance brokers. He has a particular expertise in dealing with professional liability claims arising out of complex property transactions or litigation in which his real property and landlord and tenant expertise enable him to add important knowledge and understanding to the claim against the professional. Julian's work in this field has recently been described as "**experienced**" and "**brilliant**" in the 2020 and 2019 editions of *The Legal 500*.

### Notable cases include:

- *Principality Holdings Limited v Temple Bright LLP* (2018) ChD Bristol – Acting for the claimant in a dispute over causation and quantum following a negligent failure to advise on the effects of the Landlord and Tenant Act 1995 which resulted in the unintended release of the guarantor of a lease.
- *DDK Estates v Addleshaw Goddard LLP* (2017) ChD, Manchester – Acting for the claimant in a claim for professional negligence arising from the drafting of the price provisions in a contract for the sale of development land.
- *PGF II SA v Sanderson Weatherall LLP* (2012-14). Advising and acting for defendant surveyors in a negligence claim arising out of dilapidations litigation concerning a commercial building in the City of London.
- Advising a school in relation to a potential claim against its insurance broker following a pollution incident at the school's premises (2013).
- *Cobbetts LLP v Hodge* [2010] 1 BCLC 30 (Chancery Division). Appearing for a firm of solicitors in a claim to recover a secret profit earned by one of their solicitors in breach of fiduciary duty whilst acting on a share sale.
- *Arisdale One Ltd et al v Solectron and Derrick Wade & Waters Ltd* (2009) (Chancery Division). Appearing for the defendant vendors in a claim against them and their selling agent for alleged misrepresentations on the sale of three industrial units.



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## Commercial

Julian regularly acts and advises in relation to a wide range of business and commercial disputes. Julian appeared for the successful appellants in the leading case of *Chartbrook Limited v Persimmon Homes Limited* [2009] 1 AC 1101, on contractual rectification and the correction of mistakes by construction, and voted one of the fifteen most important cases of the last 150 years in a poll conducted by the Incorporated Council of Law Reporting to celebrate its 150th Anniversary.

### Notable cases include:

- *Zinc Cobham 1 Limited v Adda Hotels* [2018] EWHC 1025 (Ch) – high profile £110 million claim seeking specific performance of obligations requiring the Hilton Hotel group to adhere to its own published hotel standards in the operation of a portfolio of hotels.
- *George Soussou v Twyford Abbey Properties Limited* (2017) ChD – acting for the defendant, a BVI SPV, in a claim for a share of the proceeds of sale of a large site at Twyford Abbey in NW London brought by an agent and property manager under an informal retainer.
- *Croke v Royal Bank of Scotland Plc* (2017) ChD – acting for the bank and receivers in defeating an injunction to restrain sale of two properties worth over £10 million.
- *Wordsworth Realty v Branchester International* (2015) ChD – – freezing order against a BVI-registered company in a dispute over the forfeiture of an exceptionally large deposit on the abortive sale of a commercial property in Sheffield.
- *Blueco Limited v BWAT Retail Nominee (1) Limited* [2014] EWCA Civ 154. Appearing for the successful respondents both at trial and on appeal in a dispute over the interpretation of a pre-emptive right to acquire a share in the income from the Bluewater shopping centre in Kent.
- *Norcros Estates Limited v Optimisation Developments Limited* (2014) (Chancery Division, ongoing). Acting for the claimant in a claim for damages for repudiatory breach of an agreement for the purchase of a retail development site in Stoke-on-Trent.
- *Evolve Capital Plc v Hoskins* (2013). Acting for the claimant in a claim to enforce security given for a loan made for the purpose of investment in a share offering.
- *Matchtrack Limited v Lawrence Grant Kirschel* (2012) (Chancery Division). Advising and acting for the claimant company in a dispute over the fee payable to an intermediary by a landowner.
- *Cobbetts LLP v Hodge* [2010] 1 BCLC 30 (Chancery Division). Appearing for a firm of solicitors in a claim to recover a secret profit earned in breach of fiduciary duty in acting on a share sale.
- *Chartbrook Limited v Persimmon Homes Limited* [2009] 1 AC 1101 (House of Lords). Appearing for the successful appellants for a dispute over the interpretation and rectification of the overage provisions in a development agreement.

## Domestic Arbitration & ADR

Julian regularly acts in arbitrations and other forms of non-litigious dispute resolution both in the property and commercial fields. In addition Julian has experience of acting both as a 'legal assessor' and as an expert, determining disputes at the request of parties.

### Notable cases (anonimised to preserve confidentiality) include:

- Acting for the owner of a series of poultry farms in a high value arbitration against an energy company for defects in the installation and maintenance of a large number of renewable-energy heating systems at the farms (2019, ongoing)
- Acting in an arbitration under LCIA Rules between a national utility company and its counterparty under a £ multi-billion sale and leaseback arrangement of the utility company's entire property portfolio (2015).
- Acting for and advising a major utility company in relation to an arbitration under LCIA Rules concerning the financial treatment of certain properties following a sale and leaseback of the company's real estate (2013).



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## Domestic Arbitration & ADR continued

- Acting as legal assessor in advising an expert in relation to a rent review arbitration on a tied public house in London (2013).
- Acting in an arbitration for a firm of medical practitioners in a dispute over the expulsion of a partner from the firm (2012).
- Acting in a rent review arbitration in relation to a large retail unit in West Sussex (2012).
- Acting as an expert in order to determine whether certain documents should be disclosed by one party to the other, in relation to a dispute over the making of malicious allegations against a company (2011).
- Acting as an expert in order to determine whether certain deductions were rightly made in the apportionment of rent following the sale of a shopping centre (2011).
- Acting in a rent review arbitration in relation to a large hotel in central London (2009).
- Acting in an arbitration under ICC Rules in Toronto, Canada concerning a dispute over the licence for the principal patents covering the manufacture and use of polynucleotide arrays, the enabling technology in genetic analysis (2004).