



## Martin Hutchings QC

Call: 1986

QC: 2011

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### Clerks' Details

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### Qualifications and Appointments

- MA (Oxon) Modern History

*“He offers consistently good advice of a high quality and is an excellent advocate.”*

Chambers & Partners, 2020

## Memberships

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

## Publications

- Building Schemes Law Clarified – *Birdlip v Hunter* [2016] *Wilberforce News Alert*
- S.18 (1) Landlord and tenant act 1927- short cuts: recent lessons from the court of appeal (2008) *Hot Topics in Property Law: A Surveyor's Guide*

## 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 the 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 consistently recommended in The Legal 500 and Chambers & Partners for property litigation and is listed in the Who's Who Legal: UK Bar 2018 for Real Estate, where he is described as one of the "most highly regarded" barristers in this area.

### Recent editions of the directories have described him as:

- "Very easy to work with, and sound in his judgements and advice." (The Legal 500, 2020)
- "Technically excellent and very commercial." (Chambers & Partners, 2020)
- "He offers consistently good advice of a high quality and is an excellent advocate." (Chambers & Partners, 2020)
- "The go-to person for complex dilapidations claims and a real joy to work with." (The Legal 500, 2019)
- "He blends his excellent technical skills and wealth of experience with a clear and personable manner." (Chambers & Partners, 2019)



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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. In 2014 he was named as 'Real Estate Silk of the Year' at the Bar Awards.

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.



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## Property continued

- 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.