



Harriet Holmes

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Clerks' Details

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Qualifications and Appointments

- BPTC, City Law School
- LLM (Public law and human rights), University College London
- LLB(Hons), University of Newcastle-upon-Tyne

“She provides high-quality and cost-effective advice”

Chambers & Partners, 2018

Memberships

- Chancery Bar Association, and sits on the Association's Publications Sub-committee
- Property Bar Association
- Pyramus & Thisbe Club
- Women in Property

Publications

- Contributor, *The Law and Practice of Party Walls* by Nicholas Isaac, 1st Edition (2014: Property Publishing)
- Contributor, *Service Charges and Management: Law and Practice*, 3rd Edition (2013: Sweet & Maxwell)

Practice Overview

Harriet is a specialist property litigator, who also advises on related professional indemnity matters. Her practice encompasses the whole of property litigation, with an increasing emphasis on high value commercial property and development work.

She offers thorough, direct and clear advice and assistance. Within just three years of starting practice, Harriet was recognised as an 'up and coming junior' for real estate litigation by Chambers and Partners, when she was noted for being *"intellectually very able"* and *"genuinely committed to the client's interests."* She is now described as *"extremely hard-working, very thorough, very good-humoured and enjoyable to work with"*.

Harriet has appeared in the High Court, County Court, and Court of Appeal, as well as the Upper and First-tier Tribunals, sometimes on her own account, and sometimes as part of a team. She is also often asked to speak on matters relating to her practice, and has given talks or run workshops for the Property Litigation Association and numerous firms of solicitors.

Outside Chambers, she enjoys playing and listening to music (the flute is her instrument), and improving her french. Although, this year, too much of her spare time has been spent thinking about and drafting the book she is co-authoring on the Right to Manage.

Recent cases:

- *GAIA Investments Ltd v. Abbeygate Helical Ltd* [2018] EWHC 118 (Ch) (overage: reasonable endeavours, conditional contracts) – acting for the successful claimant in this claim for a £1.4million overage payment (led by Mark Wonnacott QC).
- *Bodker v. Hill* (2015 – 2017, Chancery Division) – a dispute concerning an alleged joint venture agreement to develop out a property in Notting Hill (led by Mark Wonnacott QC). Settled just before trial.
- *Masters & Ors v. 6 Bolton Road Ltd* (2016, CLCC) (party walls) – acted for the successful appellants in this 2-day party wall appeal before HHJ Bailey.
- *Christie v. The Wellcome Trust Ltd* (2016, FTT) (service charges) – acted for the successful respondent landlord in a 3-day service charge dispute concerning the South Kensington Estate.



Practice Overview continued

- *Augarski v. Alphabet Square Management Company Ltd* [2016] UKUT 367 (LC) – represented (pro bono) the successful appellants in the FTT (where they won in part) and before the Upper Tribunal in the successful appeal.
- *Chliaifchtein v. Wainbridge Estates Belgravia Ltd* [2015] EWHC 47 (TCC) (nuisance, party walls) – represented the Claimant at an interlocutory hearing and was, otherwise, junior counsel in this property damage and party wall dispute.
- *Nata Lee Ltd v. Abid* [2014] EWCA Civ 1652; [2015] 2 P&CR 3 (adverse possession, boundaries) – acted as junior counsel on the appeal for the respondents. The decision on the status of litigants in person (in this case, the appellant at first instance) and their compliance with the CPR was recently endorsed by the Supreme Court.

Property

Harriet is a property litigator. She joined Willberforce Chambers in October 2017, having spent four years in practice at another ranked property set.

Harriet was recognised as an 'up and coming junior' for real estate litigation by Chambers & Partners after three years in practice, and has been recommended as "intellectually very able" and for providing "high quality and cost-effective advice". She is also noted for being "very good-humoured and enjoyable to work with".

Her practice encompasses the whole of property litigation from commercial and residential landlord and tenant, and real property. She deals with matters on her own, or as part of a counsel team. Her experience includes (in no particular order):

- Commercial and residential landlord and tenant, including '54 Act renewals and rent review
- Contracts of sale, options and rights of pre-emption
- Development contracts, overage and construction disputes
- Joint ventures
- Easements, restrictive covenants and boundary disputes
- Adverse possession
- Land registration and conveyancing
- Mortgages, charges and other securities, including matters involving LPA receivers
- Property-related torts: nuisance, trespass
- Property-related insolvency
- Rights to light
- Trusts of land, proprietary estoppel and co-ownership

Her current work and recent experience includes:

Commercial landlord and tenant

- Acting for the claimant in a dispute about the one of the largest flat roofs of a commercial warehouse in Europe (led by [Mark Wonnacott QC](#) in the TCC)
- Acting for the landlord in a rent review arbitration, with parallel court proceedings for claims for rent, service charge and other sums
- Acting for the local authority tenant of commercial warehousing in a rent review arbitration and parallel court proceedings (led by [Mark Wonnacott QC](#))
- Acting for institutional landlord in a claim for forfeiture of a lease of commercial premises for unlawful sub-letting and nuisance
- Acting for the landlord in a claim for forfeiture of a dilapidated clubhouse / country mansion
- Regularly advising on the operation of break clauses
- Regularly advising and appearing in court in '54 Act renewals, service charge disputes, forfeiture actions and dilapidation matters

Development

- Acting for the defendant to a claim for damages of £136million odd for alleged breaches of conditional option agreements (led by [Mark Wonnacott QC](#)).
- Acting for the defendant to a claim for £11 million damages for alleged unlawful termination of a conditional development agreement (and for damages for misfeasance in a public office) (led by [Mark Wonnacott QC](#))
- *GAIA Investments Ltd v. Abbeygate Helical Ltd* [2018] EWHC 118 (Ch) (overage: reasonable



endeavours, conditional contracts) – acting for the successful claimant in this claim for a £1.4million overage payment (led by [Mark Wonnacott QC](#)).

- *Bodker v. Hill* (2015 – 2017, Chancery Division) – a dispute concerning an alleged joint venture agreement to develop out a property in Notting Hill (led by [Mark Wonnacott QC](#)). Settled just before trial.
- Acting for an NHS trust in relation to an overage claim.

Real property (incl. party walls)

- Acting for right holder in claim to damages for interference with right to light acquired by lost modern grant (for a property in Central London)
- Advised in own right and as junior counsel in relation to existence of rights of light and settlement strategy
- *Masters & Ors v. 6 Bolton Road Ltd* (2016, CLCC) (party walls) – acted for the successful appellants in this 2-day party wall appeal before HHJ Bailey
- Regularly advised and acted in possession claims involving trespass, including for Homebase against some squatters looking for somewhere to have a New Years' Eve party
- Regularly advised on and acted in matters concerning existence of and interference with easements
- Acted for objector to registration of title of unregistered land / claim to adverse possession of unregistered land (matter settled at mediation)
- Regularly advised on enforceability and construction of a restrictive covenants
- *Chlialfchtein v. Wainbridge Estates Belgravia Ltd* [2015] EWHC 47 (TCC) (nuisance, party walls) – represented the Claimant at an interlocutory hearing and was, otherwise, junior counsel in this property damage and party wall dispute
- *Nata Lee Ltd v. Abid* [2014] EWCA Civ 1652; [2015] 2 P&CR 3 (adverse possession, boundaries) – acted as junior counsel on the appeal for the respondents.

Mortgages

- Acting for a bank in a claim to sub-subrogation in the High Court, Chancery Division.
- Advised institutional lender on strategy for appointing receivers and obtaining possession of mortgaged property.
- Acted in mortgagee and LPA receiver possession actions

Residential landlord and tenant

- *Christie v. The Wellcome Trust Ltd* (2016, FTT) (service charges) – acted for the successful respondent landlord in a 3-day service charge dispute concerning the South Kensington Estate
- *Augarski v. Alphabet Square Management Company Ltd* [2016] UKUT 367 (LC) – represented (pro bono) the successful appellants in the FTT (where they won in part) and before the Upper Tribunal in the successful appeal
- Advised on and acted for landlord and tenant in new lease and collective enfranchisement claims under the LHRUDA 1993
- Advising tenant in relation to prospective LRA 1967 Act claim.

Professional Liability

Harriet regularly accepts instructions in professional indemnity matters with a property dimension, including acting and advising in relation to claims against solicitors, surveyors and valuers. Her expertise in real property and landlord and tenant enables her to bring that knowledge and understanding to the claim against the professional.

In the year between bar school and pupillage, Harriet worked at a solicitors' firm acting as a fee earner in group litigation against conveyancing solicitors for failure to adequately advise on right-to-buy conveyances. This makes her particularly well-placed to deal with solicitors' negligence claims, especially those involving conveyancing.

Harriet has facilitated workshops and spoken at the annual Wilberforce Chambers professional liability conference.

Notable recent work includes:

- Acting for the tenant of commercial premises in a claim against their solicitors for failing to exercise a break clause. Causation and mitigation are keys issues in the dispute. (led by [Jonathan Seidler QC](#)) (on-going, trial listed for 2018)



Professional Liability continued

- Acting unled for purchasers of a maisonette in Chelsea against their conveyancing solicitors for failing to advise adequately in relation to the title to be transferred, and for failing to identify that there were only two roof terraces within the demise, not three. Settlement achieved pre-action.