



## Harriet Holmes

Call: 2011

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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

## “A force to be reckoned with in the courtroom”

The Legal 500, 2021

### 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 Holmes is a leading property litigator, who is known for acting in complex matters relating to land and associated professional indemnity matters.

Harriet has been recommended by the directories as a leading real estate junior since she was three years into practice. She has been repeatedly noted for being a formidable advocate who brings with her both technical ability and commercial astuteness.

In its 2021 edition, Legal 500 describes her as **"a force to be reckoned with in the courtroom"**. Chambers and Partners says she is **"an excellent junior barrister both technically and in terms of interpersonal skills"** and **"with a meticulous eye for detail."** She is also recommended by Who's Who Legal 2021.

Her practice encompasses all aspects of property disputes, ranging from landlord and tenant and real property to property-related professional negligence. Within that, she is known for enjoying and being a specialist in the more niche areas of land law, such as mines, minerals and manorial rights, and complex commercial property disputes. Fossicking around archives is something she has had cause to do (and enjoys). She is an expert in the property aspects of telecommunications law and is regularly instructed by household name mobile phone operators and infrastructure providers.

During the pandemic, Harriet dealt with some of the 'fallout', including issues around contracts for sale, disputes between landlord and tenant regarding payment of rent and the provision of services, and property insolvency matters such as vesting orders.

Harriet is comfortable acting as sole counsel or being led as part of a wider team. She has appeared in her own right, and as junior counsel, in the Court of Appeal, High Court, Upper Tribunal (Land Chambers) and County Court.

She sits on the Property Bar Association (and is their representative on the Bar Council) and is a contributor to Hill & Redman's *Law of Landlord and Tenant*.

### Recent / on-going work includes:

- *Wynne-Finch v. Natural Resources Body for Wales* [2020] EWHC 1924 (Ch) - The most complex mines, minerals and manorial rights case to be litigated in decades. Having acted for the successful defendant (led by [Mark Wonnacott QC](#)), Harriet and Mark continue to act in the pending appeal.
- Advising the landlord on the various issues relating to a multi-million-pound major works scheme to a landmark site in Central London.
- Acting for a prospective intervener, led by [Martin Hutchings QC](#), in a prospective appeal of the *Bath Rugby* High Court decision concerning annexation of a pre-1925 Act restrictive covenant.



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## Practice Overview continued

- Acting for *Custodian REIT* in a High Court dispute about parking rights over a retail park arising out of a redevelopment.
- Acting for *Barratt Homes* in a High Court dispute about alleged breaches of a transfer of land and collateral contracts.

### Other recent reported cases include:

- *ARC Aggregates Ltd v. Branston Properties Ltd* [2020] EWHC 1976 (Ch) (mines and minerals, corporeal vs incorporeal rights).
- *Whitacre Management Limited Sainsbury's Supermarkets* [2019] EWHC 13 (Ch) (conditional contracts for sale; termination) – led by [Mark Wonnacott QC](#), acting for the successful defendant in this multi-million pound claim.
- *Abbeygate Helical (Leisure Plaza) Ltd v. Gaia Ventures Ltd* [2019] EWCA Civ 823 (overage; contracts for sale; reasonable endeavours) – led by [Mark Wonnacott QC](#), acting for the successful respondent on appeal (and at first instance: [2018] EWHC 118 (Ch)).
- *Karis Developments Ltd v. Lewes District Council* [2018] EWHC 1703 (Ch) (termination of development agreement; application of Braganza to unilateral rights) – acted as junior counsel for the local authority throughout this dispute concerning the redevelopment of tens of parcels. Case settled shortly before trial.
- *Sandhar & Kang Limited v. Ijaz* [2018] EWHC 2604 (Ch) (expedition).
- *Office Depot International (UK) Ltd v. UBS Asset Management (UK) Ltd* [2018] EWHC 1494 (TCC) (declaratory relief; repairs).
- *Augarski v. Alphabet Square Management Co Limited* [2016] UKUT 367 (LC) (service charges; meaning of 'fair and proper proportion') – acted pro bono for the successful tenant at first instance and on appeal.

### What else the directories have said about Harriet:

*"She puts in the hours to get the answers and she is really good at standing up and giving her opinion."* (Chambers and Partners 2022)

*"She has a great attention to detail and is a pleasure to work with."* (Chambers and Partners 2022)

*"Exceptional drafting skills. Very good with clients, friendly, approachable."* (The Legal 500 2022)

*"Confident and innovative in her advice"* (Chambers and Partners 2020)

*"Reduces complex issues to clear, user friendly advice; clients love her pragmatic approach"* (Chambers and Partners 2020)

*"Very hard-working, with a meticulous eye for detail."* (Chambers and Partners 2021)

*"Her written advocacy is excellent and she is a force to be reckoned with in the courtroom"* (The Legal 500 2021, Property Litigation and Agriculture)

*"Harriet Holmes is commended ... for her wide practice that spans the full gamut of high-value property litigation and development work."* (Who's Who Legal 2021)

*"Her drafting skills are first class, and her attention to detail is excellent"* (The Legal 500 2020)

*"Excellent eye for detail"* (Chambers and Partners 2020)



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## 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 key issues in the dispute. (led by [Jonathan Seidler QC](#)) (on-going, trial listed for 2018)
- 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.