

Year of Call: 2002
Practice Areas: Housing, Chancery, Civil
Email: clerks@cobden.co.uk

"He is a very experienced advocate."

"He is very creative, a solid, safe pair of hands and able to get an angle to the benefit of his clients."



Chambers and Partners (2021)

Profile

Chambers Appointments

Director of Pupillage 2006 to present

Head of the Housing Department 2014 to present

Chancery

Boundary disputes, adverse possession, residential and commercial landlord & tenant, mortgages, mortgage fraud, conveyancing disputes, commercial contracts, co-ownership, nuisance, highways & construction disputes and professional negligence.

Particular expertise includes:

- Property cases involving constructive trusts and trusteeship, proprietary estoppel, undue influence and outright fraud.
- Actions involving utility companies, governmental bodies and quasi-public bodies.
- Urgent commercial cases requiring intensive work to protect financial interests in very short timescales. Experience of securing Freezing Injunctions and Search and Seizure Orders at very short notice.
- 'Cross-Over' cases where property, landlord and tenant or commercial cases involve substantial aspects of contentious probate,

public law or insolvency.

- Professional negligence, particularly solicitor's negligence in property transactions and the conduct of litigation.

Housing

Substantial & specialist experience of all aspects of public and private sector housing practice acting for both Landlords and Tenants.

Particular expertise includes:

- Anti-social behaviour including possessions and anti-social behaviour injunctions, including the most difficult cases involving vulnerable clients, mental health issues (including Equality Act 2010 issues), concurrent proceedings in the Court of Protection, cases involving serious criminality and claims based largely on hearsay and circumstantial evidence.
- Homelessness including s.204 Appeals, Judicial Review and applications for urgent injunctive relief.
- Disrepair.
- HMO and Selective Licensing including appeals and prosecutions.
- Right to Buy.
- Non-Secure occupier cases involving introductory and starter tenancy schemes, traveller cases, and excluded tenancies of all varieties including disputes involving fully mutual Housing Associations.
- Statutory succession to social housing tenancies.
- Unlawful eviction cases including applications for urgent injunctive relief.
- Non-contentious advisory and drafting work for Local Authorities and Housing Associations including tenancy agreements, policies and procedural documents.

Other Relevant Information

Regularly delivers seminars focussing on landlord and tenant law for both public and private sectors.

Advocacy Instructor for the Northern Circuit 2006 to present, delivering advocacy training for pupils and new practitioners including expert witness handling.

Testimonial Quotes

Chambers & Partners 2021

Has considerable experience advising both landlords and tenants, including local authorities, individual landlords and public and private sector tenants. His practice takes in the full range of housing law matters, and he has deep experience in possession, disrepair and trespass claims.

Strengths: *"He is a very experienced advocate." "He is very creative, a solid, safe pair of hands and able to get an angle to the benefit of his clients."*

Chambers & Partners 2020

Has considerable experience advising both landlords and tenants, including local authorities, individual landlords and public and private sector tenants. His practice takes in the full range of housing law matters, and he has deep experience in possession, disrepair and trespass claims.

Strengths: *"A creative, intelligent and very decisive advocate who commands the court very well."*

Chambers & Partners 2018

"Has considerable experience advising both landlords and tenants, including local authorities, individual landlords and public and private sector tenants. His practice takes in the fu

ll range of housing law matters, and he has deep experience in possession, disrepair and trespass claims.

"Very experienced and very thorough. He is creative in terms of his approach and good on his feet. He commands the court well."

"Knowledgeable, approachable and amenable."

Ranked in The Legal 500 2017: "A specialist in property dispute cases"

Notable Cases

Rochdale Boroughwide Housing Limited v Izevbigie and United Utilities Water Limited (Intervener) 2017 EWHC 790 (Ch)

Test case on the recoverability of water charges with rent following on from Jones v Southwark LBC [2016] EWHC 417 (Ch). Successfully secured a determination that the housing association was not a reseller of water and was not liable to refund any part of the charges to its tenants.

City West Housing Trust v Lindsey Massey [2016] EWCA Civ 704

Instructed in the Supreme Court to settle the response to an application for permission to appeal from the order of the Court of Appeal. After filing of the response one appellant discontinued and the Supreme Court refused permission to the other.

X v Y (a firm) & anr (2015)

Solicitor's negligence and fraud action relating to a property development scheme. Claim valued at c.£1m, compromised 3 weeks before 10 day trial.

Clark v Manchester City Council [2015] UKUT 129 (LC)

Important issue of principle concerning the power of a Local Authority to impose minimum room size standards in HMO (houses in multiple occupation) licences and the effect of those standards on the First Tier Tribunal. Heard before the Deputy President of the Lands Chamber.

Hudson v Sutton (2015) unrep.

Permission granted by Court of Appeal for a second appeal on the issue of the tenant's Article 8 rights as against a private landlord. Stayed pending the Supreme Court's decision in McDonald v McDonald [2016] UKSC 28. Subsequently withdrawn by consent.

R. (on the application of Trafford) v Blackpool BC [2014] EWHC 85 (Admin)

Judicial review of a Local Authority decision to refuse the renewal of a leasehold interest in commercial property.

Salford CC v Mullen [2010] EWCA Civ 336

Subsequently became Hounslow LBC v Powell [2011] UKSC 8, the leading case on the recognition of tenant's Article 8 rights in mandatory possession proceedings brought by public bodies (led by Jan Luba QC, now HHJ Luba QC).

Gibbons v Bury MBC [2010] EWCA Civ 327

Leading case on 'gatekeeping' by local authorities in Homelessness Applications.

Eastlands v Whyte [2010] EWHC 695 (QB)

Public law defects in starter tenancy reviews by housing associations.

MCC v Benjamin [2008] EWCA Civ 189

Leading case on tenant's entitlement to exercise the right to buy where a possession order has been made and suitable alternative accommodation offered.

Sefton v Halliwell [2007] EWCA Civ 473

Boundary dispute, application of the Wigginton principles, the Land Registration Rules and judicial interpretation of ambiguous plans.

Stead & Ors v Rochdale MBC (2006) (Bury Magistrate's Court)

Successful appeal on behalf of 22 property owners from a retaining wall remediation notice served by the Local Authority. The works required would have cost in excess of £1m.

Qualifications

Staffordshire University - LLB (Hons) First Class (2001)

Manchester Metropolitan University - BVC (Outstanding) (2002)

The Lincoln's Inn Buchannan Prize for highest mark in BVC (2002)

General Council of the Bar Certificate of Honour for BVC result (2002)