



Falcon Chambers



Anthony Tanney

Called 1994



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Practice Summary

Anthony Tanney's practice ranges broadly across all areas of real estate, both contentious and transactional. If a matter concerns developing, selling, leasing, investing in, using, occupying, or lending against property, Anthony is likely to have the relevant experience to deal with it. His caseload includes (in no particular order):

- Landlord and tenant
- Property valuation
- Secured lending
- Land registration
- Rural affairs
- Long leaseholds, including service charges and management
- Development contracts, including overage, options and conditional contracts
- Boundaries and easements
- Restrictive covenants
- Trusts of land and proprietary estoppel
- Conveyancing disputes.

Anthony also undertakes property-related insolvency and professional negligence work, as well as nuisance and trespass claims. Anthony accepts instructions as an arbitrator, expert and legal assessor on property related matters, and has written and lectured extensively on property topics. Away from practice, Anthony is a keen tennis coaching assistant, badminton player, cryptic crossworder and motorcyclist (though never all at once). He is a native of Tyneside, and before starting practice held a full university lectureship in Land Law

at the University of Durham.

- Professional

- Lecturer in Land and Administrative Law, Durham University 1990-1994
- Called 1994, Lincoln's Inn
- Member of ChBA, LCLCBA and PBA
- Fellow of the Chartered Institute of Arbitrators.

- Recent Cases

- **Moore v. Lightfoot** (Property Chamber FTT, decision pending) (Rectification of register of titles; was there a mistake?; if so would it be unjust not to rectify?)
- **AHM Block 5 RTM Ltd v. Crystal Water Ltd** (26 June 2016, CLCC) (construction of agreement by previous manager purporting to abrogate service charges; whether agreement bound RTM company following acquisition of RTM)
- **Oakrock Ltd v Travelodge Hotels Ltd** [2015] BPIR 360 (CVA (company voluntary arrangements), moratoria under insolvency legislation, disrepair).
- **Bird v. Iver Resources** (FTT (Property Chamber, Land Registry)) (Discretionary trust, Family Law Act rights, mortgages and secured loans)
- **WHS Retail Holdings v. SEP Properties** (2013) (when are the duration, terms and rent of a new lease “agreed” under Landlord and Tenant Act 1954?)
- **Coles Holdings Ltd v. New British Wharf** (2013; FTT (Property Chamber Residential Property)) (collective enfranchisement; claim of freehold ransom value)
- **Spencer v Secretary of State for Defence** [2012] L&TR 21 (Arbitration; Agricultural Holdings; Implied Terms; Rent Reviews; Interpretation of contracts)
- **Lejnovarn v Cromwell Mansions Management Co Limited** [2012] 2 EGLR 50 (Construction of leases, subsoil, “Iceberg” development)
- **Hopkins v Beacon & Beacon** [2011] EWHC 2899 (Ch) (Adverse possession, boundary dispute, procedure for objection to squatter’s application under Schedule 6 of the Land Registration Act 2002 Act; when departure from procedure permissible).
- **Shersby v Grenehurst Park Residents Co Ltd** [2009] UKUT 241 (LC) (service charges, reasonableness, construction of contracts).
- **Brightlingsea Haven Ltd v. Morris (No 2)** [2009] 48 EG 103 (CS) (damages, equitable remedies, proprietary estoppel)
- **Brighton & Hove City Council v. Audus** [2009] 2 EGLR 131 (collateral advantages and redemption of mortgage; clogs and fetters rule).
- **Brightlingsea Haven Ltd v. Morris** [2009] 1 EGLR 117 (agreement for lease unenforceable for want of writing; proprietary estoppel and constructive trust; caravan sites and mobile homes).
- **Grosvenor Estates Belgravia v Adams** [2008] RVR 173 (Extensions of time; Leasehold valuation tribunals; Permission to appeal; Time limits)
- **Oakfern Ltd v. Ruddy** [2006] 3 EGLR 30 (service charges in mixed use premises; effect of intermediate leasehold interests; reasonableness of service charges)
- **Barclays Bank v Bean** [2004] 3 EGLR 71 (Farm business tenancies; Mortgages; Rent; Repossession; Transactions at an undervalue)
- **C A Weber v Railtrack** [2004] 1 WLR 320 (notice to quit, deemed service; Article 6 ECHR)
- **McKenzie v McKenzie** [2003] 1 P & CR DG6 (beneficial interests, trusts, mortgages, resulting and constructive trusts).
- **Spencer v Secretary of State for Defence** [2003] 1 WLR 2701 (boundaries, agricultural holdings, rent reviews, variation of leases)
- **Marazzi v Global Grange Limited** [2003] 2 EGLR 42 (Business tenancies; Landlord and Tenant Act 1954; Renewal of business tenancies; Ground (f); Demolition and Improvements)
- **Yoga for Health v Guest** [2002] EWHC 2658 (Ch) (business lease renewal, opposed renewal claims)
- **Maunder Taylor v Blaquiere** [2002] EWCA Civ 1633 (breach of covenants, landlord’s powers and duties, leases, manages appointed under Landlord and Tenant Act 1987, repairing

- covenants, service charges, set off)
- **Jones v Morgan** [2002] 1 EGLR 125 (mortgages, options to purchase, redemption of mortgages, unconscionability)
- **Michaels v Taylor Woodrow** [2001] 2 WLR 225; [2001] Ch 493 [2000] 4 All ER 645 (Tort of conspiracy, sale in breach of the Landlord and Tenant Act 1987 Part 1; abuse of process)
- **Gribbon v Luttons Dunford** (a firm) (Chancery Division, Jacob J. 10/11/00 (Status of a pre-contractual deposit on the sale of land; duties of a stakeholder; conveyancing)
- **Hannon v 169 Queensgate Ltd** [2000] 1 EGLR 40 (construction of additional flats on existing block; implied terms; letting schemes; development).
- **Morgan Sindall v Sawston Farms** (Cambridge) Limited [1999] 7 EG 135 (Court of Appeal) (Setting aside of award of an expert valuer appointed under a contract; valuation)
- **Sanctuary Housing v. Campbell** [1999] 1 WLR 1279 (Matrimonial home; Occupancy; Possession of land; Secure tenancies; Surrender)
- **Michaels v Harley House (Marylebone) Limited** [1999] 1 All ER 356 (meaning of "disposal" to an associated company for the purposes of Part I of the Landlord and Tenant Act 1987; pre-emption; sale of land)
- **Dunn & Bradstreet v Provident Mutual** [1998] 2 EGLR 175 (general agency, break clauses, group companies)
- **McCullagh v Lane Fox (a firm)** 49 Con. L.R. 124; [1996] P.N.L.R. 205; [1996] 1 E.G.L.R. 35; [1996] 18 E.G. 104; [1995] E.G. 195 (C.S.); [1995] N.P.C. 203; Times, December 22, 1995 (Estate agents, negligent misstatement, misrepresentation, negligence).
- [Publications](#)
 - Contributor to Fisher & Lightwood's Law of Mortgage, Eleventh edition. (2002)
 - Contributing editor to the "Woodfall - What's New?" monthly CD-ROM service
 - Tanney & Travers on Distress for Rent (Jordans 2000).
- [Articles](#)

Anthony regularly writes for legal periodicals, as well as giving lectures and training. A selection of his publications appears below:

- "Sign of protest" (2016) SJ 160(35), p. 30 (easements, prescription, parking and nec vi)
- "Landlord's disrepair claims: essential guidance for tenants" (2014) IHL 220, p. 40 (Breach of covenant; Measure of damages; Repair covenants; Schedule of dilapidations; Tenants' duties)
- "Putting a price on turnover" (2013) EG 82 (Business tenancies; Leases; Renewal; Rent reviews; Rental value; Turnover rents; Valuation)
- Constructive trusts to grant leases: have we not been here before? (2012) 16(2) L&TR 53 (Agreements for lease; Constructive trusts; Leases; Proprietary estoppel)
- "Proprietary estoppel and the constructive trust as defences to the operation of a landlord's break clause" (2012) 16(3) L &TR 88 (Break clauses; Business tenancies; Constructive trusts; Defences; Proprietary estoppel)
- "Brighton & Hove City Council v Audus: worn out clogs?" [2009] Conv 490 (Clogs and fetters; Composite agreements; Equity of redemption; Legal charges; Mortgagees' powers and duties).

Published Comments

Continues to be sought out for his exemplary work across a range of real property matters. His specialisms include rent review, rights of way and land registration. He also takes on cases related to easements and professional negligence. Strengths: "He is reliable and easy to work with." "He has vast experience and knowledge." *Chambers and Partners UK Guide 2020 (Real Estate Litigation)*

"Continues to be sought out for his exemplary work across a range of real property matters. His specialisms include rent review, rights of way and land registration. He also takes on cases related to easements and professional negligence. Strengths: 'High intellectual calibre combined with great charm'." *Chambers UK Guide 2019 (Real Estate Litigation)*

"His areas of expertise include conveyancing disputes, trusts and development contracts." *Legal 500 2018*

"Continues to be sought out for his exemplary work across a range of real property matters. His specialisms include rent review, rights of way and land registration. He is also known to take on cases related to easements and professional negligence. Strengths: 'His advice is very to the point'." *Chambers UK Guide 2018 (Real Estate Litigation)*

"He is easy to work with and provides excellent advice". *Legal 500, 2017*

"Continues to be sought out for his exemplary work across a range of real property matters. His specialisms include rent review, rights of way and land registration. He is also known to take on cases related to easements and professional negligence. Strengths: 'He's a very solid performer – he knows his stuff inside and out, no question about that.' 'Anthony Tanney has been excellent; his written opinions are fantastic and really clear. He is very good tactically.' 'Consistently provides high-quality advice'." *Chambers UK Guide 2017 (Real Estate Litigation)*

"Recommended for proprietary estoppels." *Legal 500, 2016*

"Has a diverse real property practice covering a range of commercial and residential sector issues. He is also noted for his cross disciplinary expertise, with cases frequently overlapping with other areas such as professional negligence and insolvency. Strengths: 'An excellent advocate who combines rigorous and thorough trial preparation with an extensive knowledge of the law.' 'He has a wealth of experience and expertise. He has impressive knowledge of complex legal issues and is very good on his feet and in conference with clients'." *Chambers UK Guide 2016.*

"An extremely bright and diligent barrister". *Legal 500 2015.*

"A knowledgeable and proficient adviser and advocate. He advises on all areas of real property law, and has particular expertise in rights of way, restrictive covenants and mortgage redemption. Expertise: 'He is very sharp on the law, and provides good, erudite opinions.' 'A very technically sound practitioner, he has excellent court skills and an engaging personality which puts even difficult clients at ease.' Recent work: Acted successfully for the trustees of a property who were seeking to have Family Law Act rights registered against the property removed from the register." *Chambers UK (2015)*

"He has a quick grasp of issues and is tenacious in defending his client's position." *The Legal 500 (2014)*

"Anthony Tanney is an accomplished junior with expertise in mortgage redemption, rights of way and rent review. Also skilled at landlord and tenant matters. Expertise: 'An excellent advocate whom combines rigorous and thorough trial preparation with extensive knowledge of

the law.' Recent work: He has been instructed by Speechly Bircham in relation to a dispute between two prominent housing developers." *Chambers UK Guide (2014)*

Listed as a Leading Junior.*The Legal 500 (2013)*

"Anthony Tanney, 'a very able and experienced' advocate with a broad real property litigation practice. Observers note that Tanney can consistently be relied upon to provide 'clear and cost effective advice'." *Chambers UK Guide (2013)*

Listed as a Leading Junior*The Legal 500 (2012)*

"Anthony Tanney is recommended for 'providing a good service and sensible counsel,' as well as for his 'ability to annihilate the other side in cross-examination.' He was led by Nicholas Dowding QC on a case regarding turnover rents on a lease renewal concerning Euston station." *Chambers UK Guide (2012)*

Listed as a Leading Junior.*Legal 500 (2011)*

"Anthony Tanney wins plaudits as a 'superbly thorough and well-mannered junior who really engages with clients'. He was instructed by Brighton & Hove City Council in a case against Audus which clarified the law on an aspect of redemption of mortgages." *Chambers UK Guide (2011)*

Listed as a Leading Junior in Property Litigation.*The Legal 500 (2010)*

"Anthony Tanney is praised for his 'clear and well-argued submissions', and proves particularly good at valuation and leasehold enfranchisement disputes. His highlights include *Brightlingsea Haven v Morris*". *Chambers & Partners (2010)*

Listed as a Leading Junior in Property Litigation.*The Legal 500 (2009)*

Undertaking a typical spread of 1954 Act cases, development disputes and land registration matters, Anthony Tanney has a practice that is fairly representative of the set as a whole. He has handled a number of arbitrations in the past year, and is celebrated for his "unprecedented speed of delivery" in attending to clients'needs".*Chambers & Partners (2009)*

"Another rising junior is Anthony Tanney, who is always in command".*The Legal 500 (2008)*

"Clients found Anthony Tanney to be a "responsive, approachable counsel", with expertise in property and administrative law. His "thorough methodology encourages trust and respect throughout the profession." *Chambers and Partners (2008)*

Listed as a Leading Junior.*The Legal 500 (2007)*

"When Anthony Tanney receives instructions, he acts in an "assured and composed way" and, according to market sources, brings "an added edge to the set due to his comprehensive grasp of local authority law". *Chambers and Partners (2007)*

Listed as Leading Junior.*The Legal 500 (2006)*

"Anthony Tanney is "thorough and good on detail".*Chambers and Partners (2006)*

The "approachable" Anthony Tanney is "great on the details" and can handle "difficult applications in court." *Chambers and Partners (2005)*

Listed as a Leading Junior in Property Litigation.*The Legal 500 (1996 - 2005 inclusive)*

"Anthony Tanney is a well-known name in the field."*Chambers and Partners (2003/2004)*

"Lauded for his advocacy skills is the enthusiastic Anthony Tanney".*The Legal 500 (2002)*

"Commentators also note Anthony Tanney, "personable with good analytical skills".
Chambers and Partners (2002/2003)

"Rated junior Anthony Tanney appered in Michaels v Taylor Woodrow Developments Ltd".
The Legal 500 (2001)

"Anthony Tanney is bright and technically excellent".*Chambers and Partners (2001/2002)*

"Commercial and straight to it"*The Lawyer Magazine, Survey of Chancery Bar (1999)*

"Very good"*The Lawyer Magazine, Survey of Property Bar (1998)*