



Falcon Chambers



Barry Denyer-Green

Called 1972



Falcon Chambers

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Practice Summary

The principal part of Barry Denyer-Green's practice concerns compulsory purchase and compensation; his book on the subject, widely used by practitioners, is now in its ninth edition. He regularly appears in the Lands Tribunal, and has appeared in the Court of Appeal, the House of Lords and the Privy Council on cases concerning compensation issues.

He was chairman of the Compulsory Purchase Association in 2008-2009. His practice also includes other local government and public highways matters, as well as those concerning landlord and tenant, restrictive covenants, easements, common land, village greens, development agreements, and other aspects of land law and conveyancing.

- Education
 - LLM (Lond)(1978)
 - PhD (Lond)(1987)
- Professional
 - Hon RICS
 - Called to the Bar 1972, Middle Temple
 - Member of the Department of the Environment, Transport and the Regions Working Party on compulsory purchase, which resulted in the publication of a report in July 2000 "Fundamental review of the laws and procedures relating to compulsory purchase and compensation".
 - Elected Honorary Member of the Central Association of Agricultural Valuers.
- Recent Cases
 - **Clarise Property v Rees** [2018] 1 P & CR 7 - Constriction of a rent review clause - meaning of

"open market value".

- **Mohammed v Newcastle City Council** [2016] RVR 212 - Compulsory purchase - claim for compensation.
- **Brickkiln Waste v Northern Ireland Electricity** [2015] RVR 197 - Correct measurement of a landowner's loss caused by the grant of a necessary wayleave to an electricity company was the diminution in the value of the land.
- **Brickkiln Waste v Northern Ireland Electricity** [2014] Lands Tri (NI) - Compensation for wayleaves was to be assessed on the general principles applicable to compensation for compulsory purchase of land.
- **Thomas Newall Ltd v Lancaster City Council (No.2) Court of Appeal (Civil Division)** [2013] EWCA Civ 802[2010] UKUT 2 (LC); [2010] R.V.R. 223; [2010] J.P.L. 811 (Disturbance compensation)
- **Holliday v Breckland DC Upper Tribunal (Lands Chamber)** [2012] 3 E.G.L.R. 95; [2012] 49 E.G. 68; [2013] R.V.R. 43; [2013] J.P.L. 116 (basis of compensation under s.237 of Town and Country Planning Act 1990)
- **Nottinghamshire and City of Nottingham Fire Authority v Gladman Commercial Properties Ltd Chancery Division**, [2011] 1 W.L.R. 3235 (late application to rely on witness statement)
- **Thomas Newall Ltd v Lancaster City Council Upper Tribunal (Lands Chamber)**[2010] UKUT 2 (LC); [2010] R.V.R. 223; [2010] J.P.L. 811 (statutory planning assumptions)
- **L&B Holdings Ltd v Brent LBC Upper Tribunal (Lands Chamber)**, [2010] UKUT 24 (LC); [2010] R.V.R. 304 (Costs)
- **Union Railways (North) Ltd v Kent CC Court of Appeal (Civil Division)**, [2009] EWCA Civ 363; [2010] P.T.S.R. 90; [2009] 30 E.G.L.R. 68; [2009] 30 E.G. 68; [2009] R.V.R. 146; [2009] J.P.L. 1607; (Notice to treat)
- **Coleman v Istock Brick Ltd Court of Appeal (Civil Division)**, [2008] EWCA Civ 73; [2008] N.P.C. 18 (meaning of minerals)
- **Roberts v Swangrove Estates Ltd Chancery Division**, [2007] EWHC 513 (Ch); [2007] 2 P. & C.R. 17; (manorial rights)
- **Dearnley v National Trust for Places of Historic Interest or Natural Beauty Court of Appeal (Civil Division)**, [2006] EWCA Civ 995; (alleged nuisance and negligence against canal owner)
- **Earl Cadogan v 27/29 Sloane Gardens Ltd Lands Tribunal**, [2006] L. & T.R. 18 (leasehold enfranchisement)
- **Ocean Leisure Ltd v Westminster City Council** [2004] EWCA Civ 970
- **Christos v Secretary of State for Transport CA** [2003] EWCA Civ 1073. (where an acquiring authority reneged on an offer to pay a certain price for a property subject to compulsory purchase, whether it was prevented from so reneging by the doctrine of estoppel).
- **Publications**
 - Compulsory Purchase and Compensation (11th Ed. November 2018)
 - Atkins Forms: Compulsory Acquisition (2013) published by Lexis Nexis
 - Development and Planning Law (joint author) (4th Ed. 2012)
 - The Law of Commons and Town and Village Greens. 2nd ed (2006)
 - Halsburys Laws of England, Vol 27 on Landlord and Tenant (contributor with others) (1994) published by Butterworths.
 - Encyclopaedia of Forms and Precedents, Vol 16(1), Fences, Boundaries and Party walls (5th Edition, Vol 1995 Reissue); Published by Butterworths
 - Past Editor of Estates Gazette Law Reports
 - Past Joint Editor Planning Law Reports.

Published Comments

A strong performer in compulsory purchase and compensation cases. He also has experience in the Lands Tribunal. He covers a range of matters including restrictive covenants, easements and development agreements. Strengths: "Very knowledgeable and resourceful." "He produces exceptionally clear and helpful opinions." "Has a great legal understanding and an excellent bedside manner." *Chambers and Partners UK Guide 2020 (Real Estate Litigation)*

"A strong performer in compulsory purchase and compensation cases. He also has experience in the Lands Tribunal. He covers a range of matters including restrictive covenants, easements and development agreements. Strengths: 'Very knowledgeable and resourceful; he is a mine of information on manorial mineral rights and an expert on compulsory purchase'." *Chambers UK Guide 2019 (Real Estate Litigation)*

"Recommended for compulsory purchase and compensation." *Legal 500 2018*

"A strong performer in compulsory purchase and compensation cases. He also has experience in the Lands Tribunal. Strengths: 'Very knowledgeable and resourceful, he is a mine of information on manorial rights and an expert on compulsory purchase'." *Chambers UK Guide 2018 (Real Estate Litigation)*

"Recommended for CPO and compensation cases" *Legal 500, 2017*

"A strong performer in compulsory purchase and compensation cases. He also has experience in the Lands Tribunal. Strengths: 'Possesses strong legal understanding and an excellent bedside manner.' 'Extremely knowledgeable when it comes to CPO claims and very user-friendly.' Recent work: Acted in a compulsory purchase case in the Upper Tribunal and handled the subsequent claim for compensation." *Chambers UK Guide 2017 (Real Estate Litigation)*

"Recommended for CPO matters." *Legal 500, 2016*

"Boasts specialisms in areas such as planning and village greens. He is considered a leading practitioner in compulsory purchase law. Strengths: 'He is to the point and succinct. He prepared notes in advance of conference and is easy to deal with.' 'He is very quick to get to the heart of the issue.' Recent work: Appeared before a Commons select committee on behalf of several landowners affected by the proposed HS2 rail link between London and Birmingham". *Chambers UK Guide 2016.*

"He is very personable and patient, and explains his advice very coherently" *Legal 500 2015.*

"Has carved a space for himself in the representation of local government and authorities in real property disputes. He is a widely recognised expert on compulsory purchase and compensation. Expertise: 'He is very good on commons and rights of way matters.' Recent work: Successfully represented a local authority in a dispute regarding compensation payable following the development of land it had purchased." *Chambers UK (2015)*

"He is very thorough, identifies the crucial issues quickly, and expert on valuation issues." *The Legal 500 (2014)*

"Barry Denyer Green is highly sought after for his expertise in specialist areas such as compulsory purchase and rights of commons. Has overall property litigation experience spanning all areas of the field. Expertise: 'Barry's knowledge and expertise are immense. He's fantastic with clients, and hugely impressive as a court advocate and cross examiner. Altogether top notch'. Recent work: He successfully represented Breckland District Council, achieving compensation under the Town and Country Planning Act 1990." *Chambers UK Guide (2014)*

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

"Barry Denyer Green an expert on compulsory purchase and compensation can consistently be relied upon to provide 'clear and cost effective advice'. Sources attest that he is 'very persuasive as an advocate and massively knowledgeable in his field'." *Chambers UK Guide (2013)*

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

"Barry Denyer-Green is a highly regarded expert and author in the field of compulsory purchase and compensation. He often appears on the most notable cases in the area." *Chambers UK Guide (2012)*

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

"Barry Denyer-Green recently acted in *Kent County Council v Union Railways*, a matter concerning whether a claimant was entitled to compensation where no notice to treat had been served. He displays 'sound tactical judgement' and is something of an expert on high-profile compulsory purchase cases". *Chambers UK Guide (2011)*

Listed as a Leading Junior *The Legal 500 (2010)*

"Barry Denyer-Green is chair of the Compulsory Purchase Association and is lauded for his "sound commercial judgement and easy accessibility". He is particularly active in compulsory purchase disputes, and recently acted in the case of *Union Railways v Kent County Council*". *Chambers and Partners (2010)*

"The "measured style" of Barry Denyer-Green is seen as a particular strength as he continues to command the area of compulsory purchase compensation. A former surveyor, he draws upon his experiences in this regard and "fully understands all the relevant issues in a case". *Chambers & Partners (2009)*

Listed as a Leading Junior *The Legal 500 (2008)*

"The "magisterial style" of Barry Denyer-Green has been put into action giving advice on his main areas of expertise, Compulsory Purchase Orders (CPOs) and village green and commons issues." *Chambers and Partners (2008) Real Estate Section*

Listed as a Leading Junior in Property Litigation *The Legal 500 (2007)*

"There was widespread market acclaim for leading specialist Barry Denyer-Green, deemed as the "godfather of CPOs". *Chambers and Partners (2007) Real Estate Litigation Section*

"Barry Denyer-Green has attracted commendation as "thorough, practical and focussed". He is an honorary member of the Central Association of Agricultural Valuers and was recognised by interviewees for his efficiency and accuracy in advising on pipeline and mineral-related matters". *Chambers and Partners (2007) Agricultural Section*

Listed as a Leading Junior in Property Litigation *The Legal 500 (2006)*

"Barry Denyer-green is "down-to-earth", a former surveyor, he is felt to be fully immersed in both the theory and practicalities of the real estate world". *Chambers and Partners (2006)*

"Barry Denyer Green, a former surveyor is recommended for leasehold enfranchisement cases". *The Legal 500 (2005)*

Listed as a Leading Junior *The Legal 500 (2006) Agriculture Section*

"Barry Denyer-Green has "a phenomenal knowledge of case law" and also benefits from his background as a surveyor." *Chambers and Partners (2005)*

"Barry Denyer-Green is recommended for his expertise in leasehold enfranchisement claims." *The Legal 500 (2004)*

"For Lands Tribunal work, clients beat a path to the ex-surveyor Barry Denyer-Green, who is "brilliant on evaluations" and specialises in CPO matters". *Chambers and Partners (2002/2003)*

"Barry Denyer-Green received praise for his work in 2002" *The Legal 500 (2002)*

Former surveyor Barry Denyer-Green has an attractive advocacy style". *Chambers and Partners Guide (2001/2002)*

Barry Denyer-Green has an avuncular and academic style. *Chambers and Partners (2000/2001)*

"The man most recommended for land compensation cases is Barry Denyer-Green, whose background as a surveyor adds value". *Chambers and Partners (1999/2000)*