



Falcon Chambers



Caroline Shea QC

Called 1994 Silk 2016



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Practice Summary

Caroline Shea QC is listed as a leading silk for both Real Estate Litigation and Agriculture and Rural Affairs in both the Legal 500 and Chambers UK Guide. She is described by her clients as “clever, very forthright and commercial”, “extremely client focused ... always makes time to deal with urgent matters”, “an iron fist in a velvet glove”, “decisive, technically impressive and pugnacious in the courtroom” and “excellent in her written work and flawless in court”. She has been nominated for the Legal 500 Real Estate Silk of the Year 2019. Known for robust court craft, she is solution focussed from the outset, deploying her legal and tactical skills to arrive at the optimum solution.

Caroline accepts instructions to litigate, advise in and arbitrate all aspects of real property and landlord and tenant practice, in commercial, residential and agricultural disputes. She has particular expertise in proprietary estoppel claims; development agreements; easements/restrictive covenants; forfeiture/relief; and high value commercial and agricultural rent reviews/lease renewals.

Caroline writes for a wide range of specialist publications, appears frequently on the lecture circuit, and is co-author of the latest (2018) edition of Muir, Watt and Moss, a leading practitioners’ text on the law of agricultural holdings.

Recent instructions include:

- acting for a major landowner forfeiting retail premises, resisting the tenant’s application for relief;
- defending a proprietary estoppel claim brought against the owner of an extensive portfolio of residential property;
- advising a developer on resisting injunctive relief brought by the owner of rights over development

land;

- a claim against solicitors for failing to register an option, involving complex questions of causation and quantum;
- advising leading pubs company on the effects of the new Pubs Codes, including seeking judicial review of the Pubs Codes Adjudicator's decisions and statements;
- advising a retail park owner resisting injunctive relief sought by tenants seeking to prevent improvement works to the retained parts ;
- representing two commercial/agricultural siblings in a complex trusts claim brought by a third sibling in respect of substantial commercial/agricultural family trusts;
- advising a landlord on an agricultural succession claim involving two potential applicants;
- advising a high profile commercial tenant facing nuisance committed by the landlord redeveloping retained property;
- advising agricultural tenants with HS2 rights on a misrepresentation claim.

Caroline is a Fellow of the Chartered Institute of Arbitrators, and has been appointed in disputes involving both agricultural and general property law.

- Education

- Haberdashers' Aske's School for Girls, Elstree
- Hills Road Sixth Form College, Cambridge
- Cambridge University: MA, Classics/Philosophy
- London Business School
- City University: Graduate Diploma in Law
- Inns of Court School of Law: Bar Vocational Course

- Professional

- FCI Arb
- Previously a Management Consultant with Andersen Consultancy (later Accenture); Berkeley Partnership
- Called 1994
- Silk 2016
- Middle Temple (Diplock Scholar)
- Member Arbrix (by invitation)
- Member of the Chancery Bar Association, the Property Bar Association, and the London Common Law and Commercial Bar Association

- Recent Cases

- **M&P ENTERPRISES v NORFOLK SQUARE** [2018] EWHC 2665 (Ch) (Whether judge's conduct of trial was unfair and/or would have led a fair-minded and informed observer to conclude that there was a real possibility of bias).
- **MOORE v MOORE** [2018] EWCA Civ 2669 (on appeal, proprietary estoppel, satisfaction of the equity; partnership for joint lives)
- **M & P ENTERPRISES v NORFOLK SQUARE** [2018] EWHC 2665 (Ch) (on appeal: lease renewal; conduct of tenant; alleged judicial bias)
- **PUBLITY v CHESTERHILL PROPERTIES** [2016] EWHC 1994 (agreement for lease; deposits)
- **MOORE v MOORE** [2016] EWHC 2202 (Ch) (proprietary estoppel, satisfaction of the equity; detriment; unconscionability; partnership for joint lives)
- **WINTERBURN v BENNETT** [2016] EWCA Civ 482 (on second appeal: easements; nec vi; effect of signs)
- **RAWLINGS v (1) CHAPMAN** [2015] EWHC 3160 (Ch) (Proprietary Estoppel)
- **WINTERBURN v BENNETT** [2015] UKUT 59 (on first appeal: easements; nec vi; effect of signs)
- **FREIFELD & ANOR v WEST KENSINGTON COURT LTD** [2015] EWCA Civ 806 (CA)

(on appeal: relief from forfeiture when breach wilful)

- **COSKER V COSKER** [2014] Agricultural Land Tribunal (succession by widow; meaning of productive earning capacity)
- **LORENZ CONSULTANCY LTD V MACCULLOCH & WALLIS** [2013] (agent's commission; professional negligence; mistake)
- **SALIH V TEFIK** [2013], **SECOND APPEAL** (undertaking void as being in conflict with statutory anti avoidance provision)
- **INTERGRAPH (UK) LTD v WOLFSON MICROELECTRONICS PLC** [2012] EWHC 1862 (Ch) (costs assessment)
- **??INTERGRAPH (UK) LTD v WOLFSON MICROELECTRONICS PLC** [2012] EWHC 528 (Ch) (break clause)
- **??PAUL ZIELENIEWSKI v (1) CHARLES PHILIP SCHEYD (2) LYNN MARY PRYOR (2012)** [2012] EWCA Civ 247 (appeal, interference with right of way)
- **SOUTHAMPTON CITY COUNCIL v SOUTHAMPTON MEDINA MOSQUE TRUST LTD & 5 ORS** [2010] EWHC 2376 (Ch) (trusts; beneficial ownership; company law)
- **EVERSHED V SMITH & ANOR** [2010] EWRA 2008-0793 (adverse possession)
- **HUTCHISON & ORS v B & DF LTD** [2008] EWHC 2286; [2009] L. & T.R. 12 (Ch) (oral contracts; tenancies at will)
- **THOMSON & ANOR V O'CONNOR & ANOR** [2005] EWCA Civ 1533 (appeal against refusal to grant adjournment; single joint expert)
- **MICHAEL V MILLER** [2004] EWCA Civ 282 (mortgagee's duty to obtain the best price reasonable obtainable)
- **WARBOROUGH INVESTMENTS LTD V S ROBINSON & SONS (HOLDINGS) LTD** [2002] EWHC 2502 (Ch)(arbitration appeal – serious irregularity)
- **MACEPARK (WHITTLEBURY) LTD V SARGEANT & ANOR Ch D (Jacob J)** 18/07/2002 (arbitrator's jurisdiction)
- **ESTATE AND AGENCY HOLDINGS V GILTAGENT LTD** [2003] E.W.H.C. 1247 (QB) (business tenancies; service charges)
- **MARCELLO DEVELOPMENTS LTD** [2002] RVR 146 (restrictive covenants)
- **HERBERT WILLIAM EASTHAM TIMM V H W E TIMM Ch D 21/12/2000** (vacation of pending land action land charge)
- **SMITH V HOOK** 15 June 2000 (appeal from ALT; succession)
- **HB PROPERTY DEVELOPMENTS LTD V THE SECRETARY OF STATE FOR THE ENVIRONMENT** (1999) 78 P & CR 108; [1998] L & TR 238 (waiver of breach of notice requirements)
- **PETER MARTIN MUNDY (RESPONDENT) V EDWARD HOOK (APPELLANT)** (1998) 30 HLR 551; [1997] EG 119 (CS) : [1997] NPC 121 : (1997) 74 P & CR D45 (rectification; ASTs)
- **DUN & BRADSTREET SOFTWARE SERVICES V PROVIDENT MUTUAL LIFE ASSURANCE ASSOCIATION** [1996] E.G. 62 (C.S.); [1996] N.P.C. 57 (first instance) break clause; consent to alterations; general agency
- **ROUX RESTAURANTS LTD V JAISON PROPERTY DEVELOPMENT CO LTD** (1997) 74 P. & C.R. 357; [1996] E.G. 118 (C.S.); [1996] N.P.C. 111 (assignment; consent; reasonableness)
- **HOLT & ANOR V (1) PAYNE SKILLINGTON (A FIRM) (2) DE GROOT COLLIS (A FIRM)** [1996] PNLR 179 : [1995] EG 201 (CS) : (1996) 93(2) LSG 29 : (1996) 140 SJLB 30 : [1995] NPC 202 : Times, December 22, 1995 (professional negligence)

- [Publications/ Lectures](#)

- Caroline has written articles for New Law Journal; Landlord and Tenant Review; Estates Gazette; In House Lawyer; Agricultural Law Association.

- She has conducted workshops for the Chancery Bar Association and the Property Bar Association,
- She has lectured at the Blundell Series (2012, 2017); Property Bar Association; Agricultural Law Association, Norton Rose M5 group; Property Litigation Association; and Arbrix conferences.
- Founding author of *Burton on Appeals*
- Co-author of the recently published *Law and Practice of Charging Orders*
- Co-author of the 2018 edition of *Muir Watt on Agricultural Holdings*.

Published Comments

Frequently handles commercial and residential landlord and tenant disputes, many of which are complex in nature. She also has a great deal of expertise in the appellate courts. Her clients range from private individuals and family trusts to large corporates. Strengths: "Extremely proactive and user-friendly approach. Very popular with clients." "Very good on her feet." "Gives sound advice in a pragmatic fashion." *Chambers and Partners UK Guide 2021 (Real Estate Litigation)*

Handles residential, commercial and agricultural property law and is widely praised for her rural credentials. She regularly acts in cases concerning agricultural succession, notices to quit and rights of way over private land. Her clients include private individuals, family trusts and agribusinesses. Strengths: "She is a very good advocate and one of the best cross-examiners I've seen." "She knows agricultural law from top to bottom." "She really tells it how she sees it - she doesn't sit on the fence and she comes up with technically excellent and commercially astute points." *Chambers and Partners Guide 2021 (Agriculture & Rural Affairs)*

"Definitely one of the brightest barristers out there." *Legal 500 2021*

"Caroline finds the angles and strategies in a case that other counsel miss. She doesn't get lost in the detail, her thoroughness focuses the detail to the clients' advantage. She has excellent rapport with clients who feel comfortable and confident in discussing the case fully with her. She is a forceful and effective advocate. The complete barrister!" *Legal 500 2021 (Agriculture)*

Frequently handles commercial and residential landlord and tenant disputes, many of which are complex in nature. She also has a great deal of expertise in the appellate courts. Her clients range from private individuals and family trusts to large corporates. Strengths: "Very bright and commercial with a real depth of knowledge on agricultural matters." "An excellent all-round counsel who is passionate to get the best results for her clients." "She has an excellent ability to pick out key issues and huge commitment to the cause." Recent work: Appeared in the Court of Appeal in *Moore v Moore*, a case regarding the satisfaction of the equity in proprietary estoppel cases following the High Court's decision that a son had an equity over his father's entire interest in a farm co-owned with the son. *Chambers and Partners UK Guide 2020 (Real Estate Litigation)*

"Able to absorb large amounts of information and give salient and pertinent advice." *Legal 500 2020*

A "fabulous" real estate silk who is considered an expert in cases involving forfeiture, restrictive covenants and development agreements. *Who's Who Legal UK Bar 2019 Guide*

"Handles commercial and residential landlord and tenant disputes, many of which are complex in nature. She also has a great deal of expertise in the appellate courts. Her clients range from private individuals and family trusts to large corporates. Strengths: 'Very clever, forthright and

commercial.' 'She is extremely client-focused and will always make the time to deal with urgent matters.' 'Excellent in her written work and flawless in court.' Recent work: Represented the claimant in a claim for damages under the indemnity for the reduced price achieved on the sale of an estate following an alleged leak from the defendant's oil pipe under the estate shortly before the sale." *Chambers UK Guide 2019 (Real Estate Litigation)*

"Handles residential, commercial and agricultural property law and is widely praised for her rural credentials. She regularly acts in cases concerning agricultural succession, notices to quit and rights of way over private land. Her clients include private individuals, family trusts and agribusinesses. Strengths: 'Very approachable, very friendly, and very good at relating directly with the client. She is able to pull out key points and home in on the specific problems in a case.' Recent work: Acted in a family farming partnership dispute which involved issues of proprietary estoppel." *Chambers UK Guide 2019 (Agriculture & Rural Affairs)*

"Decisive, technically impressive and pugnacious in the courtroom." *Legal 500 2018 (Property Litigation)*

"Clients love her as someone they really feel is on their side." *Legal 500 2018 (Agriculture)*

"Handles commercial and residential landlord and tenant disputes, many of which are complex in nature. She has a great deal of expertise in the appellate courts. Strengths: 'A real fighter and excellent on partnership and estoppel claims.' Recent work: Acted in *Publity v Chesterhill*, successfully defending a claim that a tenancy had been granted to the German company claimant. The case involved a multimillion pound family house at the heart of the defendant's property portfolio." *Chambers UK Guide 2018 (Real Estate Litigation)*

"Handles residential, commercial and agricultural property law and is widely praised for her rural credentials. She regularly acts in cases concerning agricultural succession, notice to quit and rights of way over private land. Strengths: 'She's an outstanding silk, iron fist in a velvet glove. She's absolutely charming, very reliable for clients and a formidable advocate.' Recent work: Acted in *Moore v Moore*, a proprietary estoppel case concerning a £10 million farming business held in a partnership." *Chambers UK Guide 2018 (Agriculture & Rural Affairs)*

"She is the perfect illustration of the iron fist in the velvet glove." *Legal 500, 2017*

"Extremely client friendly and approachable, while also thorough and tenacious" *Legal 500, 2017 (Agriculture)*

"Handles commercial and residential landlord and tenant disputes, many of which are complex in nature. She has a great deal of expertise in the appellate courts. Strengths: 'She is absolutely outstanding. She is not only a great lawyer but she has excellent client skills.' Recent work: Acted in *Winterburn v Bennett*, a legally sensitive appeal involving important questions to do with the law of easements." *Chambers UK Guide 2017 (Real Estate Litigation)*

"A relatively new silk who has a well-developed rural property practice. She is noted for her particular strength in agricultural landlord and tenant work as well as for her knowledge of proprietary estoppel. Strengths: 'She is absolutely outstanding. She is not only a great lawyer but she has excellent client skills.' Recent work: Represented the widow of a tenant seeking succession pursuant to the Agricultural Holdings Act 1986. Succession was accepted by the Agricultural Lands Tribunal." *Chambers UK Guide 2017 (Agriculture & Rural Affairs)*

"Highly rated." *Legal 500, 2016*

"An expert in the full range of commercial issues concerning landlords and tenants, in addition to real property. She has a niche in matters relating to the agricultural sector. Strengths: 'A very

good and gutsy fighter.' 'She is robust at drafting, gives practical advice and is excellent with clients'. Recent work: Followed a case through to appeal which looked at whether breaches by a subtenant which the head lessee did not remedy, were sufficient grounds to grant the forfeiture of the commercial head lease". *Chambers UK Guide 2016 (Real Estate Litigation)*.

"Recognised for her technical skill in a broad range of agricultural issues. Her experience includes handling complex succession cases, notices to quit and damages claims. She advises both landlords and tenants. Expertise: 'She is very easy to work with, and is thorough and charming but also ruthless when she needs to be.' 'She is very personable and can convey the case in a very straightforward manner.' Recent work: Acted in a case involving estranged co tenants of a farm". *Chambers UK Guide 2016 (Agriculture & Rural Affairs)*.

"Quick in providing advice and excellent with clients". *Legal 500 2015*.

"Mainly acts in agricultural, commercial landlord and tenant and real property disputes. She is recognised as being an effective and committed advocate. Expertise: 'She is a realistic advocate, who is efficient in the way she puts her points. She's well prepared and knows her stuff.' 'Highly intelligent, she is easy to deal with, very forthright and very clear in her advice.' Recent work: Represented a defendant through to a successful mediation in a terminal dilapidations claim arising from an assigned interest in a commercial property." *Chambers UK 2015 (Real Estate Litigation)*.

"Acts on a variety of matters pertaining to agricultural land. She advises both landlord and tenants on disputes and is also an expert on agricultural holdings, boundary disputes and succession cases. Expertise: 'Excellent, thorough and very good with clients. She's clever but personable, which is not as common a mixture as it perhaps should be.' Recent work: Recently advised on a case concerning a tenant family's right to succession in relation to the Isle of Man Agricultural Holdings Act 1969." *Chambers UK 2015 (Agriculture & Rural Affairs)*

"She has an enviable knowledge of complex areas of law and is a formidable advocate." *The Legal 500 (2014)*

"Caroline Shea wins plaudits for her potent advocacy, and frequently appears in the High Court, the Court of Appeal and the Leasehold Valuation Tribunal (LVT). Her practice incorporates all aspects of commercial and landlord and tenant work, and has a focus on agricultural related property disputes. Expertise: 'Excellent on her feet, she is very tenacious'. 'Very user friendly, she's willing to get off the fence'. Recent work: She recently represented the landlord in the High Court in a break clause case, achieving an outcome which guaranteed the client five years of assured rent." *Chambers UK Guide (2014)*

"Caroline Shea regularly handles high value rent review cases and is increasingly seen in complex matters at the intersection between agricultural, trusts and succession law. Expertise: 'A very good cross examiner, who is very easy to instruct. A joy to be with'. Recent work: Shea advised a client whose solicitor had negligently failed to submit an alternative application for succession to an agricultural tenancy. She achieved a successful settlement at mediation." *Chambers UK Guide 2014 (Agriculture & Rural Affairs)*

The 'charming and ruthless' rural expert Caroline Shea" *The Legal 500 (2013)*