Falcon Chambers

Caroline Shea KC

Called 1994 Silk 2016



Practice Summary

Caroline Shea KC 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”. Known for robust court craft and strategic acuity, she is client orientated and user friendly.

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 complex proprietary estoppel claims; development agreements; easements/restrictive covenants; forfeiture/relief; agricultural tenancies including succession and notices to quit; Pubs Code work; dilapidations and service charge claims; 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 15th edition of Muir, Watt and Moss, a leading practitioners’ text on the law of agricultural holdings.

Caroline is a Fellow of the Chartered Institute of Arbitrators, and has been appointed in disputes involving commercial, agricultural, and general property law. She was nominated for the Legal 500 Real Estate Silk of the Year in 2019.

Recent instructions include:

- acting on an arbitration appeal in a case involving the Pubs Code 2016;
- acting for a major retail developer on a conditional lease claim;
- acting for a major social media company seeking an expedited trial of essential repair works to its flagship London premises;
- acting for a major retailer in considering the effect of a breach of a keep open covenant;
- defending a 1986 Act notice to quit;
- advising a major trust on agricultural Case B redevelopment strategy;
- securing a significant settlement for a leisure tenant suffering disruption to its business as a result of the landlord’s redevelopment of common parts;
- claiming injunctive relief preventing works performed in breach of restrictive covenant for a large Sussex rural estate; resisting claim that consent had been unreasonably withheld;

- establishing a number of households' entitlements to rights of way over estate roads which were being denied by the residents' association;
- 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.

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

- FCiArb
- Previously a Management Consultant with Andersen Consultancy (later Accenture); Berkeley Partnership
- Called 1994
- Silk 2016
- Deputy High Court Judge 2021
- 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

- STAR PUBS & BARS V MCGRATH [2021] EWHC 1640 (Ch) (Pubs Code, arbitration appeal/claim)
- PERFORMANCE RETAIL V WAGAMAMA [2020] EWHC 2089 (Ch) (agreement for lease, whether unconditional)
- ERIC WRIGHT GROUP MANCHESTER CITY COUNCIL [2020] EWHC 2089 (Ch) (commercial rent review, arbitration claim/appeal, rent review)
- MONSOLAR IQ V WODEN PARK [2020] EWCA Civ 297 (rectification by construction of wind farm rent review clause)
- KINGSLEY (DECEASED) RE [2020] EWCA Civ 297 (partnership accounts, trusts for sale, order for sale, human right act)
- LONDON KENDAL ST NO 3 LTD V DAEJAN INVESTMENTS LTD County Court (Central London) [2019] 7 WLUK 589 (post Frances ground (f) possession case)
- PROCTOR V PROCTOR [2019] EWHC 1199 (Ch) 20 May 2019 (family trusts; implied tenancies; estoppel)
- 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 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] 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 reasonably 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 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, and has lectured at the Blundell Series (2012, 2017); Property Bar Association; Agricultural Law Association, Norton Rose M5 group; Property Litigation Association; and Arbrix conferences. She was a founding author of Burton on Appeals; co-author of the recently published Law and Practice of Charging Orders; and a co-author of the 15th edition of Muir Watt and Moss on Agricultural Holdings.

Published Comments

"Caroline is an exceptional counsel. She works well with all clients and other professionals, quickly understands the factual and legal issues, and delivers her advice in a clear and precise manner. She is a pleasure to work with." *Legal 500 UK Bar Guide 2027 (Property Litigation)*

"Caroline Shea is particularly good at managing difficult clients, showing empathy and compassion but also challenging them in an appropriate and sensitive way. She's also very responsive, easy to work with, and helpful." *Chambers and Partners UK Bar Guide 2027 (Agriculture & Rural Affairs)*

"Caroline Shea is an agriculture specialist. She is very commercial and easy to work with, and sees the 'big picture' very quickly." *Chambers and Partners UK Bar Guide 2027 (Agriculture & Rural Affairs)*

"Caroline is a pleasure to work with; she's razor-sharp, efficient, collaborative and speaks with natural authority." *Chambers and Partners UK Bar Guide 2027 (Real Estate Litigation)*

"Caroline is superb with clients, especially private individuals, and she really goes the extra mile." *Chambers and Partners UK Bar Guide 2027 (Real Estate Litigation)*
"[Caroline] gives very clear legal advice but is very emotionally attuned to her clients' positions and positions

her advice in the best way for them." *Legal 500 UK Bar Guide 2027 (Agriculture)*

"Caroline Shea is lovely to work with. She is technically exceptional and instantly grasps the key points. She is very astute." *Chambers and Partners UK Bar Guide 2026 (Agriculture & Rural Affairs)*

"She is an excellent technical barrister, great with clients and always commercial in her approach." *Chambers and Partners UK Bar Guide 2026 (Real Estate Litigation)*

"Caroline is a dream to work with, being able to grasp complex issues very quickly and cut straight to the key points." *Chambers and Partners UK Bar Guide 2026 (Agriculture & Rural Affairs)*

"Caroline is commercial and realistic but also willing to give things a go, which is what clients demand of us. Her advocacy skills are formidable." *Chambers and Partners UK Bar Guide 2026 (Agriculture & Rural Affairs)*

"Caroline is responsive, helpful and the fiercest advocate I have seen." *Chambers and Partners UK Bar Guide 2026 (Real Estate Litigation)*

"Caroline is very good on paper, a robust advocate and very clever. I recommend her." *Chambers and Partners UK Bar Guide 2026 (Agriculture & Rural Affairs)*

"Caroline Shea is a joy to work with. She is a great lawyer and has excellent client management." *Chambers and Partners UK Bar Guide 2026 (Agriculture & Rural Affairs)*

"Caroline is superb - a team player and a brilliant cross-examiner." *Chambers and Partners UK Bar Guide 2026 (Real Estate Litigation)*

"Caroline is regarded as being one of the best in the country for her skills and knowledge." *Legal 500 UK Bar Guide 2026 (Agriculture)*

"Caroline is a tenacious and charismatic advocate. She is one of the best cross-examiners in the business." *Legal 500 UK Bar Guide 2025*

"Caroline is devastatingly brilliant at cross-examination and is highly skilled at the art of persuading judges, both in her oral submissions and in writing." *Legal 500 UK Bar Guide 2025*

"Caroline Shea KC 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." *Chambers and Partners UK Bar Guide 2025 (Real Estate Litigation)*

"Caroline is first rate. She has an incredible mind and an ability to empathise with her clients." *Chambers and Partners UK Bar Guide 2025 (Real Estate Litigation)*

"Caroline is an extremely experienced KC. She is very user-friendly and approachable while also being very knowledgeable." *Chambers and Partners UK Bar Guide 2025 (Real Estate Litigation)*

"Caroline is incredibly user-friendly and is a real modern barrister in terms of her communication, commerciality and pragmatic advice." *Chambers and Partners UK Bar Guide 2025 (Real Estate Litigation)*

"Caroline Shea seems to always come up with solutions to problems which seem unsolvable." *Chambers and Partners UK Bar Guide 2025 (Real Estate Litigation)*

"Caroline Shea KC acts for individuals, family trusts and business owners in cases regarding partnership disputes, proprietary estoppel and notices to quit. She is recognised for her experience and expertise within agricultural property law." *Chambers and Partners UK Bar Guide 2025 (Agriculture & Rural Affairs)*

"Caroline is first-class at cross-examination. She does it with forensic detail." *Chambers and Partners UK Bar Guide 2025 (Agriculture & Rural Affairs)*

"Caroline is an extremely experienced KC. She's very user-friendly, pleasant to work with and very knowledgeable. She doesn't sit on the fence." *Chambers and Partners UK Bar Guide 2025 (Agriculture & Rural Affairs)*

"You want Caroline Shea on your side, your heart sinks when she is for the opposition." *Chambers and Partners UK Guide 2024 (Agriculture and Rural Affairs)*

"Caroline is always a pleasure to work with. She has a firm, fair manner, is quick to grasp the technical issues and then cut through them to move matters towards a pragmatic and commercial outcome." *Chambers and Partners UK Guide 2024 (Agriculture and Rural Affairs)*

"The most helpful and effective silk you can have on any case." *Chambers and Partners UK Bar Guide 2024 (Real Estate Litigation)*

"Caroline is incredibly sharp and very focused. She has a way of creating a team environment, and making all those involved in the case feel like a valued contributor to that team." *Chambers and Partners UK Bar Guide 2024 (Real Estate Litigation)*

"Caroline's ability is incomparable to any other counsel in her field; combining her technical knowledge with her commercial instincts and client likability is yet to fail to impress a client." *Chambers and Partners UK Bar Guide 2024 (Real Estate Litigation)*

"Caroline is one of my favourite advocates. She is both fierce and persuasive. She is also a delight to work with." *Chambers and Partners UK Bar Guide 2024 (Real Estate Litigation)*

"Caroline is very switched on and user-friendly. She is very good with the lay clients." *Chambers and Partners UK Bar Guide 2024 (Real Estate Litigation)*

‘Caroline is a very assured advocate who adopts a well prepared and methodical approach.’ *Legal 500 2024 (Agriculture)*

'Particularly impressive in the courtroom – her cross-examination skills and courtcraft are second to none at the property Bar.’ *Legal 500 2024 (Property Litigation)*

‘Caroline is a technically brilliant property silk. She is quick to turn work around and when you work with her it feels like an extremely collaborative team effort. ’ *Legal 500 2023*

"Caroline is clever and tenacious. She is an excellent advocate." *Chambers and Partners UK Guide 2023*

'A real tour de force and ubiquitous in agricultural matters; Caroline is indefatigable, unflappable and a consummate performer in court. She somehow manages to be as tough as nails in the courtroom, while being a delight to work with on the client-side, a rare breed'. *Legal 500 2023*

Caroline Shea QC 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: "She is an excellent all-round property specialist. She's quick to get to the heart of the matter and a very passionate advocate for her clients." "She is a top-flight advocate who is well known and respected." *Chambers and Partners UK Guide 2022 (Real Estate Litigation)*

Caroline Shea QC 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

gets deeply involved in every case." "Caroline is charming and affable on the outside with a granite core within." *Chambers UK Guide 2022 (Agriculture and Rural Affairs)*

"Pragmatic is the word that immediately comes to mind with Caroline. She is challenging to the whole team to deliver the best outcome for clients. She will not rest until she has every detail mastered. She is an excellent advocate and outstanding in terms of her ability to advise clients on complex issues but also in explaining the commercial realities and risks they face. Absolutely a team player with whom it is always a pleasure to work." *Legal 500 2022*

"Excellent commercial nous - Caroline gives decisive advice and does not sit on the fence. She is able to instill confidence in clients very quickly." *Legal 500 2022*

Caroline Shea QC is a "very punchy advocate" who regularly represents individuals, family trusts and large businesses in complicated real estate disputes. *Who's Who Legal UK Bar Report 2022*

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)*