Falcon Chambers

Edward Peters KC

Called 1998 Silk 2023



Practice Summary

Edward Peters KC is a property litigation specialist.

'My go to barrister where the stakes are high.' (Legal 500) **'He has a phenomenal intellect and is fantastic for analysing incredibly complex legal or factual cases.'** (Chambers UK) **'He is a superb advocate'** (Legal 500) **'Outstanding'** (Chambers UK) **'Always marvellous'.** (Chambers UK) **'Offers clients a high-quality service and always delivers'. 'He is a real pleasure to work with.'** (Chambers UK)

Edward is experienced in, amongst other things, landlord and tenant law (all aspects), real property law (all aspects), partnership law, commercial, residential, agricultural and rural, mines and minerals, easements, covenants, contractual interpretation, statutory interpretation, registration and title, adverse possession, rentcharges, co-ownership, development agreements, vendor and purchase, proprietary estoppel, valuation, surveying, property management, arbitration and arbitration claims.

Intellect, Judgement, Advice

'He has a phenomenal intellect and is fantastic for analysing incredibly complex legal or factual cases.' 'The measure and quality of his advice is outstanding.' **'Such a good lawyer.'** 'His eye is always on the commercial objective.' **'Technically brilliant'** 'Gives pragmatic advice that makes the client feel at ease.' **'He listens and understands objectives and is commercial in his interpretation of the law.'** 'He is very clever, analytically strong and sound in his judgement.' **'Intellectually on a par with anyone at the Property Bar.'** 'His grasp of property law is second to none' **'Is praised by peers for his intelligent approach to cases.'** 'Ed is one of the cleverest barristers that I have instructed.' **'He calmly and effectively gets to the nub of a dispute'**

Advocacy & Court-craft

'He is a superb advocate' **'In court he's superb at cross examination.'** 'A barrister with a good deal of courtroom craft who can get a good result on an awkward case' **'His advocacy skills, in particular in cross examination, are excellent.'** 'He is a very smooth, calm and collected advocate.' **'He is excellent on his feet and the judges tend to warm to him.'** 'He is very good on his feet and very charming, so judges warm to him.' **'Reads a judge well.'** 'Excellent in court' **'His understated advocacy (very much in the style of David Neuberger) is very effective.'** 'Provides first class advocacy'.

Client service

'Shows exceptional dedication to his clients.' 'He is a real pleasure to work with.' **'Offers clients a high-quality service and always delivers in property litigation matters'.** 'He is very approachable.' **'Very**

easy to deal with'. 'Incredibly thorough' **'Dedicated and hard working and very good with the clients.'** 'Responsive and very easy to deal with.'

Arbitrator and Expert

Edward Peters KC:

- has acted as Arbitrator; as legal adviser/assessor to Arbitrators; and as Expert
- has been appointed as Arbitrator by: ad hoc agreement between parties; in statutory arbitrations; contractual arbitrations; & by order of the High Court
- is a Fellow of the Chartered Institute of Arbitrators (since 2013)
- has a Diploma in Domestic Arbitration
- is on the Bar Council's Database of Arbitrators
- is an Arbitrator on the Dispute Resolution Panel of the Agricultural Law Association
- is an Expert on the Dispute Resolution Panel of the Agricultural Law Association
- is a member of the Association of Rural Dispute Resolvers (formerly Rural Arbrix)

He is a specialist in property (including landlord & tenant) and partnership disputes.

Legal author

Edward is the author or editor of numerous legal texts, including:

- Woodfall's Law of Landlord and Tenant (published continuously since 1802)
- Mines & Minerals (3 texts: Halsbury's Laws; Encyclopaedia of Forms & Precedents; Atkin's Court Forms)
- Muir Watt on Agricultural Holdings
- Fisher & Lightwood's Law of Mortgage
- Commonhold
- Boundaries (Halsbury's Laws)
- Rentcharges (Encyclopaedia of Forms & Precedents; Atkin's Court Forms)
- Co-ownership (Atkin's Court Forms)

He is the barrister member of the RICS Agricultural Tenancies Monitoring Group, and contributes to the drafting of the RICS suite of farm business tenancy agreements.

Direct professional access

Edward is the son of a Chartered Surveyor, and warmly welcomes direct professional instructions from surveyors, valuers, and members of other authorised professions.

Areas of expertise

His relevant areas of expertise include (but are not limited to): adverse possession; agricultural tenancies; arbitrations; arbitration claims; assignment and alienation; assured tenancies; boundaries and boundary disputes; break clauses; business tenancies & the 1954 Act; charges; charging orders; co-habitation; co-ownership; commonhold; consent to assign; contracts generally; conveyancing; covenants; damages; development agreements; dilapidations; disclaimer; easements; enfranchisement; estoppel; farm business tenancies; farm contracting agreements; farm subsidies; fixtures; forfeiture; freehold covenants; guarantees;

highways; improvements; injunctions; insolvency; interpretation of contracts; landlord and tenant generally; land registration; licences; limitation; mines and minerals; mortgages; misrepresentation; notices to quit; nuisance; party walls; partnerships; perpetuities; possession claims; priorities; professional negligence; proprietary estoppel; option agreements; overage agreements; real property generally; receivers; rectification; registration; rentcharges; rent act tenancies; rent review; residential tenancies of all kinds; profits; restrictive covenants; right to buy; right to manage; rights to light; rights of way; secure tenancies; service charges; settled land; specific performance; sporting rights; statutory interpretation; surrender; trespass; trusts; user covenants; valuation disputes; vendor and purchaser; water rights.

Education

- Gonville & Caius College, Cambridge: BA in History(1996). (Double First; Senior Scholarship). MA (2000)
- City University: Diploma in Law, with Distinction (2nd in year)
- Inns of Court School of Law. Winning pair, Middle Temple Mooting Competition 1998
- Worshipful Company of Arbitrators Prize.

Professional

- Called 1998, Middle Temple (Astbury Scholarship)
- Panel Member of the Dispute Resolution Panel of the Agricultural Law Association, both as an expert and as an arbitrator
- Fellow of the Chartered Institute of Arbitrators (FCIArb)
- Member of the Agricultural Law Association, the Association of Rural Dispute Resolvers, the Chancery Bar Association, the London Common Law and Commercial Bar Association, and the Property Bar Association.

Recent Cases

- **Procter v Procter** [2024] EWCA Civ 324, [2025] Ch. 1, [2024] 3 WLR. 631 (Partnership – resignation/retirement - no express agreement about financial consequences – whether entitled to same share of partnership assets as on a dissolution)
- **Procter v Procter** [2023] EWHC 3388 (Ch) (trusts – vesting of title)
- **Procter v Procter** [2022] EWHC 1202 (Ch) (joint tenancies – joint tenant serving notice to quit in breach of trust – order for rescission of notice to quit – partnerships – effect of retirement of partner - estoppel by deed/grant re freehold titles)
- **Smith v Official Custodian for Charities (Trustees of Ovington Fuel Allotment)** (ALD/E/S/2016/002, 11/10/2021) (Agricultural Holdings Act 1986, s. 41 – succession - livelihood condition not satisfied – whether satisfied to a 'material extent' – whether 'fair and reasonable' for succession tenancy to be granted – appropriate tests to be applied – position where part of applicant's livelihood provided in kind by cohabitee).
- **Procter v Procter** [2021] EWCA Civ 167, [2021] Ch 395, [2022] 1 All ER 358 (joint tenancies - tenancy can be created between A and AB at common law, orally or by conduct, without relying on s. 72(2) of the Law of Property Act 1925 - dicta of House of Lords in Rye v Rye disapproved - exclusive possession conceptually possible in such circumstances - Agricultural Holdings Act 1986 - applies to tenancies at will – factors relevant to statutory protection in cases of mixed agricultural and non-agricultural user).
- **Rees v Earl of Plymouth** (Windsor-Clive) [2020] EWHC 2986 (Ch), [2021] 1 P&CR 12 (arbitration claim

- Agricultural Holdings Act 1986 – Case B – timescale for development – meaning of 'building development' - s 68 challenge on basis of alleged serious irregularities).

- **Procter v Procter** [2019] EWHC 1199 (Ch) (Agricultural Holdings Act 1986 – joint tenancies - trusts).
- **Shortland v Hill** [2018] 1 P&CR 16 (easements – Land Registration – whether estoppel binding on successors inn title); see "Estoppel, Registration, and the Perils of Obiter" (Juanita Roche) 81 Conv. 6 pp 463-466.
- **Marshall v Scaman** [2017] EWHC 291 (Ch) (arbitration claim, arising from arbitration under Agricultural Holdings Act 1986 - s 68 challenge on basis of alleged serious irregularity – s. 24 claim for removal of arbitrator).
- **Collins v Collins (No 2)** [2016] 2 P&CR 6 (easements – declaration of express trust of land – whether implied grant of right of way – non-derogation from grant – s. 62, 1925 Act – whether right of way restricted to agricultural user – order for sale of farm - TOLATA 1996 – court appointed receiver – which of two competing bids to be accepted by receiver).
- **Collins v Collins (No 1)** [2016] 2 P&CR 5 (Trusts of Land and Appointment of Trustees Act 1996 – contested order for sale of large farm – contested appointment of receiver - whether sale only reliable means of ascertaining market value).
- **Patley Wood Farm LLP v Brake** [2015] EWHC 483 (Ch) (arbitration claim – application under s. 44 Arbitration Act 1996 – whether court had jurisdiction to make order sought – how court's discretion should be exercised)..
- **Patley Wood Farm LLP v Brake** [2014] EWHC 4499 (Ch) (arbitration claim – application under s.44 Arbitration Act 1996 – extent of court's jurisdiction – how court's discretion should be exercised – comparison with court's powers under s. 42 of the Act).
- **Fulham Broadway Trustees No.1 Ltd v Telefonica UK Ltd** [2014] EWHC 1048 (Ch) (arbitration claim under s. 68 - serious irregularity - regarding a commercial rent review in the Fulham Broadway Shopping Centre).
- **Brake v Patley Wood** [2014] EWHC 1439 (Ch) (arbitration claim under s. 68 - serious irregularity, & s. 24 - removal of arbitrator, from ongoing LCIA arbitration concerning substantial commercial partnership).
- **Daejan Properties Ltd v Griffin** [2014] UKUT 206 (service charge appeal, concerning whether tenants of block of flats entitled to set-off for damages for 'historic neglect', plus issues relating to construction of service charge provisions and general guidance concerning exercise of s. 20C discretion).
- **French v Savelieva** [2013] EWHC 2537 (Ch) (specific disclosure appeal).
- **Compton Beauchamp Estates Limited v Spence** [2013] EWHC 1101 (Ch), [2013] 20 E.G. 107 (Morgan J.) (arbitration claim under s. 68 of the Arbitration Act 1996; arbitration concerning rent payable for agricultural holding under Agricultural Holdings Act 1986; standard of reasons which an arbitrator should be expected to achieve in a reasoned arbitration award, and circumstances in which a failure by the arbitrator to give adequate reasons will give rise to a "serious irregularity").
- **George Wimpey Bristol Ltd v Gloucestershire Housing Association Ltd** [2011] UKUT 91 (LC) (defeated application for modification of restrictive covenant under s. 84 of the Law of Property Act 1925, with consequent demolition of 17 homes built in breach of covenant:
- http://www.bbc.co.uk/news/uk-e...; http://www.dailymail.co.uk/mon...
- **PGF II SA and PGF II(Lime) SA v Royal & Sun Alliance and London & Edinburgh Insurance Co Ltd** [2010] EWHC 1459 (TCC), [2011] 1 P&CR 11 (substantial end-of-term dilapidations claim concerning City office block adjacent to Lloyds of London, deciding various novel legal and valuation principles, including the concept of so-called 'supercession').
- **Bocardo SA v Star Energy UK Onshore Ltd (Supreme Court)** [2010] UKSC 35, [2010] 3 WLR 654, [2010] 3 All ER 975; (CA) [2010] Ch 100, [2009] 3 WLR 1010, [2010] 1 All ER 26 ; (Peter Smith J.) [2009] 1 All ER 517, [2008] 2 P&CR 23 (damages for trespass for extraction of £10M of oil from oilfield from under Al Fayed family estate; limitation and deliberate concealment).
- **Shaw v Doleman (CA)** [2009] 2 BCLC 123, [2009] BCC 730, [2009] 2 EGLR 35, [2009] L & TR 27 (whether guarantor under AGA released upon disclaimer of lease).

- **Brown's Operating System Services Ltd v Southwark Roman Catholic Diocesan Corporation (CA**) [2007] L&TR 25 (whether landlord or tenant entitled to keep service charge surplus or reserve fund upon termination of the lease).
- **Elmbirch Properties PLC v Schaefer-Tsoropatzadis** [2007] 2 EGLR 167(rent review: meaning of modern ground rental value).
- **Eyestorm Ltd v Hoptonacre Homes Ltd** [2007] EWCA Civ 1366, [2007] All ER (D) 284 (recission of contract for sale of 14 flats at premium of £2.255m)
- **Edlington Properties Ltd v JH Fenner & Co (CA)** [2006] 1 WLR 1583, [2006] 3 All ER 1200, [2006] 2 EGLR 18 (CA) (equitable set-off; claim for rent arrears by assignee of reversion; £52m claim by tenant against original landlord for defective construction of premises under agreement for lease).
- **Kintyre Ltd v Romeomarch Property Management Ltd** [2006] 1 EGLR 67 (leasehold enfranchisement; whether lease void under s. 19 of the 1993 Act).
- **Stroude v Beazer Homes Ltd** [2006] 2 EGLR 115 (s. 106 agreement for construction of bypass; effect of joint, several or concurrent obligations; whether implied right of access; whether rights planning obligations or proprietary interests; meaning of s. 82, LPA 1925).
- **Gaingold Ltd v WHRA RTM Company Ltd** [2006] 1 EGLR 122 (right to manage; whether part-commercial premises excluded).
- **Clements v Goodacre** [2004] EWCA Civ 1406 (boundaries and implied easements)
- **DEFRA v Feakins** [2004] 49 EG 135 (CS) (s.423 transactions at an undervalue; foot and mouth disease; damages for trespass; water pollution; powers under the Animal Health Act; European legislation concerning BSE).
- **Goldmile Properties Ltd v. Lechouritis (CA)** [2003] 1 EGLR 60 (inter-relationship between covenant for quiet enjoyment and repairing covenant).
- **Malekshad v. Howard de Walden Estates (HL)** [2003] 1 AC 1013, [2002] 3 W.L.R. 1881 [2003] 1 EGLR 151(leasehold enfranchisement, 1967 Act, meaning of 'house').
- **Ashworth Fraser v Gloucester City Council (HL)** [2001] 1 WLR 2180, [2002] 1 All ER 377, [2002] 1 EGLR 15 (unreasonable withholding of consent to assign).
- **The City of London Real Property Company Ltd v CGU International Insurance Plc** (2000, Lawrence Collins J., The Handbook of Rent Review, C-083.1) (rectification of rent review clause).
- **Lee v Herbert-Smith** [2000] R.V.R. 227, [2000] C.L.Y. 3895 (Lands Tribunal - Leasehold enfranchisement – Leasehold Reform Etc Act 1993 –costs jurisdiction).

Publications

Landlord and tenant

- Woodfall’s Law of Landlord and Tenant (the leading L&T work, published continuously since 1802 (Sweet & Maxwell, looseleaf; co-editor since 2007)

Real property

- Real Property and [Land] Registration - Halsbury’s Laws (Butterworths, 5th ed., 2022)

Mines & Minerals

- Mines, Minerals and Quarries - Halsbury’s Laws (Butterworths 5th ed., 2024,)

- Mines, Minerals and Quarries – Atkin’s Court Forms (Lexis Nexis, 2024)
- Mines, Minerals and Landfill - Encyclopaedia of Forms & Precedents (Lexis Nexis, 5th ed., 2025)

Agriculture & Rural

- Muir Watt & Moss on Agricultural Holdings (Sweet & Maxwell; 15th ed., 2018; 16th ed., 2024)

Rentcharges

- Rentcharges and Annuities - Encyclopaedia of Forms & Precedents (Lexis Nexis, 5th ed., 2025)

- Rentcharges and Annuities – Atkin's Court Forms (Lexis Nexis, 2025)

Co-ownership of Property

- Co-ownership of Property – Atkin's Court Forms (Lexis Nexis, 2025)

Boundaries

- Boundaries - Halsbury's Laws (Butterworths, 5th ed., 2020)

Mortgages and Charges

- Fisher & Lightwood's Law of Mortgage (Butterworths; 11th ed., 2002, & supplement, 2003; 12th ed., 2006, & supplement, 2008; 13th ed., 2010; 14th ed., 2014; 15th ed., 2019)

- Charging Orders on Land (Wildys, 1st ed., 2014; 2nd ed., 2024)

Commonhold

- Commonhold (OUP, 2004)

P&CRs

- Reporter for Property, Planning & Compensation Reports.

Related Practice Areas

- Residential property
- Commercial property
- Agriculture and Rural

Published Comments

"Edward is exceptionally intelligent and technically outstanding. Very thorough. Approachable, responsive, and a pleasure to work with, inspiring confidence in both instructing solicitors and clients." *Legal 500 UK Bar Guide 2027 (Agriculture)*

"Edward's paperwork is first-class. He has an outstanding mind and has become a robust advocate over the years. I unequivocally recommend him." *Chambers and Partners UK Bar Guide 2027 (Real Estate Litigation)*

"My go-to on any family farming partnership dispute. Simply fantastic at getting to grips with complex

partnership structures." *Legal 500 UK Bar Guide 2027 (Partnership)*

"Edward's paperwork is first class. He has an outstanding mind." *Chambers and Partners UK Bar Guide 2026 (Real Estate Litigation)*

"Peters is excellent counsel and always there when I need him." *Chambers and Partners UK Bar Guide 2026 (Agriculture & Rural Affairs)*

"Edward Peters' written work is just brilliant and his performance in court is equally as good." *Chambers and Partners UK Bar Guide 2026 (Real Estate Litigation)*

"Peters is easy to work with and gives clear practical advice, whether in writing or in consultation, and is a really good advocate." *Chambers and Partners UK Bar Guide 2026 (Agriculture & Rural Affairs)*

"Edward is an exceptional barrister." *Chambers and Partners UK Bar Guide 2025 (Real Estate Litigation)*

"An exceptional barrister - he is second to none in respect of his advocacy. His thorough preparation makes him skilled and tenacious in his arguments." *Legal 500 UK Bar Guide 2025*

"Ed is extraordinarily clever. His understated approach to advocacy is very effective: redolent of Lord Neuberger in that regard." *Legal 500 UK Bar Guide 2025*

"Edward has done a great job on a case with some particularly novel parts. He's generally very accessible, approachable and easy to get along with. He's very thorough." *Chambers and Partners UK Bar Guide 2025 (Agriculture & Rural Affairs)*

"Edward Peters KC has cultivated a reputation as a property litigation specialist and is praised by peers for his intelligent approach to cases. His practice takes in easements, overage and valuation issues and possession claims. He has experience in agricultural law proceedings and he has acted before the Supreme Court and the Court of Appeal." *Chambers and Partners UK Bar Guide 2025 (Real Estate Litigation)*

"Edward Peters KC focuses largely on matters involving agricultural landlord and tenant disputes and farming partnership disputes. He is also a member of multiple prominent agriculture societies and is an editor of leading text on landlord and tenancy law." *Chambers and Partners UK Bar Guide 2025 (Agriculture & Rural Affairs)*

‘A silk who instills great confidence.’ *Legal 500 UK Bar Guide 2024*

"He is an excellent cross-examiner." *Chambers and Partners UK Bar Guide 2024 (Real Estate Litigation)*

‘A silk with a meticulous eye for detail.’ *Legal 500 UK Bar Guide 2024*

"Edward Peters is excellent, both in terms of his expertise and his commercial awareness." *Chambers and Partners UK Bar Guide 2024 (Agriculture & Rural Affairs)*

"Edward is very calm and measured with a firm grasp of thorny landlord and tenant issues." *Chambers and Partners UK Bar Guide 2024 (Real Estate Litigation)*

"Edward is hugely proactive and he pulls apart cases very quickly." *Chambers and Partners UK Bar Guide 2024 (Real Estate Litigation)*

"Edward Peters' knowledge of agricultural tenancies and complex Settled Land Act matters is impressive." *Chambers and Partners UK Bar Guide 2024 (Agriculture & Rural Affairs)*

"Edward is thorough, detailed and clear with excellent knowledge of agricultural tenancies law." *Chambers and*

Partners UK Bar Guide 2024 (Agriculture & Rural Affairs)

"A details man who strikes me as being someone good with the more technical and historic matters where there's a detailed review of historic documents." *Chambers and Partners UK Bar Guide 2024 (Real Estate Litigation)*

"Clients are hugely impressed with Edward, whose advice on complex agricultural matters is clear and commercial." *Chambers and Partners UK Guide 2023*

"Edward is extraordinarily clever. His written work is of the highest standard and his understated approach to advocacy is very effective." *Chambers and Partners UK Guide 2023*

‘Intellectually, Edward bears comparison with any of his illustrious predecessors at Chambers. Producing written work to the highest standard, his understated approach to advocacy is hugely effective. ’ *Legal 500 UK Bar Guide 2023*

Ed’s attention to detail and thorough preparation for conferences and hearings are unparalleled. He possesses exemplary advocacy skills, with a particular gift with regard to cross-examination. ’ *Legal 500 UK Bar Guide 2023*

Edward Peters has cultivated a reputation as a property litigation specialist and is praised by peers for his intelligent approach to cases. His practice takes in easements, overage and valuation issues and possession claims. He has experience in agricultural law proceedings and he has acted before the Supreme Court and the Court of Appeal. Strengths: "The measure and quality of his advice is outstanding." "He is extremely bright, knows his field in considerable depth and is very pragmatic." "He is technically brilliant and gives pragmatic advice that makes the client feel at ease." *Chambers UK Guide 2022 (Real Estate Litigation)*

Edward Peters has notable experience in landlord and tenant disputes in an agricultural context. He publishes extensively and is a member of a number of prominent agricultural societies. His recent activity covers farming partnership disputes and advising on boundary rights issues. Strengths: "His attention to detail and knowledge of the law is excellent, but at the same time his eye is always on the commercial objective." Recent work: Instructed in multiple proceedings concerning the ownership of a private road through an agricultural estate. *Chambers UK Guide 2022 (Agriculture and Rural Affairs)*

‘Ed is one of the cleverest barristers that I have instructed. His written style is outstanding. His understated advocacy (very much in the style of David Neuberger) is very effective. ’ *Legal 500 UK Bar Guide 2022*

Has cultivated a reputation as a property litigation specialist and is praised by peers for his intelligent approach to cases. His practice takes in dilapidations, covenants and possession claims. He has acted before the Supreme Court and the Court of Appeal. Strengths: "He is excellent on his feet and the judges tend to warm to him. He is very approachable." *Chambers and Partners UK Guide 2021 (Real Estate Litigation)*

"Strengths - very bright, dedicated and hard working and very good with the clients. My go to barrister where the stakes are high." *Legal 500 UK Bar Guide 2021 (Agriculture)*

"He has a very good manner with clients and can deal with difficult conversations with diplomacy and tact." *Legal 500 UK Bar Guide 2021*

Has cultivated a reputation as a property litigation specialist and is praised by peers for his intelligent approach to cases. His practice takes in dilapidations, covenants and possession claims. He has acted before the Supreme Court and the Court of Appeal. Strengths: "He is very clever, analytically strong and sound in his judgement." "He is very good on his feet and very charming, so judges warm to him." Recent work: Acted for a defendant landlord in a High Court wrongful forfeiture and eviction case with respect to a high-value flat in Knightsbridge. *Chambers and Partners UK Guide 2020 (Real Estate Litigation)*

"One of the few juniors who can deal with agricultural matters but can turn his hand to any aspect of property litigation too." *Legal 500 UK Bar Guide 2020*

"Has cultivated a reputation as a property litigation specialist, and is praised by peers for his intelligent approach to cases. His practice takes in dilapidations, covenants and possession claims. He has acted before the Supreme Court and the Court of Appeal. Strengths: 'He has an excellent grasp of the law: in particular he listens and understands objectives and is commercial in his interpretation of the law.' 'Gives straightforward and sensible advice.' Recent work: Advised the tenant in relation to a dilapidations claim of £1.8 million in respect of office premises in the City of London." *Chambers UK Guide 2019 (Real Estate Litigation)*