



Gavin Bennison Called 2015

Practice Summary

Gavin Bennison practises in all areas of residential, agricultural and commercial property law. He has developed a busy court and advisory practice at both first instance and appellate level. He particularly enjoys dealing with rural and agricultural matters, or any dispute with an historical dimension, and was ranked as the sole 'Rising Star' in Agriculture by the Legal 500 in 2022 and 2023.

Gavin's recent cases have related to the following areas:

- Agricultural landlord and tenant, and partnership law, including a wide range of court-based and arbitral proceedings concerning both agricultural holdings and farm business tenancies;
- Residential landlord and tenant law, including statutory tenancies under the Rent Act 1977 and residential occupation in the agricultural sphere: the Rent (Agriculture) Act 1986, assured agricultural occupancies, and service occupancies;
- Corporate dissolution, disclaimer and escheat, including obtaining vesting orders under the Insolvency Act 1986, Companies Act 2006 and Trustee Act 1925;
- Adverse possession of both registered and unregistered land;
- Proprietary estoppel and co-ownership disputes;
- Easements, public rights of way, and highways disputes;
- Restrictive covenants, including challenges to the reasonableness of decision-making;
- Land registration and priorities disputes;
- Riparian rights, watercourses, drainage and the law of private nuisance in relation to floodwater.

Gavin also writes regularly for legal periodicals and delivers talks and training on a wide range of property law matters.

- Education

MA Geography (Part I) and Law (Part II), St John's College, Cambridge: First with Distinction (Geography), First Class (Law)

BPTC, City Law School: Outstanding

Lord Denning Scholarship, Eastham Scholarship and Buchanan Prize: Lincoln's Inn

McMahon Law Studentship, McAulay Scholarship, Wright Prize, named Year Prize for highest achieving undergraduate (2011-2014): St John's College, Cambridge

Philip Lake Prize and Andrew Hall Prize for highest-attaining first and second-year undergraduate: Department of Geography, University of Cambridge



In his spare time Gavin enjoys learning the Icelandic language. In July 2022 he attended the International Summer School in Modern Icelandic Language & Culture at the University of Iceland in Reykjavík, achieving the joint-highest grade on the course.

- Professional

Gavin is a member of the Property Bar Association, the Chancery Bar Association and the Agricultural Law Association.

Gavin enjoys both the teaching and practice of law. He taught equity and trusts to final year undergraduates at the University of Cambridge in 2014-2015 and 2018-2019.

Prior to commencing pupillage, Gavin worked as a paralegal for the property litigation team at Stephenson Harwood LLP and volunteered as a trainee duty advisor at Willesden County Court.

- Recent Cases

- **Dunwood Properties Ltd v Isaac** [2022] EWHC 3276 (Ch): successfully acted, at first instance and on appeal to the High Court, for a long lessee of a residential flat in Clapham alleging breach of covenant arising from the redevelopment of adjacent commercial premises by the lessor.
- **O G Thomas Amaethyddiath v Turner & Ors** [2022] EWCA Civ 1446: led by Stephen Jourdan KC, acted for the successful tenant on a second appeal, overturning the decision of Zacaroli J in *Turner v Thomas* [2022] EHC 1329 (Ch)
- **Valley View v NHS Property Services Ltd** [2022] EWHC 1393 (Ch)
: led by Jonathan Gaunt QC and Nathaniel Duckworth, acted for the successful landlord at an 18-day trial concerning the circumstances in which GP practices are liable to pay service charges to their landlord and the question of whether declaratory relief may be granted at the second time of asking, following its refusal on an application for judgment on admission under CPR Part 14.
- **Turner v Thomas** [2022] EWHC 1239 (Ch)
: acted for the tenant on an appeal concerning the validity of a bare notice to quit an agricultural holding in North Wales subject to the protection of the Agricultural Holdings Act 1986, which raised a point of general relevance as to the nature of the test in *Mannai Investment Co Ltd v Eagle Star Assurance Co Ltd* [1997] AC 747.
- **Davies-Gilbert v Goacher** [2022] EWHC 969 (Ch): led by Caroline Shea QC, acted for the successful claimant in resisting a challenge to the reasonableness of a decision by a beneficiary of a restrictive covenant to refuse consent to a scheme of residential development in a rural location in the South Downs National Park.
- **Brooker v Chisholm** (Dartford County Court, HHJ Simpkins, 11 April 2022): successfully appealed a trial judge's finding of fact in a proprietary estoppel claim between grandfather and granddaughter that was described by the trial judge as a 'tragic' case.
- **March v Attorney General**
(Chancery Division, Deputy Master Linwood, 23 February 2022): obtained a vesting order under section 44 of the Trustee Act 1925 vesting 30 acres of agricultural land near Hawkhurst, Kent in the claimants on the basis that the Crown had acquired title to the land subject to a common intention constructive trust.
- **Daniell v Porthleven Harbour & Dock Company** (First-tier Tribunal, July 2021): successfully acted for the applicant at the four-day hearing of an application for first registration of unregistered harbour land in Porthleven, Cornwall, on the basis of adverse possession.
- **Malik v 22/23 Hyde Park Place Freehold Ltd** (First-tier Tribunal, March 2021): acted for the successful long lessee of a West London residential flat in challenging over £27,000 of administration charges demanded by the lessor on account of legal and professional fees incurred by it in its management of the building. None of the purported administration charges claimed were found to be payable.
- **O'Donnell & Ors v APRA** (Guildford County Court, August 2020): led by Jonathan Gaunt QC, acted for the Defendants in the three-day trial of a claim in respect of interference with a right of way allegedly acquired on a private residential estate in the 1930s, including claims based on prescription by lost modern grant, implied grant under the rule in *Wheeldon v Burrows*, and section 62 of the Law of Property Act 1925.
- **Rees v Windsor-Clive** [2020] 4 WLR 105: led by Stephen Jourdan QC, acted for the tenant in an agricultural appeal concerning the proper approach to the interpretation of the scope of a landlord's right of entry in a tenancy agreement.



- **Ineos Upstream Ltd v Persons Unknown [2017] EWHC 2495 (Ch)**: led by Janet Bignell QC, acted for the claimants in this landmark case on the use of *quia timet* civil injunctions against persons unknown to protect shale gas operators from unlawful protest.
- Publications
 - "Boundary matters: 'Reasonable belief as to boundary?'" 170 NLJ 7905 (9 October 2020)
 - "The (messy) law of receivership" NLJ (1 November 2019)
 - "Springing interest or successive re-grant? The nature of a periodic tenancy" (2018) L&TR 22(2) 60-64
 - "Possession claims against trespassers (Part 2) – Occupation of part" NLJ (2 March 2018)
 - "Possession claims against trespassers (Part 1) – Injunctions" NLJ (23 February 2018)
 - "A very bold fraudster", co-authored with Stephanie Tozer; UK Finance legal issues e-zine, September 2017.

Published Comments

'Gavin is extremely client-friendly. He puts forward persuasive arguments, and consistently provides clear and well-considered advice.' *Legal 500 2023*

'For a junior of this level of call, incredible maturity, good in conference, and very good on paper. Also able in court.' *Legal 500 2022*

'sole 'Rising Star' in Agriculture' *Legal 500 2023*