Falcon Chambers

Gavin Bennison

Called 2015



Practice Summary

Gavin Bennison practises in all areas of commercial, agricultural and residential property law and property-related professional negligence.

He has a busy court and advisory practice at both first instance and appellate level, having acted both led and unled in multi-day and multi-week trials. He is ranked as a 'Leading Junior' in Property Litigation and Agriculture by the Legal 500 UK Bar Guide 2027, and ranked in Agriculture & Rural Affairs (Band 3) and Real Estate Litigation (Band 4) by Chambers and Partners. He particularly enjoys dealing with rural and agricultural matters, or any dispute with an historical dimension.

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

- Commercial landlord and tenant law generally, including breaches of covenant, consents for alienation, business lease renewals and forfeiture;
- Agricultural law, including a wide range of court-based and arbitral proceedings concerning agricultural holdings, farm business tenancies and farming partnerships;
- 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;
- Land registration, rectification and priorities disputes;
- Corporate dissolution, disclaimer and escheat, including vesting orders under the Trustee Act 1925, Insolvency Act 1986 and Companies Act 2006;
- Adverse possession of both registered and unregistered land;
- Easements, restrictive covenants and highways;
- Party Wall Act and boundary disputes;
- Proprietary estoppel;
- The interaction between property and planning law;
- Professional negligence; and
- Riparian rights, watercourses, and the law in relation to floodwater and drainage.

He also writes regularly for legal periodicals and delivers talks and training on a wide range of property law matters.
Gavin was appointed as a Fee-Paid Judge of the First-tier Tribunal (Property Chamber) in July 2026.

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

Gavin speaks Icelandic at upper intermediate (CEFR B2) level and is progressing towards proficiency.

Professional

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

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. Since 2024 he has been a Visiting Lecturer on the Inns of Court College of Advocacy's Bar Course, teaching and assessing students on the civil advocacy and drafting modules.

Recent Cases

- **Asif v B2 Bridging LLP (Mayors & City of London Court, HHJ Parfitt, 20 May 2026)**: sole counsel for the defendant at the six-day trial of a claim under the unfair relationship provisions in sections 140A to 140C of the Consumer Credit Act 1974. The case was factually complex and document-heavy. A plea of *non est factum* in respect of the lender's charge was successfully resisted.
- **Handy Cross Dev Co Ltd v Vanni Properties Ltd [2026] EWHC 266 (Ch)**: led by Nathaniel Duckworth KC, acted for the successful respondent in a commercial boundary dispute concerning the application of the principles in Ali v Lane [2007] 1 P&CR 26 and the dual capacities of a local authority.
- **Thomas v Countryside Solutions Ltd (First-tier Tribunal, Agricultural Land and Drainage, 16 October 2025)**: acted for the applicant in a contested application under Part IV of the Agricultural Holdings Act 1986 for succession to a tenancy of an agricultural holding, raising a number of novel points as to satisfaction of the 'livelihood condition'.
- **Principal Bridging Ltd v Lewis (County Court in Central London, HHJ Monty KC, 30 June 2025)**: sole counsel for the claimant at the multi-track trial of a possession claim brought by an unregulated bridging loan lender. Successfully resisted all basis of challenge to the enforceability of the loan, including regarding its unregulated status, an alleged contractual penalty, and allegations that the relationship between the borrower and lender was unfair.
- **Handy Cross Dev Co Ltd v Vanni Properties Ltd (County Court in Central London, HHJ Gerald, 24 January 2025)**: sole counsel for the successful defendant at the 5-day trial of a commercial boundary dispute. Obtained the dismissal of the claim, declaratory and mandatory injunctive relief on the counterclaim, an order for indemnity costs and payment on account exceeding the defendant's costs budget.

- **W&M McDonald (Pencarn Farms) Ltd v Norman (County Court in Cardiff, December 2024)**: sole counsel in a high-value agricultural case concerning the existence of an oral tenancy/grazing licence over c.465 acres of farmland in Carmarthenshire, and the quantification of compensation for improvements. The case settled on day 3 of a 5-day trial.
- **Harrison v Coombe Ridings Residents Association Ltd (County Court in Central London, September 2024)**: involved throghout proceedings concerning the existence of an express, alternatively vehicuar, right of way over part of a private residential estate in Coombe, London. The case settled on the penultimate day of trial.
- **O'Neill v Fuller, Smith and Turner Plc (First-tier Tribunal, 21 March 2024)**: acted, against a silk opponent, at the trial of two competing applications for first registration of unregistered land in East Sheen, London on the basis of adverse possession. The case raised complex issues of the law of tenant encroachment and identification of the adverse possessor as between a company and its sole director.
- **Page v Attorney General (Chancery Division, Master Kaye, 19 January 2024)**: obtained a vesting order under section 44 of the Trustee Act 1925 vesting two residential properties in Southsea in the claimant on the basis that the Crown had acquired title to the land subject to a purchase money resulting trust.
- **June 2023 -** Briefed as sole counsel in a high value (£5m+) family farming proprietary estoppel dispute which settled on the eve of a two-week trial, featuring evidence from 33 lay witnesses and 5 experts.
- **B2 Bridging LLP v NV Management (Eur) Ltd & Ors (County Court in Central London, HHJ Johns KC, 4 May 2023):** acted for the successful claimant at the seven-day trial of a high-value mortgage possession claim defended on the basis of alleged FSMA regulation, unfair relationship, sham, penalty and secret commission. Obtained orders for possession of three properties and a money judgment for over £11m.
- **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] EHHC 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 Simpkiss, 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 my go-to for agricultural property disputes. His technical knowledge is second to none, but he also understands the bigger picture commercially and is great with clients. He is extremely responsive and goes beyond the call of duty." *Chambers and Partners UK Bar Guide 2027 (Real Estate Litigation)*

"Gavin is fantastic to work with. He has a commercial approach with great technical knowledge, particularly on more complex residential property disputes." *Chambers and Partners UK Bar Guide 2027 (Real Estate Litigation)*

"He is our go-to barrister, and his service is unrivalled. A rare blend of commercial, personable and technical, and a standout advocate, Gavin is in a league of his own. He has a keen eye for detail and is a pleasure to work with." *Chambers and Partners UK Bar Guide 2027 (Real Estate Litigation)*

"Gavin is exceptionally clever, he has an excellent client manner, he is a robust advocate and his attention to detail is outstanding." *Chambers and Partners UK Bar Guide 2027 (Agriculture & Rural Affairs)*

"Incredibly bright, very user-friendly and accessible, and really cares for the clients trying to find the right outcome for them. " *Legal 500 UK Bar Guide 2027 (Agriculture)*

"Gavin has a brilliant mind and is a star of the future. He considers all the angles and is a reliable source of practical but in-depth analysis." *Chambers and Partners UK Bar Guide 2026 (Real Estate Litigation)*

"He is phenomenally intelligent and rigorous. I always love working with him." *Chambers and Partners UK Bar Guide 2026 (Real Estate Litigation)*

"Gavin is my go-to lawyer and has unrivalled attention to detail. He is technically superb and is engaged and responsive." *Chambers and Partners UK Bar Guide 2026 (Real Estate Litigation)*

"Gavin Bennison's impressive practice covers a wide range of property litigation matters, including high-profile cases. He has experience acting in landlord and tenant disputes, restrictive covenant issues and proprietary estoppel matters. In addition, he has expertise in agricultural and rural affairs." *Chambers and Partners UK Bar Guide 2025 (Real Estate Litigation)*

"Gavin is excellent and handles himself impeccably in court." *Chambers and Partners UK Bar Guide 2025 (Real Estate Litigation)*

"Gavin is highly intelligent and provides succinct, commercially focused advice. His advice notes and drafted pleadings are often flawless." *Chambers and Partners UK Bar Guide 2025 (Real Estate Litigation)*

"Gavin is fantastic. He is extremely sharp while also being commercial, responsive and great with the client." *Chambers and Partners UK Bar Guide 2025 (Real Estate Litigation)*

"Gavin is very pleasant to work with and has a real handle on the client's commercial objectives." *Chambers and Partners UK Bar Guide 2025 (Real Estate Litigation)*

"Gavin is very good at agricultural and countryside aspects of property law. He is also very responsive, friendly and down to earth with his clients." *Chambers and Partners UK Bar Guide 2025 (Real Estate Litigation)*

"His advocacy is carefully calibrated to bring the judge over to the client’s side." *Legal 500 UK Bar Guide 2025*

"Gavin is excellent on the law, and he has a calm manner in court." *Legal 500 UK Bar Guide 2025*

"A very bright junior with drive to deliver."

"He is a robust advocate with an outstanding attention to detail." *Chambers and Partners UK Bar Guide 2024*

'Gavin is excellent on the law, and he has a calm manner in court.' *Legal 500 UK Bar Guide 2024*

'sole ‘Rising Star’ in Agriculture' *Legal 500 UK Bar Guide 2024*

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

'sole ‘Rising Star’ in Agriculture' *Legal 500 UK Bar Guide 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 UK Bar Guide 2022*