



Falcon Chambers



Greville Healey

Called 2002



Falcon Chambers

- Tel +44 (0)20 7353 2484
- clerks@falcon-chambers.com
- falcon-chambers.co.uk

Practice Summary

Greville specialises in the following:

- The development of land, including: development agreements; options; overage; rights of light; and the interpretation, enforcement, modification and discharge of restrictive covenants
- The new and old telecommunications codes
- Contracts for the sale and purchase of land, including: notices to complete; deposits; repudiatory breaches; specific performance; and conveyancing negligence
- Easements, including: rights of way; rights of light; rights in relation to water including rights of drainage; utilities easements and wayleaves; and prescription
- Commercial landlord and tenant law, including: business tenancies; dilapidations; break options; rent reviews; guarantees; and forfeiture and relief
- Land registration, including: registered dispositions; priorities, notices and restrictions; alteration and rectification of the register; the correction of mistakes, and the consequences of forgeries and frauds; the priority of mortgages; and adverse possession
- Obtaining and resisting injunctions relating to land, including: interim injunctions; final injunctions; and damages in lieu of injunctions
- The interpretation of land agreements, including: contracts and conveyances; agreements for lease, leases, and agreements to surrender; options and overage agreements; development agreements; mortgages; and all deeds relating to land
- Mortgages, charges and charging orders, including: the exercise of powers of sale; undue influence; subrogation; and mortgage fraud
- Agricultural land law, including: agricultural holdings; farm business tenancies; and agricultural rights

of way

- Trusts of land, including: constructive trusts and proprietary estoppel; beneficial ownership disputes; and orders for sale.

Greville is an experienced property litigation adviser and advocate. He has been described in the legal press as an “acclaimed junior”, “a rising star at the property bar” and “a powerful courtroom advocate with a great client manner”, who is “very clever, very quick and very client friendly” and has “talent above his seniority of call”. He is a persuasive advocate and effective cross-examiner, and is equally at home arguing difficult and technical questions of law, and fighting his client’s corner in disputes of fact which turn on the credibility of witnesses. He has considerable courtroom experience, both at first instance and on appeal. He gives clear and practical advice.

He also acts as a legal expert and legal assessor in property law disputes, including in rent reviews, arbitrations over landlord and tenant notices, and cases concerning overage and development agreements.

- Education

- Greville has a first from Cambridge, and a doctorate from Oxford, both in philosophy, and was a tutor at Oxford for several years before coming to the bar.
- Scholar of King’s College Cambridge
- Senior Scholar of Somerville College Oxford
- He did the law conversion course at City University in 2001, where he won the university’s equity prize.

- Professional

- Appointed to the Attorney General’s B Panel of Junior Counsel to the Crown in 2015.
- Appointed by the Bar Council in 2020 as the barrister member of the Land Registration Rules Committee, the body which advises the Secretary of State about how to exercise the power under the Land Registration Act to make and amend the rules.
- Bar Vocational Course at the Inns of Court School of Law; called to the Bar at the Inner Temple in 2002. Awarded an Inner Temple Major Scholarship a Princess Royal Scholarship.

- Selected Cases

- **WH Smith v Commerz Real Investmentgesellschaft mbH** (25 March 2021) (HHJ Judge Richard Parkes QC) Represented the Claimant tenant in its application to the County Court for a new tenancy of its unit in Westfield Shepherd’s Bush, with a valuation date falling during the second lockdown. The Court also considered the terms and valuation consequences of a pandemic rent suspension clause. The judgment can be viewed [here](#).
- **Bernel Ltd v Canal & River Trust** [2021] EWHC 16 (Ch) (HHJ Cawson QC) Acted for the successful Defendant in this case concerning the existence of a natural watercourse, the extent of riparian rights, and the prescriptive acquisition of drainage rights. The judgment is available [here](#).
- **Thomson v Collins** [2020] UKUT 330 (LC) (Diane Martin MRICS FAAV) An application to the Upper Tribunal to discharge a restrictive covenant preventing the conversion of a stone building on farmland into a residential dwelling. Acted for the successful objector. The Judgment is available [here](#).
- **Edgware Road v Church Commissioners** [2020] UKUT 0104 (LC). (Peter McCrea FRICS) Represented (together with Edwin Johnson QC) the Church Commissioners in this Upper Tribunal case concerning the modification of a restrictive covenant in a long lease. The judgment is available [here](#).
- **DL1 Limited v Dew** (2020) REF/2018/0738 (Judge Ewan Paton) Represented the successful

Applicant in this land registration case concerning the determination of a boundary, and adverse possession. The Judgment, and Upper Tribunal's reasons for refusing the Respondent permission to appeal, are available [here](#).

- **Antoine v Barclays Bank** [2018] EWCA Civ 2846, Court of Appeal (Longmore, Peter Jackson & Asplin LJJ) Represented (together with Guy Fetherstonhaugh QC) the successful respondent bank in this case concerning the consequences of a fraud, and the rectification of the register under schedule 4 to the Land Registration Act 2002. The judgment is available [here](#).
- **Fitzwilliam Land Company v Cheesman** [2018] EWHC 3139 (QB) High Court, Queen's Bench Division (Freedman J). Applied successfully to the High Court for an interim injunction restraining trespass to a large area of land by hunt saboteurs. The judgment is available [here](#)
- **Western Welding Ltd v L J Developments Ltd** (2018) High Court, Business and Property Court (HHJ Keyser QC). Applied successfully to the High Court for an interim injunction restraining the interference with a right of way benefitting commercial land.
- **Kinkela v Bank of Scotland** (2018) County Court (HHJ Monty QC). Acted for the successful defendant in striking out this claim relating to its exercise of its power of sale under a mortgage.
- **Wales and West Utilities Ltd v Smart Systems Ltd** (2017) High Court, Chancery Division (Newey J). Acted for the respondent in an application to the High Court for an interim injunction relating to a major gas pipeline running through a large aluminium manufacturing and extrusion site.
- **Cooper v Williams** (2017) Agricultural Arbitration (2017) (John Pridmore FRICS). Acted for the successful tenant in this three-day arbitration concerning notices to quit an agricultural holding in Hertfordshire.
- **Bristow v Jennings** (2017) County Court (HHJ Richard Parkes QC). Acted for the successful defendant in this trial concerning the enforceability of a restrictive covenant, which the claimant unsuccessfully argued prevented the defendant's proposed development.
- **Karfab v City of London** (2017) FTT, Property Chamber, Land Registration (Hewitt). Acted for the City of London in successfully defeating a prescriptive claim to an easement over a development site in central London.
- **Sigma Ltd v Select Properties Ltd** (2017) County Court (HHJ Dight QC). Acted for the defendant in this claim for an injunction restraining an interference with the claimant's alleged rights of light by a proposed development.
- **The Mortgage Business PLC v Scott** (2017) County Court (HHJ Gerald QC). Acted for the claimant in successfully striking out a counterclaim relating to its exercise of its power of sale under a mortgage.
- **Fitzpatrick v Spencer** (2017) Ch D (Morgan J.) [2017] EWHC 2868 (Ch). An appeal to the High Court, Chancery Division, regarding the extent of an easement of drainage acquired by prescription. The judgment can be found [here](#)
- **Smith-Tyrell v Sowden** (2016) Agricultural Arbitration (Michael Townsend FRICS FAAV). Acted as the legal assessor to the Arbitrator in this four-day arbitration concerning notices to quit an agricultural holding in Cornwall.
- **Shorts v Rahman** (2016) County Court (HHJ Harris QC). Acted for the successful claimant in this trial concerning the defendant's alleged adverse possession of the claimant's agricultural land.
- **Ottercroft Ltd v Scandia Care Ltd** [2016] EWCA Civ 867 (Laws L.J., Tomlinson L.J., Lewison L.J.) A decision of the Court of Appeal regarding the granting of a mandatory injunction for breach of a right to light, and the liability of a company director as a joint tortfeasor together with his company. The judgment can be found [here](#)
- **Knight v Chalgrove PC** (2015) FTT, Property Chamber, Land Registration (Judge Michell). Acted for the successful respondent in a three-day trial concerning an alleged prescriptive right of way over its land.
- **Trustees of Bath Recreation Ground v Sparrow** [2015] UKUT 0420 (TCC) (Warren J. & Judge McKenna) A decision of the Upper Tribunal (Tax and Chancery Chamber) concerning

the alienability of land held on a charitable trust.

- **Peel Land and Property (Ports No.3) Ltd V TS Sheerness Steel Ltd** [2014] EWCA Civ 100 (Rimer L.J., McFarlane L.J. and Voss L.J.) A decision of the Court of Appeal regarding the construction of a lease of a substantial steelworks, and the tenant's right to remove its valuable fixtures, comprising large parts of the steelworks.
- **Platform Funding Ltd v Davies** (2014) County Court (HHJ Gerald QC). Acted for the successful claimant in this three-day trial concerning subrogation to a prior lender's security, and alleged undue influence.
- **Lloyds Plc v Khan** (2014) County Court (Recorder Freeman). Acted for the claimant tenant in this trial concerning the terms and rent on a renewal of a business tenancy.
- **Rosefair Ltd v Butler** (2014) FTT, Property Chamber, Land Registration (Judge Dray). A trial concerning the removal of unilateral notices protecting certain agreements for leases in a substantial residential development, and contracts for sub-sale. The judgment can be found [here](#)
- **Peel Land and Property (Ports No.3) Ltd V TS Sheerness Steel Ltd** [[2014] EWHC 39 (Ch) (Richard Snowden QC) A trial in the High Court, Chancery Division, trial regarding the construction of a commercial lease of a large steelworks plant.
- **Network Rail Infrastructure Ltd v Freemont Ltd** (20/06/2013) Ch D; LTL 18/11/2014 (Nicholas Strauss QC) A decision of the High Court, Chancery Division, regarding the interpretation of a commercial lease, and the extent of the demised premises.
- **Peel Land and Property (Ports No.3) Ltd V TS Sheerness Steel Ltd** [2013] EWHC 1658 (Ch) (Morgan J.) A trial in the High Court, Chancery Division, concerning a tenant's entitlement to remove fixtures comprising large parts of a substantial steelworks.
- **Fitzwilliam v Richall** [2013] EWHC 86 (Ch); [2013] 1 P. & C.R. 19; [2013] 2 E.G.L.R. 183 (Newey J.) A trial in the High Court, Chancery Division, concerning land registration, and the rectification of the title for a property following a fraud.
- **Samarenko v Dawn Hill House Ltd** [2013] Ch 36; [2012] 3 WLR 638 (Rix L.J., Etherton L.J. and Lewison L.J.) A decision of Court of Appeal on deposits, and making time of the essence, in contracts for the sale and purchase of land.
- **Miscela Limited v Coffee Republic Retail Limited** [2011] EWHC 1637 (QB) (Coulson J.) An appeal to the High Court, Queen's Bench Division, on the construction of a commercial franchise agreement.
- **Somerfield Stores Ltd V Spring (Sutton Coldfield) Ltd (In Administration)** [2011] L & TR 8; [2010] 3 EGLR 37 (Judge David Cooke) An appeal to the High Court, Chancery Division regarding a summary judgment application made in a claim for a new business tenancy under the Landlord and Tenant Act 1954.
- **London Borough of Camden** [2010] UKUT 194 (LC) An appeal to the Lands Tribunal on the interpretation of a lease of a large block of flats.
- **Packman Lucas Ltd v Mentmore Towers** [2010] EWHC 1037 (TCC); [2010] B.L.R. 465 (Coulson J.) A decision concerning orders for sale in the High Court pursuant to charging orders.
- **Carmel Southend Ltd v Strachan & Henshaw Ltd** [2007] EWHC 1289 [2007] 24 EG 168 (TCC) (His Honour Judge Peter Coulson QC) A dilapidations trial in the Technology and Construction Court concerning the standard of repair under a commercial lease.
- **Clarke and another v Illiffes Booth Bennett (a firm)** [2004] All ER (D) 369 (Lawrence Collins, J.) A High Court trial concerning solicitors' negligence in a property transaction.
- [Publications, talks and seminars](#)
 - Greville is a contributing editor of two of the leading property law textbooks: Fisher & Lightwood's Law of Mortgages; and Hill & Redman's Law of Landlord and Tenant.
 - He is also contributing editor of the Woodfall Landlord and Tenant Bulletin, and regularly writes articles and gives talks and seminars on aspects of the law of real property.

Leading textbooks

- Fisher & Lightwood's Law of Mortgages (contributing editor)
- Hill & Redman's Law of Landlord and Tenant (contributing editor)

Articles

- Injunctions against persons unknown. Available [here](#)
- Getting telecoms apparatus moved to facilitate access for development - neighbouring landowners' rights. Available [here](#)
- The New Electronic Communications Code clarified. Available [here](#)
- Variations to Leases: an article in the Woodfall Bulletin on anti-oral variation clauses. Available [here](#)
- Telecommunications tenancies – the new law: an article in the Woodfall Bulletin
- The Construction of Leases: an article in the New Law Journal
- Covenant, Guarantee and Indemnity: an article on landlord and tenant covenants and guarantees in the Woodfall Bulletin
- Easements, prescription, and tenancies: an article in the Woodfall Bulletin
- Grounds of Opposition: an article on business tenancy renewal in the Woodfall Bulletin
- Landlord's repairing obligations, and their limits: an article in the Woodfall Bulletin
- Leasehold Enfranchisement - Unintended Consequences: an article in the Woodfall Bulletin
- Proprietary Estoppel: an article in the New Law Journal

Seminars and talks

- Enigmatic Easements and Whimsical Wayleaves – a PLA talk on utilities easements
- Rectification of the register – a Property Bar Association Workshop
- The ownership and removal of fixtures: a Blundell lecture
- Agricultural landlord and tenant dispute resolution: a joint Savills/Falcon chambers seminar
- Deposits and penalties: a PLA seminar
- Rights of Light: a Lovells seminar
- The Digital Economy Bill - a new telecommunications code: a Geldards seminar
- Injunction or Damages: a talk on the Court's discretion to grant damages in lieu of an injunction
- Insolvency and Corporate Tenants: a seminar on winding up, administration, and CVAs, for landlord and tenant lawyers
- Prescriptively acquired easements - their nature and extent: a talk to the Bristol Law Society
- Recovering Possession of Agricultural Land for Development: a Falcon Chambers seminar
- Registered Land – Current Issues: a Falcon Chambers seminar
- Rent Review: a Falcon Chambers seminar on recent developments in the law
- Restrictive Covenants: a Falcon Chambers seminar on developments in the law regarding the transmission of the benefit and burden of, construction of, and discharge or modification of, such covenants between freeholders
- The Telecommunications Code: a Bristol Law Society seminar
- What are restitutionary damages? a Falcon Chambers seminar on damages for breaches of property rights.

Published Comments

His practice is centred on rights of way and right to light issues, as well as landlord and tenant

law. Clients appreciate his ability to handle complex matters and he receives consistent praise for his practical advice. He is also well versed in the Electronic Communications Code.

Strengths: "A real team player who is incredibly popular with clients." "An outstanding all-round barrister who is very strong technically and a really good advocate." "He's got a good grasp of landlord and tenant work and also telecommunications." *Chambers and Partners UK Guide 2021 (Real Estate Litigation)*

Real property specialist with expertise in agricultural and farm business tenancies. He handles conveyancing disputes, public and private rights of way cases, matters relating to leasehold reform and drainage cases. He has also acted for public bodies in major access disputes.

Strengths: "He is very good - very straight to the point and very clear." *Chambers and Partners Guide 2021 (Agriculture & Rural Affairs)*

"Very bright indeed. Excellent with the clients - they feel very confident with him. Able to give clear and commercial advice in lay terms, while also being technically very strong. Very user friendly." *Legal 500 2021*

"He is clearly a formidable practitioner. Among his specialisms are arbitrations over agricultural holdings and injunctions relating to land." *Legal 500 2021 (Agriculture)*

His practice is centred on rights of way and right to light issues, as well as landlord and tenant law. Clients appreciate his ability to handle complex matters and he receives consistent praise for his practical advice. He is also well versed in the Electronic Communications Code.

Strengths: "Great to have on your side – quick-witted and practical at the same time." "Very client-focused and a strong advocate. He is extremely personable and easy to work with." "He provides very thorough, practical and authoritative advice." Recent work: Acted in *Surridges & Langshott v Martin Grant Homes*, a case concerning the interpretation of a development agreement. *Chambers and Partners UK Guide 2020 (Real Estate Litigation)*

"He is very dedicated to any case you give him and is a great advocate on his feet." *Legal 500 2020*

Greville Healey focuses his practice on a range of matters including land agreements, developments and easements. He is "very clever" and "can get on top of the material very quickly". *Who's Who Legal UK Bar 2019 Guide*

"His practice is centred on rights of way and right to light issues, as well as landlord and tenant law. Clients appreciate his ability to handle complex matters. He is also well versed in the Electronic Communications Code. Strengths: 'Very client-focused and a strong advocate.' 'Goes the extra mile to provide excellent service.' Recent work: Acted for the City of London in a right of way case against Karfab." *Chambers UK Guide 2019 (Real Estate Litigation)*

"Real property specialist with expertise in agricultural and farm business tenancies. He handles conveyancing disputes, public and private rights of way cases and matters relating to leasehold reform. He has also acted for public bodies in major access disputes. Strengths: 'Really bright and gives clear advice on a range of matters.' Recent work: Represented the appellant in *Roberts v Pilkington*, an adverse possession case." *Chambers UK Guide 2019 (Agriculture & Rural Affairs)*

"A strong advocate who gets great results in court." *Legal 500 2018*

"His practice is centred around rights of way and rights of light issues, as well as landlord and tenant law. Clients appreciate his ability to handle complex matters. Strengths: 'His abilities are well beyond those which would be expected of a barrister of his call. He never fails to impress.' 'A first rate and tenacious advocate – incredibly user friendly and fantastic with clients in

conference.' Recent work: Appeared in the Court of Appeal in an important recent decision regarding rights of light and the issue of injunctions and damages in lieu." *Chambers UK Guide 2018 (Real Estate Litigation)*

"Real property specialist with expertise in agricultural and farm business tenancies. He also handles conveyancing disputes, public and private rights of way cases and matters relating to leasehold reform. Strengths: 'He is technically astute, very responsive and extremely approachable. He impresses clients with his pragmatic and commercial advice.' Recent work: Acted in the arbitration case of Smith Tyrell v Snowden. This dispute concerned an agricultural holding." *Chambers UK Guide 2018 (Agriculture & Rural Affairs)*

"Greville Healey stands out for his impressive expertise in the areas of adverse possession, beneficial ownership and property contract. He is described by sources as 'great on the law' with an 'approachable and pragmatic' manner" *Who's Who Legal 2018*

"A leading barrister for telecoms related property litigation". *Legal 500, 2017*

"His practice is centred around rights of way and rights of light issues, as well as landlord and tenant law. Clients appreciate his ability to handle complex matters. Strengths: 'Continues to prove himself an excellent advocate. He is exceptionally popular with clients and very much treated by them as part of their wider legal team.' 'He is very creative. He turned what was a pretty hopeless claim into something quite formidable.' Recent work: Acted in a two-day rights of light trial at County Court which raised interesting and difficult legal questions regarding the court's jurisdiction to grant damages in lieu of an injunction." *Chambers UK Guide 2017 (Real Estate Litigation)*

"Advises on a range of agricultural landlord and tenant matters, and also regularly acts for institutional lenders on matters concerning secured lending on agricultural property. Strengths: 'Demonstrates a broad and thorough understanding of the legal issues at hand. He has a very keen mind and a great ability to get to the nub of any matter very quickly.' Recent work: Represented Chargrove Parish Council in its successful resistance to a claim that an agricultural right of way had been acquired over a village green." *Chambers UK Guide 2017 (Agriculture & Rural Affairs)*

"He provides good, clear advice, and has a very good manner with clients." *Legal 500, 2016*

"Active on significant cases concerning compulsory purchase, rights of way and mortgage issues. He has niche expertise in highway and waterway law, in addition to telecommunications. Strengths: 'He is outstanding on obscure and technical areas of the law. He is always willing to go the extra mile to get the best outcome for a client.' 'He'll always put his client's case across quite forcefully and in such a pleasant manner that judges can't disagree with him.' Recent work: Represented the applicant in a compulsory purchase claim that included complex valuation aspects". *Chambers UK (2016) Real Estate Litigation*

"Assists landlords and tenants with a broad range of law issues, including rights of way and agricultural tenancies cases. He also acts as an arbitrator. Expertise: 'The advice had to come back very quickly and he was very responsive. He had his finger on the pulse from the word go.' 'He is always happy to describe a situation to a client as it really is.'" *Chambers UK (2016) Agriculture & Rural Affairs*

"Extremely bright and very amiable, and he is not afraid to venture out of the comfort zone". *The Legal 500 (2015)*

"A rising star at the Property Bar, who acts in disputes relating to any aspect of land law. He is active in disputes surrounding highway and waterway law, telecoms issues, and all aspects of

landlord and tenant law. Expertise: 'He is outstanding on obscure and technical areas of the law, and is always willing to go the extra mile to get the best outcome.' 'He is approachable, has a nice style of communication, and is easy to work with.' Recent work: Acted in a major landlord and tenant dispute surrounding fixtures in a commercial property." *Chambers UK (2015) Real Estate Litigation*

"Assists both landlords and tenants on a broad array of agricultural property-related matters. He advises on cases relating to tenancy disputes, rights of way, highways and other aspects of land law. Expertise: 'He's very user-friendly and very approachable.' 'He's very thorough and responsive, and is happy to discuss matters over the telephone'." *Chambers UK (2015) Agriculture & Rural Affairs*

"User friendly and knowledgeable in agricultural tenancy related matters." *The Legal 500 (2014)*

"Greville Healey An acclaimed junior who is recommended for his work on trusts of land disputes and equitable interests in property. He has a wide practice that takes in adverse possession, compulsory purchase, easement and restrictive covenant cases. Expertise: 'Very clever, very quick and very client friendly. He has talent above his seniority of call'. 'He is always willing to go the extra mile to get the best outcome for his client'. Recent work: Highlights include acting unled against a silk in *Cleary v Grafton Street*." *Chambers UK (2014) Real Estate Litigation*

"Greville Healey Maintains a broad ranging practice centred around all areas of land issues. His cases touch upon a variety of matters, including communications rights, restrictive covenants and public rights of way. Expertise: 'Very clever and a good advocate'. 'He has a good knowledge of agricultural matters and is friendly and helpful'." *Chambers UK (2014) Agriculture & Rural Affairs*

"Greville Healey handles cases involving landlord and tenant law, and has a practice with a largely commercial focus. One instructing solicitor suggests that 'his abilities are well beyond those which would be expected of a barrister of his call'. Cases Healey has handled include *Southern Pacific Mortgages v Firstplus Financial*, a matter concerning priorities of mortgages in registered land." *Chambers UK (2013) Real Estate Litigation*

"Greville Healey is a force to be reckoned with. His broad practice encompasses a number of issues involving agricultural property, such as telecommunications rights, agricultural tenancies and public rights of way. One source noted that 'clients have a ton of faith in him because he is really authoritative'." *Chambers UK (2013) Agriculture & Rural Affairs*

"Greville Healey is 'exceedingly bright' and 'one of the next big stars from Falcon.' He recently achieved a victory in *Packman Lucas Ltd v Mentmore Towers*, acting against a silk and without a leader." *Chambers UK (2012) Real Estate Litigation*

"Greville Healey is a very effective performer, 'a powerful courtroom advocate with a great client manner,' who has a distinguished academic career behind him. He excels at cases concerning the validity of notices to quit, the status of tenancies and rights of way proposals." *Chambers UK (2012) Agriculture & Rural Affairs*

"Greville Healey is 'a very sensible option for any client'. He has a diverse property caseload and is highly rated." *Chambers UK (2011) Real Estate Litigation*

"Much in demand is Greville Healey who has recently been handling an increasing amount of agricultural work, particularly with regard to cases involving agricultural holdings legislation. He is said to have a 'ferocious knowledge and a keen eye for detail'." *Chambers UK (2011) Agriculture & Rural Affairs*

"Greville Healey is proving himself "wise beyond his years". A younger lawyer with a rising profile across real estate and agriculture, "he already shows a fine court manner and has a knowledge base that belies his years". *Chambers and Partners (2010) Real Estate Litigation Section*

"Greville Healey is recommended for his "meticulous control of detail and compendious knowledge of the law". *Chambers and Partners (2010) Agriculture and Rural Affairs*