Falcon Chambers

James Andrews-Tipler

Called 2013



Practice Summary

James is a leading junior with extensive experience of property litigation at all levels up to and including the Supreme Court, as well as arbitration, mediation and other forms of ADR.

He accepts instructions in all areas of real property and landlord and tenant law, and regularly provides advice and representation relating to business tenancies, easements (especially rights to light), forfeiture, restrictive covenants, property damage, adverse possession, nuisance, dilapidations, mortgages and receivership, development disputes, land registration, trusts of land, and proprietary estoppel.

James has particular expertise in the use of land for telecommunications infrastructure under the Electronic Communications Code and its predecessor code, having built a busy practice working with operators in litigation and advising on site-specific and portfolio-wide legal matters. He has appeared in many of the leading cases, and was shortlisted as the Legal 500 2024 Junior of the Year (Technology, Data and Crypto).

He also has particular experience advising on the property law aspects of asset recovery and enforcement, including charging order proceedings, as well as claims for interim and final injunctions relating to property interests.

Notable Cases

- **Caterpillar Property Limited & Anor v Park Cakes Limited [2026] EWCA Civ 575** - James appeared unled for the successful respondent tenant, Park Cakes Limited (bakers and suppliers of the iconic Colin the Caterpillar Cake) at first instance and before the Court of Appeal at an expedited leapfrog appeal. The Court of Appeal (Lewison, Asplin and Laing LJJ) unanimously dismissed the landlords' appeal and upheld the decision of first instance in favour of the tenant, establishing authoritatively that a tenant's option to renew is not an agreement for the grant of a future tenancy to the tenant within the meaning of s.28 LTA 1954, so as to take the current tenancy outside the protection of Part II LTA 1954. Commercial tenants may either renew under the Act or via exercise of an option as a result. (See article here)

- **Hulley Enterprises Ltd & Others v The Russian Federation [2024] EWHC 1769 (Comm)** – James is briefed as junior counsel (led by Jonathan Crow CVO KC and David Peters KC) to provide specialist advice and representation in connection with the obtaining of charging orders over land owned by the Russian Federation in West London to secure payment of debts owed in connection with the enforcement

of arbitration awards totalling nearly US$60 billion. A trial to determine whether the charging orders should be continued is listed for 7 days in November 2026.

- **The Republic of Mozambique v Privinvest Shipbuilding SAL (Holding) & Ors [2024] EWHC 1957 (Comm); CA-2025-000101** - James was instructed (led by Ciaran Keller KC) to assist with a successful application to the Court of Appeal which led ultimately to the appeal being struck out before the hearing. The appellants had obtained permission to appeal conditional upon payment or provision of a bank guarantee in the sum of £13.5million, or alternatively by written guarantee in that sum given by associates of the Appellants and secured over their interest in real property in the jurisdiction. The associates purported to fulfil the alternative condition by offering a charge over a 75% beneficial interest in a Belgravia property, said to be valued at c.£18 million. With James's input the Respondent persuaded Phillips LJ that the offered security was not in practice security of equivalent value, given the limited nature of the interest and the difficulties of procuring a sale to liquidate the beneficial interest. The appeal was then struck out once the Appellants failed otherwise to comply with the conditions order.

- **EE Ltd & H3G UK Ltd v Clocktower Investments Ltd [2026] UKUT 163 (LC) -** James appeared for the operator tenant in this appeal to the Upper Tribunal dealing with whether an application for a new tenancy under the 1954 Act can be sought where the tenant is not in occupation of the demised premises but retains the use of equipment pursuant to rights to install and operate that equipment elsewhere on the landlord's land. The appeal confirmed that it is essential for such rights to constitute "incorporeal hereditaments" in law to be capable of forming "premises" which can be occupied in order to bring the tenancy within the 1954 Act, and the FTT had been wrong to hold otherwise. The Upper Tribunal nevertheless found that the relevant rights amounted to easements, a recognised species of incorporeal hereditament in law; and concluded that it was therefore bound to hold the tenant's tenancy continued under the 1954 Act by the decision of the Court of Appeal in *Pointon York Group plc v Poulton* [2007] 1 P & CR 115 – while noting the decision leads to the paradox if the demise if not occupied of a continuation of the tenancy without the possibility of its renewal under the Act, which may cast doubt on its correctness.

- **AP Wireless II (UK) Ltd v EE Ltd & H3G UK Ltd (Equipoint) [2026] UKUT 45 (LC)** – James appeared for the successful operators (led by Graham Read KC at first instance and Oliver Radley-Gardner KC on appeal) on this preliminary issues hearing concerning whether to imply a tenancy at will or a periodic tenancy following holdover at a telecommunications site, and the consequences of that result for access to Part 4 of the Code further to the Supreme Court's decision in Compton Beauchamp. The appeal was resolved in favour of the operators on all points.

- **The Kingdom Hall Trust v Davies [2025] UKUT 294 (LC)** – This important decision concerns the ability to acquire easements by prescription over land held by charities, religious institutions and other bodies whose powers to dispose of land are limited - including principally whether the Upper Tribunal was correct to hold that rights can be acquired by prescription over land held by bodies who do not have power to grant easements by simply presuming a grant by predecessor in title who did have such powers, even if such a grant pre-dates entirely the prescriptive use relied upon. James appeared alone for the appellant charity in the Upper Tribunal and has secured permission to appeal to the Court of Appeal against its decision.

- **Vodafone Limited v Gravesham Borough Council (K00BS429) (Recorder Gard, County Court at Canterbury) (6 November 2025)** – James appeared for the tenant in this contested lease renewal which raised important questions as to the interaction between the Building Safety Act 2022 and the Electronic Communications Code, and the extent to which the landlord should under the terms of the

new lease have control and oversight over the tenant's construction and management of its rooftop site on a higher-risk building. The Court ultimately favoured the tenant's position on most of the key terms in dispute.

- **Covent Garden IP Ltd v Cornerstone Telecommunications Infrastructure Ltd Upper Tribunal (Lands Chamber) [2025] UKUT 136 (LC)** – James appeared for the successful operator (led by Oliver Radley-Gardner KC) in this appeal concerning proper appellate procedure and consideration for an MSV agreement.

- **Hulley Enterprises Ltd & Others v The Russian Federation [2024] EWHC 1769 (Comm)** – James was briefed as junior counsel (led by David Peters KC) to provide specialist advice in connection with the obtaining of a charging order over land owned by the Russian Federation in West London to secure payment of debts owed in connection with the enforcement of arbitration awards totalling nearly US$60 billion.

- **Quinn & 190 Others v Friesian Developments Limited PT-2022-000625** – James was briefed as junior counsel (led by Gary Cowen KC) for the Defendant purchaser in a claim brought by 191 Claimants each seeking to establish long-term rights in respect of dwellings within a substantial chalet park in the West Midlands by virtue of (inter alia) proprietary estoppel and/or an alleged grant of perpetually renewable leases. The matter was set down for a three-week trial listed for summer 2025 before being stayed for ADR by consent.

- **Vodafone Ltd v Potting Shed Bar and Gardens Ltd (formerly Gencomp (No.7) Ltd) [2023] EWCA Civ 825** – James appeared in the Court of Appeal for the respondent Vodafone (lead by Graham Read KC) in this important appeal considering the interaction of landlord and tenant principles with the Electronic Communications Code, and in particular, whether a concurrent lessee is to be treated as a party to an existing Code agreement for the purposes of the Code.

- **Odukoya v Topaz Finance Ltd (t/a Malanite Mortgages) [2023] EWHC 441 (Ch)** – James secured the making of an extended civil restraint order against a litigant who had made repeated unmeritorious applications seeking to impugn a mortgage and prevent recovery of possession by the lender and realisation of its considerable security.

- **Oceanfill Ltd v Nuffield Health & Cannons Group Ltd [2022] EWHC 2178 (Ch)** – James appeared as sole counsel for the defendants (against Stephen Jourdan KC and Imogen Dodds) in this application to the High Court considering a claim against guarantors of Virgin Active's liabilities under an assigned lease following the well-publicised entry of the Virgin Active companies into a novel s.26A Companies Act 2006 "cross-class cramdown" restructuring plan and their resultant release from liability to pay the rents on certain of their gym premises. James argued that the true effect of the plan and/or the terms of the relevant guarantee meant that the guarantor defendants had been released from liability to a like extent. Deputy Master Arkush found for the claimants but granted permission to appeal, noting the case raises novel issues of wider importance (appeal later compromised).

- **CTIL v Compton Beauchamp Estates Ltd; CTIL v Ashloch & AP Wireless II (UK) Ltd; On Tower UK Ltd v AP Wireless II (UK) Ltd [2022] UKSC 18; [2022] 1 W.L.R. 3360 (Supreme Court)** – James appeared as junior counsel for CTIL (led by John McGhee KC and Oliver Radley-Gardner KC) in two of the three conjoined appeals leading to the Supreme Court's landmark decision which substantially endorsed CTIL's arguments and reversed the "wrong turn" taken by the Court of Appeal in Compton Beauchamp, confirming that an operator in occupation of land is not thereby precluded from obtaining new Code rights over that land under Part 4 of the Code.

- **Goodenough College v Nuffield Health Wellbeing Ltd (H65YX924) (17 May 2022)** – James successfully resisted an application for summary judgment by a landlord for substantial arrears of rent accruing during the defendant's forced closure as a result of the COVID-19 lockdown, arguing that a stay should be granted instead to allow time to explore arbitration under the Commercial Rent (Coronavirus) Act 2022 and to await clarification on the law in a forthcoming judgment of the Court of Appeal.

- **EE Ltd & H3G UK Ltd v Stephenson & AP Wireless II (UK) Ltd [2021] UKUT 167 (LC); [2021] 4 W.L.R. 116** – James appeared for the successful operators (led by Graham Read KC) in this important judgment on the scope of Part 5 of the Code, confirming the Tribunal's jurisdiction to make orders for termination and replacement of code agreements (particularly older "subsisting" agreements) without the need for the operator to aver a site-specific need for such an order. The Tribunal also provided important guidance that the presumption against changes to terms of agreements on renewal established by the House of Lords in O'May v City of London Real Property Co Ltd [1983] 2 A.C. 736 should not, in contrast to the position governing s.35 of the 1954 Act, apply in respect of Part 5 renewals under the Code.

- **Reay & Reay v Taylor v Taylor REF/2019/0903 (21 Sept 2021)** – James appeared for the successful claimants in this trial before Judge Jackson in the FTT (Property Chamber) (Land Registration) of their opposed application for a determination of the boundary between their and the defendants' property pursuant to s.60 LRA 2002, and successfully resisted a late application for rectification of the operative conveyance.

- **EE Ltd & H3G UK Ltd v Hackney LBC [2021] UKUT 142 (LC)** – James appeared alone for the successful claimant operators in this dispute over the terms of an access to survey agreement sought by the operators against the respondent landowner council. Martin Rodger KC (Deputy Chamber President) accepted James's submissions that his earlier dictum in EE Ltd & H3G UK Ltd v Islington LBC (No. 1) [2018] UKUT 0361 at [48] that the terms of an agreement imposing interim Code rights should "put the full risk of the operation on which the operator wishes to embark on the operator and none of the risk on the site provider", and the requirement in para 23(5) of the Code to include the terms appropriate to minimise loss and damage caused by the exercise of Code rights to relevant persons – did not require the inclusion of a term in the agreement sought that would have obliged the operators to give a wide-ranging indemnity against all liabilities, costs, expenses, damages and losses arising out of or in connection with the agreement.

- **Bermondsey Exchange Freeholders Limited v Kevin Conway (County Court at Lambeth,**

November 2016) – James successfully represented the claimant landlord in a claim for an injunction to prevent a tenant from letting his flat to short-stay guests via Airbnb and similar web services. Upheld on appeal [2018] 4 WLUK 619, HHJ Luba KC.

- **Vanquish Properties (UK) Limited Partnership v Brook Street (UK) Limited [2016] EWHC 1508 (Ch); [2016] L & TR 33** – James advised and appeared for the successful defendant tenant in a break clause dispute concerning a significant proposed development in the City of London (led by Guy Fetherstonhaugh KC).

Education, Awards and Qualifications

- MA Law (First Class) – Christ's College, University of Cambridge (2012)
- Diploma in French Legal Studies – Université de Poitiers (ERASMUS Scheme) (2011)
- BPTC – Kaplan Law School, London (2013)
- Called to the Bar 2013, Inner Temple
- Major Exhibition Award (BPTC Scholarship): Inner Temple
- De Hart Prize: Christ's College, University of Cambridge
- James is a member of the Chancery Bar Association and the Property Bar Association.
- Languages: French, Swedish (Conversational)
- James is a classically-trained pianist and cellist.

Publications

James writes and speaks regularly on current legal issues, and has assisted with the preparation of recent Blundell lectures on topical issues in property law including Lady Justice (as she then was) Carr's 2022 lecture on professional negligence "*The Supreme Court on SAAMCO: has it reached the summit?"*

Further highlights include:

- Navigating the Lease Renewals Pilot N.L.J. 2018, 168(7786), 13-14 (with Caroline Shea KC)
- Game of Drones (Bill of Middlesex, Spring 2017 p.14) (with Ciara Fairley)
- Charging Orders on Land, S.J. 2017 161(15) 27 (with Stephanie Tozer KC)
- Implied terms: from "characteristically inspired discussion" to authoritative guidance (Case comment) L. & T. Review 2016, 20(1), 4-12 (with Toby Boncey)
- Under Occupation 165 NLJ 7675 (with Joseph Ollech).

Published Comments

"James is very practical, good with clients and has a nice way of being able to explain things to people or clients who aren't used to litigation. He's very user-friendly in that way, and proactive in coming up with ideas to move things forward." *Chambers and Partners UK Bar Guide 2027 (Real Estate Litigation)*

"He's efficient, user-friendly and very commercial." *Chambers and Partners UK Bar Guide 2027 (Real Estate Litigation)*

"James is an exceptionally strong advocate. He has excellent judgement and is consistently well-prepared, responsive, and strategic in his approach, and inspires confidence in both clients and instructing solicitors. He is also highly adaptable." *Legal 500 UK Bar Guide 2027*

"James is the absolute go-to junior for operator-focused work. He is adored by clients and those instructing him. His contribution to the development of the law in this area cannot be understated." *Chambers and Partners UK Bar Guide 2026*

"James Andrews-Tipler's pleadings are really good. A young star in the making." *Chambers and Partners UK Bar Guide 2026*

"James is very commercial in his relationship with his clients and very user-friendly. He is incredibly responsive. His written advocacy is particularly good." *Chambers and Partners UK Bar Guide 2026*

"James is excellent. He is very user-friendly and very knowledgeable. A very safe pair of hands." *Chambers and Partners UK Bar Guide 2026*

"James Andrews-Tipler is my go-to contact for any telecommunications instructions. He is a pleasure to work with." *Chambers and Partners UK Bar Guide 2026*

"James has a very straightforward, easy to understand and client-friendly style – written work is concise and easy to follow – in advocacy James gets to the important points quickly without unnecessary legal jargon." *Legal 500 UK Bar Guide 2026*

"James has an excellent eye for detail and is extremely knowledgeable." *Legal 500 UK Bar Guide 2026*

"James is one of the best property litigation juniors in the market. He has a strong courtroom presence and a good written style." *Legal 500 UK Bar Guide 2025*

"James Tipler is a respected junior who is regularly instructed in telecommunications cases. He has notable experience in infrastructure cases centred on the new Electronic Communications Code." *Chambers and Partners UK Bar Guide 2025*

"James is excellent - brilliantly thorough and with very detailed knowledge for a junior. Good on his feet." *Chambers and Partners UK Bar Guide 2025*

"James is very commercial, he is incredibly responsive, and the quality of his written work and advocacy is great." *Chambers and Partners UK Bar Guide 2025*

"In relation to telecoms, James is the go-to junior. He has an excellent grasp of the telecoms code and a very good manner with clients." *Legal 500 UK Bar Guide 2025*

"James is excellent. He is a very good advocate who is calm and assured. He knows what he is talking about." *Chambers and Partners UK Bar Guide 2024*

"His advice is clear and prompt. He always knows what the client wants and how best to achieve it." *Chambers and Partners UK Bar Guide 2024*

'He is a very responsive barrister – James is an extremely competent, efficient and effective counsel.' *Legal 500 UK Bar Guide 2024*

'Incisive, inquisitive, easy to work with, responsive and works well in a team.' *Legal 500 UK Bar Guide 2024*

"He is always extremely prepared and responsive. He comes across very well in court." *Chambers and Partners UK Guide 2023*

"His advice is clear and concise, and geared towards reaching the best commercial outcome." *Chambers and Partners UK Guide 2023*

'James is a truly excellent junior. He is more than just a rising star. He will be utterly brilliant and is more than capable of reaching the very very top of his profession.' *Legal 500 UK Bar Guide 2023*