Falcon Chambers

Janet Bignell KC

Called 1992 Silk 2015



Practice Summary

Ranked in Band 1 of the Leading Silks categories for real estate / property litigation by each of Chambers and Partners (2027) and the Legal 500 (2027). Co-author of "Megarry & Wade, The Law of Real Property" (10th ed., 2024).

An "**outstanding barriste**r" with "**profound expertise**", who is "**extremely user friendly**", gives "**commercially minded advice**", and is "**amazing on her feet**".

Janet advises, litigates and arbitrates across the full range of property matters and associated insolvency and professional negligence. She has appeared in reported cases from first instance through to all appellate levels.

Core specialisms relate to all forms of property agreements (including development, sale and purchase, options and overage); restrictive covenants; easements, and profits; rights to light; registered land; adverse possession; rural matters; expert valuation; remedies (including injunctions) and utilities.

Long-standing expertise in all commercial landlord and tenant issues, including lease interpretation; rent review; LTA 1954 Part II; dilapidations; applications for consents; break notices and forfeiture. Recent work includes the Building Safety Act.

Janet enjoys niche, novel and developing areas of property law and has substantial practical experience of wider chancery and commercial matters.

Janet also sits as a Deputy High Court Judge in the Chancery and King's Bench Divisions and Circuit Commercial Court (since 2020), and as a Recorder in the Crown and County Courts (since 2009).

Janet is a Fellow of the Chartered Institute of Arbitrators; appointed to the CIArb President's Property Panel; and an invited member of ARBRIX. She is regularly appointed to act as an Arbitrator / Independent Expert (including past appointments by the President of the Law Society and Chair of the Bar). She also acts as a Legal Assessor to Surveyor Arbitrators.

Janet qualified as an accredited Mediator in 2016 and has considerable mediation experience.

Janet is the author of "Lewison's Drafting Business Leases" (7th & 8th eds.), and co-author of "Megarry & Wade the Law of Real Property" (10th ed, with Professor Martin Dixon and Professor Nick Hopkins), and of "Registered Land: Law and Practice under the Land Registration Act 2002" and "Registered Land: The New Law" (both with Charles Harpum KC (Hon)). She is an Editorial Board Member of the "*Landlord & Tenant Review*".

Chair of the Chancery Bar Association.

Education

- Downing College, Cambridge University: MA (1st Class Hons)
- Elected Scholar, Harris Scholar and Senior Harris Scholar
- Hertford College, Oxford University: BCL (1st Class Hons)
- British Academy State Scholarship.

Professional

- Authorised to sit as a Deputy High Court Judge in the Chancery and Queen's Bench Divisions
- Appointed to sit as a Recorder - Crown Court (2009), Chancery (2013), Civil (2015)
- Fellow of the Chartered Institute of Arbitrators (FCIArb)
- Appointed member of the CIArb President's Property Dispute Resolution Panel
- ADR Group Accredited Civil & Commercial Mediator
- Chair of the Chancery Bar Association July 2026-
- Vice Chair of the Chancery Bar Association July 2024-July 2026
- Chair of the Blundell Lecture Committee 2019-2023 Series
- Chair of the Chancery Bar Association Annual Conference, 2018
- Elected Bencher of Lincoln's Inn (2015)
- Invited member of Arbrix
- Included in Chambers & Partners Top 100 Juniors at the Bar (2014)
- Winner of the Chambers Bar Awards Real Estate Junior of the Year (2013), and nominated (2008), (2011)
- Inns of Court Studentship, Denning Major Scholarship, Wolfson Scholarship, Hardwicke Scholarship
- Called 1992

Selected Cases

- **Bournemouth, Christchurch and Poole Council v Troika Developments Ltd & or** [2023] (KBD**)**, Janet represented the interested party at trial in 2022 and on appeal before Cockerill J in 2023. The issue in dispute was whether a stretch of road to a development site had impliedly been dedicated as public highway at common law.
- **R (on the application of Belinda Davie) v The Chief Land Registrar** [2022] (KBD) (Administrative Court), Janet successfully obtained permission to pursue judicial review proceedings at a contested hearing before Sir Ross Cranston. Adverse possession.
- **AOC Investments Limited v The Secretary of State for Housing, Communities & Local Government** (2019), represented the Secretary of State in LTA 1954 Part II proceedings.
- **Ineos Upstream Ltd v Persons Unknown and Ors** [2017] EWHC 2945 (Ch), Janet successfully obtained novel and wide-ranging preemptive injunctions on a without notice basis in July, subsequently continued at a contested return day in September, and again following a 3 day hearing in

November. The injunctions protect the interests of Ineos Shale (and associated companies), its supply chain and its landlords, from unlawful activity by those opposed to hydraulic fracturing. The legal issues included trespass, private and public nuisance, harassment, unlawful means conspiracy to commit a series of tortious and criminal acts and the role of Articles 10 and 11 of the European Convention on Human Rights in protest cases.

- **Derreb Ltd v Blackheath Cator Estate Residents Ltd and others**, **Re Manor Way** [2017] UKUT 209 (LC), Janet successfully secured the modification of a restrictive covenant standing in the way of a residential development scheme to build 130 homes on a former sportsground on a private estate. The modification was secured partly under ground (a) and partly under ground (aa) of s.84(1) LPA 1925. In addition to the novel use of ground (a), the decision is notable for the fact no planning permission had been obtained for the development scheme. The Tribunal also removed a requirement that the Vendor give prior consent to plans and elevations.
- **Vastint UK BV v Persons Unknown** [2016] and [2017] (Ch Div): Janet represented the successful applicant in obtaining interim and then final injunctions to prevent any potential future acts of trespass onto a significant and large-scale mixed use development site where the development process is expected to take several years.
- **The Manchester Ship Canal Company Limited v United Utilities Water Limited** [2016] EWHC 259 (Ch), acting for owners of the Manchester Ship Canal in their claim against United Utilities for trespass in respect of numerous outfalls discharging treated and untreated sewage into the Canal.
- **Zeckler and Barrymore v (1) Kylun Limited (2) Trustees for Walford Maritime Ltd Pension and Life Assurance Plan and (3)-(6) Others** [2015] EWHC 1386 (QB): Janet appeared for the successful 2nd Defendants striking out the Claimants' claims for damages in the context of the marketing for sale of the Vauxhall Cross development site. Holgate J held the claim against the Trustees was unfounded in law and an abuse of process. Janet secured a separate order to cancel a Unilateral Notice and orders for the payment of indemnity costs. The case considers the Court's jurisdiction to cancel Unilateral Notices under the LRA 2002, as well as what is, and what is not, a "pending land action".
- **Dorchester Project Management Ltd v. BNP Paribas Real Estate Advisory & Property Management UK Ltd (1) and Landprop Holding BV (2)** [2014]. For Landprop (with Sa'ad Hossain QC), a vehicle of Inter IKEA's property division, defending a £750 million claim arising from the Second Defendant's acquisition and subsequent plans for mixed use development of substantial land in Stratford, London (Sugar House Lane). A factually and legally complex case involving issues of duties of confidence, planning, development valuation, measure of damages (loss of chance, loss of profits, accounts and Wrotham Park basis), expert evidence of valuation, planning and development finance. Settled part way through a 3 week Chancery Division trial.
- **Manchester Ship Canal Company Ltd v United Utilities Plc.** Janet was responsible for property law issues as part of MSCC's team from 2009 onwards. Judgment was given in the Supreme Court in July 2014 on a summary judgment application regarding the rights of sewerage undertakers to discharge into private watercourses under the Water Industry Act 1991.
- **Stadium Capital Holdings (No 2) Ltd v St Marylebone Property Company Plc** (2011) (Ch): Janet represented the successful party at the trial on the assessment of damages for trespass.
- **Stadium Capital Holdings (No 2) Ltd v St Marylebone Property Company Plc** (2010) CA (Civ Div): Janet was instructed to act on the appeal, and represented the successful appellant. The Court of Appeal held that the trial judge had erred in awarding damages for trespass, arising out of an advertising hoarding intruding into the airspace of neighbouring land, on the basis of the entirety of income the trespasser had earned from the operation of the hoarding without giving consideration to more appropriate bases for damages, such as a reasonable licence fee negotiated between the parties on a hypothetical basis or taking account of expenses incurred in operating the hoarding.
- **Norwich City College Of Further & Higher Education v Mcquillin & Anor** [2009] EWHC 1496 (Ch), [2009] 2 P&CR 22; (2009) 27 EG 90 (CS), (2009) NPC 85. Interpretation of restrictive covenants and application under s.84(2) LPA 1925 for a declaration that restrictive covenants were unenforceable because the benefit was not annexed to the objectors' land.
- **Sunberry Properties Ltd v Innovate Logistics Ltd (in administration)** [2009] BCC 164, [2009] 1 BCLC 145 (CA), landlord refused permission under para 43(6) Sched B1 Insolvency Act 1986 to bring

proceedings for a mandatory injunction against tenant in administration that had unlawfully licensed occupation of its commercial premises by the purchaser of its business.

- **Leftbank Properties Ltd v Spirit Group Retail Ltd** [2008] PLSCS 6 (QBD),: successfully opposed landlord's application to set aside/remit arbitrator's rent review award under s.68(2) Arbitration Act 1996.
- **Margram plc v Dorant Ltd** [2006] EWHC 3578 (Ch)[2006] EG 47 180 (CS), interpretation of rent review clause.
- **Simmons and ors v Dresden** [2004] 97 Con L.R. 81 (TCC): interpretation of repairing covenants, damages for terminal dilapidations and s. 18 Landlord and Tenant Act 1927.
- **Bakewell Management Ltd v Brandwood and ors** [2004] 2 AC 519; [2004] 2 WLR 955; [2004] 2 All ER 305; [2004] 2 EGLR 15, (HL); [2003] 1 WLR 1429; [2003] 1 P&CR 27; [2003] 1 EGLR 17, (CA): House of Lords, acquisition of easements by prescription.
- **Monella and anor v Pizza Express (Restaurants) Ltd** [2004] 1 EGLR 43, (Ch D): rent review, extensions of time under s. 12 Arbitration Act 1996.
- **Latifi v Colherne Court Freehold Ltd** [2003] 1 EGLR 78, (QB): service of notices under LRHUDA 1993.
- **Ambrose v Kaye** [2003] 1 EGLR 49, (CA): LTA 1954 Part ll and the CPR.
- **Liverpool City Council v Walton Group plc** [2002] 1 EGLR 149, (Ch D): contractual interpretation, whether an agreement for lease is void in the absence of a term commencement date, estoppel.
- **Scott & anor v City & County of Swansea** [2001] EGCS 10, (Ch D): rectification, whether a rent review arbitration award should be set aside on the ground that it was procured by fraud.
- **Liverpool City Council v Rosemary Chavasse Ltd and anor** [1999] PLSCS 219, (CA): contractual interpretation, want of authority, rectification, estoppel.
- **Fox & Widley v Guram** [1998] 1 EGLR 1998, (QB): rent review, extensions of time under s. 12 Arbitration Act 1996.
- **Morgan Sindall v Sawston Farms (Cambs) Ltd** [1997] EGCS 118, (Ch D): challenge to an expert's non speaking valuation.
- **J.W Childers Trustees v Anker** [1996] 1 EGLR 1, (CA): the doctrine of surrender and re-grant of leases, rent review.
- **Royal Bank of Scotland v Jennings and ors** [1997] 1 EGLR 101, (CA), [1995] 2 EGLR 87, (Ch D): rent review.
- **John v George [1996] 1 EGLR 7, (CA);** [1995] 1 EGLR 9, (Ch D): estoppel by convention.
- **Fordgate Bingley Ltd v Argyll Stores Ltd** [1994] 2 EGLR 84, (Ch D): rent review.

Awards

- Legal 500 Bar Awards 2026 - Nominated, Real Estate Silk of the Year (Pending)
- Chambers Bar Awards 2013 - Winner, Real Estate Junior of the Year
- The Chambers Bar Awards 2011 - Nominated (1 of 3), Real Estate Junior of the Year
- The Chambers Bar Awards 2008 - Nominated (1 of 3), Real Estate Junior of the Year.

Publications

- Megarry & Wade Law of Real Property, co-author (10th ed, 2024), with Professor Martin Dixon and Professor Nick Hopkins.

- Lewison's Drafting Business Leases, author. (7th ed, 2007), (8th ed, 2013).
- Registered Land: Law and Practice under the Land Registration Act 2002, Charles Harpum and Janet Bignell, (2004), (Jordans).
- Registered Land The New Law: A Guide to the Land Registration Act 2002, Charles Harpum and Janet Bignell, (2002), (Jordans).
- Fisher & Lightwood's Law of Mortgage, 11th edition (2001), Contributor of 7 chapters, (Butterworths).
- The Lawyers Factbook, Executive Editor, Landlord and Tenant 2001-2004, (Sweet & Maxwell).
- Encyclopaedia of Forms and Precedents, vol 3(1) Auctioneers, Estate Agents and Valuers, Advisory Editor and Contributor, 1995 and 1999, (Butterworths).
- Landlord and Tenant Review, Editorial Board Member and Contributor, 1999 to date, (Sweet & Maxwell).
- Numerous published articles on topical issues including articles in New Law Journal, Estates Gazette, Landlord & Tenant Review and The Conveyancer & Property Lawyer.
- Janet also frequently lectures and runs workshops at professional and in-house conferences.

Published Comments

"Janet Bignell KC is an excellent leading barrister. Her intellect is second to none. She is extremely easy to work with and always approachable, which is important to me. Her advocacy is also excellent, with clinical and concise questioning of witnesses and submissions." *Legal 500 UK Bar Guide 2027*

"Janet is an outstanding silk... She's very user-friendly, talks on the client's level and doesn't hold punches." *Chambers and Partners UK Bar Guide 2027*

"Janet is an exceptionally bright silk with forensic attention to detail. She's calm, considered and commercial, and she leaves no stone unturned." *Chambers and Partners UK Bar Guide 2027*

"Janet is incredibly bright and intelligent, and very good on novel and technical legal points. She's quick to come back to us, creative in her arguments and very persuasive." *Chambers and Partners UK Bar Guide 2027*

"She is exactly the sort of person I'd go to for a particularly complex legal issue, and she's great with clients." *Chambers and Partners UK Bar Guide 2027*

"Janet is one of the most emotionally intelligent barristers I've dealt with but also gets what the clients are thinking and will structure her advice and opinions towards the client goals." *Chambers and Partners UK Bar Guide 2027*

"She is so calm but completely on the ball and, although she has a phenomenal legal brain, manages this with real commercial nuance." *Chambers and Partners UK Bar Guide 2026*

"She is an exceptionally bright barrister who is incredibly thorough and has an excellent manner with clients." *Chambers and Partners UK Bar Guide 2026*

"Janet is a most considered and thoughtful barrister. Her advice is well thought through and practical." *Chambers and Partners UK Bar Guide 2026*

"Janet has a brain the size of a planet and quickly gets to the root of the issue." *Legal 500 UK Bar Guide 2026*

"Janet Bignell KC regularly handles high-value development disputes and complex commercial landlord and tenant cases. Her recent work has included advising clients on rights of way matters and contentious sale contract issues. She serves as a deputy High Court judge and continues to attract instructions from impressed City solicitors." *Chambers and Partners UK Bar Guide 2025*

"Janet is brilliant. She has a wonderful way with clients, is incredibly clever and really commands respect in the courtroom. She makes it very difficult not to listen to her." *Chambers and Partners UK Bar Guide 2025*

"Janet Bignell is calm, sensible and a great advocate overall." *Chambers and Partners UK Bar Guide 2025*

"Janet is absolutely outstanding. She is incredibly knowledgeable, tenacious in court and really client- and user-friendly." *Chambers and Partners UK Bar Guide 2025*

"Janet is very thorough and gives you confidence she hasn't missed anything." *Chambers and Partners UK Bar Guide 2025*

"Janet is a strong and impressive advocate." *Chambers and Partners UK Bar Guide 2025*

"Janet has gained a powerful reputation for her intellectual prowess." *Legal 500 UK Bar Guide 2025*

"She is incredibly client-facing and amazing on her feet." *Chambers and Partners UK Bar Guide 2024*

"She is extremely knowledgeable and very insightful on specialist fields." *Chambers and Partners UK Bar Guide 2024*

"She is a tenacious advocate and gets to points very quickly and efficiently." *Chambers and Partners UK Bar Guide 2024*

‘Janet is incredibly thorough and detailed. She is able to communicate her views clearly to clients and demonstrates understanding of their commercial position as well as the legal one. Her level of service is also very good indeed.’ *Legal 500 UK Bar Guide 2024*

"Janet is really knowledgeable, very calm and measured. She has a great client manner and instils confidence. She is very user-friendly." *Chambers and Partners UK Guide 2023*

‘An exceptionally talented barrister, Janet is incredibly bright and extremely user friendly. She gets to the heart of a matter quickly and provides thorough, commercially minded advice.’ *Legal 500 UK Bar Guide 2023*

Janet Bignell QC regularly handles high-value development disputes and complex commercial landlord and tenant cases. Her recent work has included advising clients on rights of way matters and contentious sale contract issues. She serves as a deputy High Court judge. She continues to attract instructions from impressed City solicitors. "She takes a detailed and thorough approach to complex matters." "She becomes one of the team which is what clients want." "She analytically assesses the issues in a thoughtful and constructive way." *Chambers UK Guide 2022 (Real Estate Litigation)*

"A highly authoritative and detail-orientated silk, who provides very thorough advice. She has an excellent manner with clients." *Legal 500 UK Bar Guide 2022*

"Outstanding barrister" with profound expertise in commercial landlord and tenant cases. *Who’s Who Legal UK Bar Report 2022*

Regularly handles high-value development disputes and complex commercial landlord and tenant cases. She continues to attract instructions from impressed City solicitors. Strengths: "Janet provides advice on difficult detailed technical points and has the ability to explain them clearly." "She is hugely experienced and technically knowledgeable." "Extremely user-friendly." *Chambers and Partners UK Guide 2021 (Real Estate Litigation)*

"Janet gives robust advice and is able to get to grips with the detail of a complex matter very quickly. She handles clients with ease." *Legal 500 UK Bar Guide 2021*

Janet is recognised as one of the five “most highly regarded silks” for real estate work. “Janet Bignell QC

performs exceptionally well in our research. She is renowned as a ‘technically brilliant and skilful lawyer’ who is in ‘full control of the facts’.” *UK Bar 2020 Who’s Who Legal*

Strengths: "She is a go-to barrister who is exceptionally bright and has impeccable attention to detail." "Able to grasp technical matters very quickly." "Furiously bright and very user-friendly." Recent work: Acted in a commercial dilapidation dispute involving complex valuation issues and requiring significant expert evidence. *Chambers and Partners UK Guide 2020 (Real Estate Litigation)*

"Fantastic, a truly magnificent cross-examiner." *Legal 500 UK Bar Guide 2020*

Janet is recognised in the "highly regarded silk" category. She is praised for being "extremely analytical". It is said she stands out for her in depth of knowledge of various matters within the real estate field, including landlord and tenant disputes. *Who's Who Legal UK Bar 2019 Guide*

"Regularly instructed in high-value development disputes. Her practice has a strong focus on landlord and tenant law, but she handles the full range of real estate disputes, including leasehold and contractual issues. Strengths: 'Academically very strong and has superb experience in development disputes and rent review cases.' 'Incredibly bright, thoughtful and able to get to grips with complex matters quickly.' 'Very bright with a good analytical eye for detail.' Recent work: Acted for INEOS Upstream in obtaining pre-emptive injunctions to protect its supply chain and its landlords from activity by those opposed to hydraulic fracturing." *Chambers UK Guide 2019 (Real Estate Litigation)*

"Very methodical in her approach and has a great ability to pick up and retain details." *Legal 500 UK Bar Guide 2018 (Property Litigation)*